

**H.N.B. Garhwal University, Srinagar, Garhwal**

**School of Law**

**(LL.B. Three Years (6 Semesters) Course)**

**Applicable from Academic Session 2022-23**

**Important Instructions**

1. The admission to the above-mentioned Course shall be made in accordance with the guidelines laid down by the Bar Council of India (as amended from time to time) and the Ordinances of the University (as amended from time to time).
2. The examination shall be conducted to the above-mentioned courses as per the rules/guidelines laid down in the ordinances of the University.
3. Each Theory Paper and Practical Paper shall be of four (4) credits.
4. There will be 70 marks for written examination and 30 marks for the sessional work in each paper.
5. The division of marks of the practical paper as coming under this syllabus shall be as per the guidelines prescribed by the Bar Council of India.
6. Each theory paper will be divided in two Parts i.e. Part A and Part B. There will be Seven (07) Short Answer Type questions in Part A out of which a student will have to attempt five questions and each question will carry five (05) marks. In Part B there will be Six (06) Long Answer type questions out of which a student will have to attempt three (03) questions.
7. The duration of theory examination shall be Two (02) hours.
8. The total number of credits for LL.B. Three Years (Six Semesters) Course shall be 120.
9. The curriculum of study for the LL.B. Degree shall be spread over three academic years and shall be divided into six semesters for the examination purposes, called as First, Second, Third, Fourth, Fifth and Sixth Semesters.

**School/Department of Law**  
**H.N.B. Garhwal University, Srinagar, Uttarakhand**  
**Revised Course Structure -LL.B. 3 Years (6 Semesters) Course**  
**(Applicable from Academic session 2022-23)**

**First (1st) Semester**

<b>Sl.No.</b>	<b>Name of the Paper</b>	<b>Paper Code</b>	<b>Maximum Marks</b>	<b>Credits</b>
1.	Constitutional Law-I- DSC	101111	100	4
2.	Law of Contract (Contract-I)- DSC	101112	100	4
3.	Law of Crimes-I (Indian Penal Code)- DSC	101113	100	4
4.	Law of Torts, M V Act and Consumer Protection Laws- DSC	101114	100	4
5.	English- DSC	101115	100	4
<b>Total Credits</b>				<b>20</b>

**Second (2nd) Semester**

<b>Sl. No.</b>	<b>Name of the Paper</b>	<b>Paper Code</b>	<b>Maximum Marks</b>	<b>Credits</b>
1.	Constitutional Law -II- DSC	102111	100	4
2.	Law of Contract-II (Special Contract)- DSC	102112	100	4
3.	Family Law-I – DSC	102113	100	4
4.	Public International Law-DSC	102114	100	4
5.	Company Law- DSC	102115	100	4
<b>Total Credits</b>				<b>20</b>

### Third (3rd) Semester

Sl.No.	Name of the Paper	Paper Code	Maximum Marks	Credits
1.	Jurisprudence- DSC	103111	100	4
2.	Property Law (Transfer of Property Act and Easement Act)- DSC	103112	100	4
3.	Family Law-II- DSC	103113	100	4
4.	Land Laws Including Tenure and Tenancy System- DSE; or	103411	100	4
5.	Information Technology Law- DSE; or	103412	100	4
6.	Aviation Law-DSE	103413	100	4
7.	Professional Ethics and Professional Accounting System - DSC- P	103611	100	4
<b>Total Credits</b>				<b>20</b>

### Fourth (4th) Semester

Sl. No.	Name of the Paper	Paper Code	Maximum Marks	Credits
1.	Administrative Law- DSC	104111	100	4
2.	Interpretation of Statutes & Principles of Legislation- DSC	104112	100	4
3.	Civil Procedure Code and Limitation Act- DSC	104113	100	4
4.	Banking Law-DSE; or	104411	100	4
5.	Competition Law- DSE; or	104412	100	4
6.	Insurance Law-DSE	104413	100	4
7.	Alternative Dispute Resolution- Arbitration, Mediation and Conciliation (Clinical/Practical Paper) DSE-P	104811	100	4
<b>Total Credits</b>				<b>20</b>

**Fifth (5th) Semester**

<b>Sl. No.</b>	<b>Name of the Paper</b>	<b>Paper Code</b>	<b>Maximum Marks</b>	<b>Credits</b>
1.	Law of Evidence- DSC	105111	100	4
2.	Law of Crimes - II (Criminal Procedure Code)- DSC	105112	100	4
3.	Labour Law and Industrial Law-I - DSC	105113	100	4
4.	Offences Against Children and Juvenile Offences- DSE; or	105411	100	4
5.	Women and Law- DSE; or	105412	100	4
6.	Human Rights Law and Practice- DSE	105413	100	
7.	Drafting, Pleading and Conveyancing (Clinical/Practical Paper)- DSC-P	105611	100	4
<b>Total Credits</b>				<b>20</b>

**Sixth (6th) Semester**

<b>Sl. No.</b>	<b>Name of the Paper</b>	<b>Paper Code</b>	<b>Maximum Marks</b>	<b>Credits</b>
1.	Labour Law and Industrial Law-II- DSC	106111	100	4
2.	Environmental Law- DSC	106112	100	4
3.	Principles of Taxation- DSC	106113	100	4
4.	Intellectual Property Rights Law- DSE; or	106411	100	4
5.	Health Care Laws-DSE; or	106412	100	4
6.	Private International Law-DSE	106413	100	4
7.	Moot Court Exercise and Internship (Clinical/Practical)- DSC- P	106811	100	4
<b>Total Credits</b>				<b>20</b>

**LL.B. Semester-I**

**Paper I**

**M.M.: 100**

**Code: 101111**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Constitutional Law-I**

#### **Objectives of the Course**

1. The basic understanding of the Constitutional Principles and working of the fundamental rights and its relationship with the Directive Principles of State Policy.
2. To learn how various interpretations of Constitution are possible and why significant inter-relation was adopted in a particular situation.
3. To know the genesis, nature and special features and beware of the social, political and economic influence of the constitution.
4. To know the importance of the fundamental rights in real time in the administration of justice and governance of the country.

#### **Outcomes of the Course**

Students will be able to:

1. Understand the salient features of the Constitution and fundamental concepts of Constitutional Law.
2. Critically assess the role and importance of fundamental rights in the governance of the country.
3. Put in practice acquired knowledge into their research on contemporary Constitutional law issues.

#### **Course Content**

##### **Unit-I: Introduction**

Sources of the Indian Constitution

Preamble of the Indian Constitution

Nature of the Indian Constitution

Salient Features of the Indian Constitution

Rule of Law

Separation of Power

Citizenship

## **Unit-II: Fundamental Rights**

Definition of State for enforcement of Fundamental Rights- Article 12

Justifiability of Fundamental Rights

Article 13- Doctrine of Eclipse, Severability, waiver, distinction between Pre-Constitutional and Post-Constitutional Law

Article 14- Right to Equality: Doctrine of Reasonable Classification and Principle of Arbitrariness

Article 15- Prohibition of Discrimination on grounds of religion, race, caste, sex or place of birth

Article 16- Equality of Opportunity in matters of Public Employment

## **Unit-III: Fundamental Rights**

Article 17- Abolition of Untouchability

Article 18- Abolition of Titles

Articles (19) (1) (a) to Article (19) (1) (g)- Right to Freedoms

Article 20- Protection in respect of conviction for offences

Article 21- Right to Life and Personal Liberty

Article 21-A- Right to Education

## **Unit- IV: Fundamental Rights**

Article 22- Protection against Arrest and Detention in certain Cases

Article 23 & 24- Protection and Exploitation

Articles 25 to Article 28- Right to Freedom of Religion

Article 29 & 30- Cultural and Educational Rights

Article 32 to Article 32- Right to Constitutional Remedies

Public Interest Litigation

## **Reference Books**

D.D. Basu, Introduction to Constitution of India, Lexis Nexis, 2021

H.M. Seervai, Constitutional Law of India, Universal Law Publishing Co., 2021

M.P. Jain, Indian Constitutional Law, Lexis Nexis, 2018

## **Text Books**

V.N. Shukla, Constitution of India, Eastern Book Company, 2021

J.N. Pandey, Constitutional Law of India, Central Law Agency, 2020

Narender Kumar, Constitutional Law of India, Allahabad Law Agency, 2021

B.K. Sharma, Introduction to Constitution of India, PHI Learning, 2019

**LL.B. Semester-I**

**Paper II**

**M.M.: 100**

**Code: 101112**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Law of Contract (Contract-I)**

#### **Objectives of the Course**

1. To equip the students with fundamental knowledge of Contract Law.
2. This course is intended to acquaint the students with the conceptual and theoretical aspects of various general contractual principles.
3. To analyze the various definitions of 'Contract' in order to identify the best approach of understanding the subject.
4. To develop research, analysis, reasoning and presentation skills in students.
5. To enable the students to apply the knowledge of contract law in legal practice.

#### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of contract law with commitment towards learning.
2. Interpret the conceptual basis of legal principles of contract law with comparative analysis.
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

#### **Course Content**

##### **Unit-I: Formation of Contract**

Contract: definitions, elements and kinds

Proposal and Acceptance- their various forms, essential elements, communication and revocation - proposal and invitations for proposal-floating offers-tenders, Agreement

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

##### **Unit-II: Capacity to Contract and Void Agreements**

Capacity to enter into a contract

Meaning- incapacity arising out of status and mental defect-minor's agreements-definition of 'minor, Nature of Minor's Contract

Free consent- Need and definitions, Factors vitiating free consent –Coercion, Undue influence, Fraud, Misrepresentation, Mistake

Legality of Objects and Consideration

Void Agreement- Agreements without consideration, Agreements in restraint of marriage, Agreements in restraint of trade - its exceptions- sale of goodwill, Agreements in restraint of legal proceedings- its exceptions, Uncertain agreements, Wagering agreement -its exception

### **Unit-III: Discharge and Performance of Contract, Quasi-Contract, Discharge**

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.

By breach - anticipatory breach and present breach.

Impossibility of performance - Specific grounds of Frustration, Theories of frustration, Effect of frustration, Frustration and restitution.

By period of limitation

By agreement- Rescission and Alteration

### **Unit-IV: Quasi-Contract and Remedies**

Quasi-Contracts or certain relations resembling those created by contract

Remedies available under the Indian Contract Act, 1972- Meaning, nature, remoteness etc, Quantum meruit

Remedies available under the Specific Relief Act- Specific Performance of Contract- What contracts can be specifically performed and what not

Injunction- when granted and when refused-Why?, Kinds of Injunction

### **Text Books**

Indian Contract Act, 1872 (Bare Act)

Indian Contract Act - Pollock and Mulla, Lexis Nexis, 2014

Law of Contract & Specific Relief - Avtar Singh, EBC, Reprinted with Supplement, 2021

संविदा विवि एिं विविविदि स्टअिुतोष अविवियम – एक परिचय by Avtar Singh, EBC, Reprint

2020 Samvidha Vidhi (Hindi) - S. K. Kapoor, Central Law Agency, 2019

Law of Contract- Kailash Rai, Central Law Publisher, 2014



Beatson, J., Anson's Law of Contract, Oxford University Press, 2020

Bhadbade, Nilima, Mulla Indian Contract and Specific Relief Acts, Vol. 1 & 2, Butterworths, LexisNexis Butterworths, 2013

**Reference Books**

Law of Contract – Anson, LexisNexis Butterworths, 2017

R. K. Abichandani, (ed.), Pollock and Mulla on the Indian Contract and the Specific Relief Act., N.M. Tripathi, Bombay, 1994

Mc Kendrick, Ewan, Contract Law, Text, Cases and Materials, Oxford University Press, Ninth Edition, 2020

**LL.B. Semester-I**

**Paper III**

**M.M.: 100**

**Code: 101113**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Law of Crimes-I (Indian Penal Code)**

#### **Objectives of the Course**

1. To equip the students with fundamental knowledge of Criminal Law.
2. To understand the meaning of crime, to maintain law and order in the society.
3. To understand the essential principles of criminal liability by a study.
4. To enable the students to apply the knowledge in legal practice.
5. To teach specific offences under the Indian Penal Code.

#### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of law with commitment towards learning.
2. Interpret the conceptual basis of legal principles of contract law with comparative analysis.
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

#### **Course Content**

##### **Unit-I: Introduction**

Crime: meaning and definition, elements of crime & stages of crime, Distinction between Crime and other wrongs under common Law, Principles of criminal liability – Actus reus and mens rea (also statutory offences) and other maxims; Application and jurisdiction (sections 1 -35), Of punishments (sections 53-75), Concept of joint and Constructive Liability (Sections 34, 28 and 149), Difference between Section 34 and 149.

**General exceptions:** Mistake of fact (section76&79) Judicial acts(section77&78) Accident and misfortune (section80&81) Infancy (section82&83) Insanity (section84) Intoxication (section85&86) Consent (sections87–94) Trivial acts (section95), Right of Private Defence (section96-106)

##### **Unit-II: Offences against Government**

Abetment: Sections (107 – 120); Criminal Conspiracy: Sections (120A & 120B); Offences against State: Sections 121 – 130; Offences against the public tranquillity: Sections (141 –160); Difference between Section (34 & 149)- Offences relating to election: Contempt of lawful Authority and Public Servants (Brief discussion): Sections(172–190).False Evidence: Sections (191 – 197), (208 – 212): Offences relating to coins and Government Stamps: Sections (230 to 240) & 263A; Public Nuisance & Private Nuisance: Offences relating to religion: Section(295 – 298).

### **Unit-III: Offences Against Body**

Unit-IV: Homicide, culpable homicide, murder, death by negligence, attempt to commit murder, suicide & dowry death (Section 299 to 311) - Hurt, Grievous Hurt - Wrongful restraint - Wrongful confinement (Section 339-342), Criminal force and Assault

### **Offences Against Body and Property**

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

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

### **Text Books**

RatanLal and Dhirajlal, The Indian Penal Code, Lexis Nexis, 2019

S.N. Mishra, Indian Penal Code, CLP, 2019

B M Gandhi, Indian Penal Code, EBC, 2017

Bare Act of Indian Penal Code, 1860

### **Reference Books**

Williams Glanville, Text Book of Criminal Law, Universal Law Publishing Co., 2012

K.D. Gaur, A Text Book on the Indian Penal Code, Universal Publishing Co., 2012

P.S.A. Pillai- Criminal Law, Lexis Nexis, 2017

RA Nelson's, Indian Penal Code; 4 Vols. 11<sup>th</sup> Edition 2015 Lexis Nexis

K.D. Gaur, Criminal Law Cases and Materials, Lexis Nexis, 2019

**LL.B. Semester-I**

**Paper IV**

**M.M.: 100**

**Code: 101114**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

**Law of Tort, M.V. Act and Consumer Protection Laws**

**Objectives of the Course**

1. To equip the students with fundamental knowledge of Law of Torts.
2. To elucidate and familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the civil wrongs committed against the individual and identify the remedies available.
3. To understand and the essential principles of Tortious liability.
4. To develop sound knowledge, skills and disposition on some of the contemporary issues Product Liability, Motor Vehicles Act, Consumer Protection Act etc.

**Outcome of the Course**

Students will be able to:

1. Explain the conceptual knowledge of Law of Torts, MV Act and Consumer Protection Act.
2. Examine the fundamentals and elements of Law of Torts, MV Act and Consumer Protection Act.
3. Illustrate the operation and application of Law of Torts, MV Act and Consumer Protection Act.
4. Research and analyze issues related to Law of Torts, MV Act and Consumer Protection Act.

**Course Content**

**Unit-I: General Principles of Tort**

Tort: Definition, Nature and Distinction from Crime, Contract and quasi contract, Constituents of Tort: Wrongful Act, Injuria sine damnum, Damnum sine injuria, Ubi jus ibi remedium; General Principles of Tortious Liability: Two Competing Theories- Pigeon-Hole Theory, Justification in Tort- Volenti non fit injuria, Act of God, Inevitable Accident, Necessity, Plaintiff's Default, Private Defence

Mental Elements in Tort- Motive, Intention, Malice, Malfeasance, Misfeasance and Non-feasance, Fault

**Unit-II: Specific Torts (Torts against Person, Property, Freedom & Reputation) & MV Act**

Tresspass to Person: Assault, Battery, False Imprisonment, Malicious Prosecution

Tresspass to Land, Nuisance

Torts related to Reputation: Defamation

Negligence, Contributory Negligence, Res ipsa loquitor

Salient Features of MV Act with special reference to Compulsory Insurance

Third party liability of owner under the Motor vehicle Act.

**Unit-III: Principles of Liability in Torts and Legal Remedies**

Vicarious Liability

Strict Liability and Absolute Liability

Kinds of Damages, Remoteness of Damage, Novus Actus Interveniens, Nervous Shock

General Remedies in Tort- Judicial and Extra Legal Remedies Joint-Tort Feasors

**Unit-IV: Concept of Consumer and Consumer Protection Act**

Definition of Consumer and Object of Consumer Protection Act, Rights and Duties of Consumers, Unfair Trade Practices, Defects in Goods and Services, Types of Services, Deficiency-Meaning, Consumer Protection Councils, Consumer Disputes Redressal Agencies: District Forum, State Commission, National Commission

**Text Books**

R.K. Bangia, Law of Tort Allahabad Law Publication, 2020

S.P. Singh, Law of Tort Universal Publication, 2015

Siddhartha Dubey, Law of Tort & Consumer Protection, Central Law Agency, 2017

Pillai P.S.A., Law of Tort, 9<sup>th</sup> ed., EBC, 2008

**Reference Books**

Wienfield And Jolowicz, Torts, Sweet & Maxwell 2010

Iyer, Ramaswamy; The Law of Torts, Lexis Nexis, 2007

Taxmann's, Consumer Protection Law Manual with Practical Manual, 2008 Taxmann Publication.

**LL.B. Semester-I**

**Paper V**

**M.M.: 100**

**Code: 101115**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **English**

#### **Objectives of the Course**

1. To make the students conversant with legal maxims
2. To ensure the student understand the importance of English
3. To ensure that the students have a basic understanding of tenses
4. To hone their skills of writing 'legal essays'

#### **Outcomes of the Course**

Students will be able to:

1. Appreciate the need and importance of English
2. Demonstrate enhanced understanding of tenses
3. Analyse and rectify the errors made by them in Spoken English
4. Demonstrate the understanding and applicability of important legal maxims

#### **Course Content**

##### **Unit-I: Introduction**

- a. Need for and Importance of English
- b. One word Substitution
- c. Homonyms, antonyms, synonyms
- d. Some Common Errors in English

##### **Unit-II: Proficiency in General English**

- a. Parts and Types of Sentences
- b. Parts of Speech-A Brief Introduction
- c. Tenses-Forms and Uses
- d. Active and Passive Voice
- e. Direct and Indirect (or Reported) Speech

### **Unit-III: Legal Terminology**

#### **Meaning and use of the following shall be explained:**

a. Ab Initio, Ad Idem, Ad Infinitum, Ad Valorem, Ad Nauseam, Alibi, Ambiguitas Latens, Ambiguitas Patens, Amicus Curiae, Animus Possidendi, Audi Alteram Partem, Bonafide, Caveat Emptor, De Facto, De Jure, De Novo, Ejusdem Generis, Ex Gratia, Ex Parte, Ex Post Facto, Factum Valet, Fait Accompli, Fiat Justitia, Inter Alia, In Limine, Jus Ad Rem, Jus In Personam, Letter Rogatory, Locus Standi, malafide, Modus Operandi, Mutatis Mutandis, Nudum Pactum, Obiter Dicta, Onus Probandi, Parens Patriae, Pari Passu, Per Incuriam, Prima Facie, Pro Bono Publico, Quid Pro Quo, Ratio Decendi, Raison D'etre, Res Integra, Res Nullius, Sine Qua Non, Intra- Vires, Ultra Vires

b. Actus non facit reum nisi men sit rea, Damnum sine injuria esse potest, Extra territorium jus dicenti non paretur impune, Actus non facit reum nisi mens sit rea, Audi alteram partem, Commodum ex injuria sua memo habere debet, Delegatus non potest Delegare, Pacta sunt servanda, Res ipsa loqitor, Ubi jus ibi remedium, Executio juris non habet injuriam, Nemo dat quod non habet, Quid pro quo

#### **Unit-IV: Factor Pricing**

- a. Essay Writing in English on topic of Legal Interest
- b. Letter Writing in English

#### **Text Books**

S.K. Mishra, Legal Language, Legal Writing & General English, Allahabad Law Agency, 2017

G.S. Sharma, Legal Language Legal Writing and General English, University Book House, 2018

Alok Yadav, Legal Studies and General English, Mewar University Press, 2016

#### **Reference Books**

Wren & Martin, English Grammar, S Chand & Company, 2017

J.S. Singh, Legal Language, Writing and General English, Allahabad Law Agency, 2018

Herbert Broom, A Solution of Legal Maxims, Cornell University, 1874

Ministry of Law, Justice and Company Affairs Government of India, Legal Glossary

**LL.B. Semester-II**

**Paper VI**

**M.M.: 100**

**Code: 102111**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Constitutional Law-II**

#### **Objectives of the Course**

1. The basic understanding of the constitutional principles.
2. The enable students in understanding the Constitutional Governance of the Country and working of the Constitutional bodies.
3. To enable students in exploring the importance of the working of the constitutional institutions.

#### **Outcomes of the Course**

Students will be able to:

1. Assess the role and importance of Constitutional bodies, functionaries, and institutions.
2. Analyze working of Judiciary, Executive and Legislative bodies
3. Put in practice the acquired knowledge into their research.

#### **Course Content**

##### **Unit-I: Directive Principles of State Policy and Writs**

Article 36 to Article 51- Directive Principles of State Policy Nature and Justiciability of Directive Principle of State Policy, Interrelationship between Fundamental Rights and Directive Principles of State Policy

Article 51-A- Fundamental Duties

Article 226- Power of High Court to issue certain Writs

Writs- Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-Warranto

##### **Unit-II: Distribution of Powers Between Centre and States**

Legislative Powers

Doctrines of Territorial Nexus

Doctrines of Harmonious Construction

Doctrines of Pith and Substance

Doctrines of Repugnancy

Doctrines of Colorable Legislation



Administrative Powers Financial  
Powers

**Unit-III: Constitutional Organs**

Union Parliament and State Legislature- Constitution and Function, Parliamentary Sovereignty, Parliamentary Privilege, Anti-Defection Law, Collective Responsibility of Cabinet  
Union and State Executive  
Supreme Court and High Courts- Constitution and Jurisdiction, Power of Judicial review, Independence of Judiciary

**Unit-IV: Liability of the State**

Contractual and Tortious Liability of  
State Freedom of Trade, Commerce and Intercourse,  
Services under the Union and States,  
Emergency Provisions  
Amendment of the Constitution

**Reference Books**

D.D. Basu, Introduction to Constitution of India, Lexis Nexis, 2021  
H.M. Seervai, Constitutional Law of India, Universal Law Publishing Co., 2021  
M.P. Jain, Indian Constitutional Law, Lexis Nexis, 2018

**Text Books**

V.N. Shukla, Constitution of India, Eastern Book Company, 2021  
J.N. Pandey, Constitutional Law of India, Central Law Agency, 2020  
Narender Kumar, Constitutional Law of India, Allahabad Law Agency, 2021  
B.K. Sharma, Introduction to Constitution of India, PHI Learning, 2019

**LL.B. Semester-II**

**Paper VII**

**M.M.: 100**

**Code: 102112**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Law of Contract-II (Special Contract)**

#### **Objectives of the Course**

1. This will enable the students to better appreciate the law governing special contracts like indemnity, guarantee, agency etc. which are more relevant in the contemporary society.
2. To equip the students to better appreciate the legal services required in a corporate office so that they can enhance their relevance as a lawyer in the society.
3. To enhance knowledge of students regarding special type of contracts.
4. The main focus is to ingrain in the students a critical understanding of the context and importance of such contracts from an economic, social and legal perspective.

#### **Outcomes of the Course:**

Students will be able to:

1. Understand the fundamentals of special contract with commitment towards learning.
2. Interpret the conceptual basis of legal principles of special contract with comparative analysis.
3. Research, analyze, rationalize and present effectively.
4. Identify the principles and doctrines that guides such contracts.
5. Exhibit an understanding of the legal concepts involved in such contracts.

#### **Course Content**

##### **Unit-I: Contract of Indemnity and Guarantee (Ss. 124-147)**

Indemnity (Ss. 124-125) –the Concept, Definition, Methods Commencement of liability of the indemnifier, Nature of indemnity clauses, Right and liabilities of Indemnifier and Indemnity-Holder, difference between indemnity contract and Contingent contract, distinction between contract of indemnity and guarantee

Guarantee- (S. 126-147) Definition, Nature, and scope, Kinds of Guarantee, essential elements, Extent of Liability of guarantor, co-existence of surety and principal debtor's liabilities, joint and separate liability of surety, continuing guarantee, Rights of surety, Discharge of Surety's liability

## **Unit-II: Contract of Bailment, Pledge and Agency (Ss. 148-128)**

Contract of Bailment Ss. 148-171)- (Definition, Kinds, Rights and Duties of Bailor and Bailee, termination of bailment, Rights and responsibility of finder of goods, Provisions relating to lien, Pledge (Ss. 172-181)- Definition, Essential elements, Pledge: comparison with bailment, Rights of Pawnor, Rights of Pawnee

Contract of Agency (S.182-238) -Definition-Creation of Agency, Kinds of Agents, Ratification, Rights and duties of Agent, Relation of Principal with third parties, Termination of Agency

## **Unit-III: Law Relating to Partnership**

Definition, Nature and Essentials, Test of Determining, Relation of Partner to another partner, Rights and duties of partner, relation of partners to third parties, Incoming and outgoing partners dissolution of a firm, Registration of firms, Limited Liability Partnership-Meaning, Nature, a limited liability partnership and a company

## **Unit-IV: Sales of Goods**

Concept of sale as a contract, Definition, Conditions and Performance, Formation of Contract, Effect of Contract, concepts of caveat emptor, Right of Parties and Remedies, Performance of Contract, Rights of Unpaid Seller, Remedies for breach of contract

## **Prescribed Legislations**

The Indian Partnership Act, 1932

The Limited Liability Partnership Act, 2008 (6 of 2009) The Indian Contract Act, 1872

The Sale of Goods Act, 1930

## **Text Books**

H. K. Saharay: Dutt on Contract-The Indian Contract Act, 1872, Eastern Law House, 2013

A.G. Guest(ed.), Benjamin's Sale of Goods, Sweet & Maxwell, 1992

Mulla, The Sale of Goods Act and The Indian Partnership Act, Lexis Nexis,2019

Venkoba Rao (revised by S. C. Srivastava): Law of Agency, LexisNexis India, Butterworth,2001

Sanjiv Agarwal and Rohini Agarwal, Limited Liability Partnership: Law and Practice, LexisNexis Butterworths, 2009

Bharuka, The Indian Partnership Act, LexisNexis Butterworths, 2007

Avtar Singh, Introduction to Law of Partnership, EBC, 2019

**Reference Books**

Deepa Paturkar, Avtar Singh's Law of Sale of Goods, EBC, 2021

Fedrick Pollock and Mulla, Pollock and Mulla on Sale of Goods Act Lexis Nexis, 2021

Madhusudan Saharay, Textbook on Sale of Goods and Hire Purchase, Universal Publication, 2017

Benjamin, Sale of Goods, Sweet and Maxwell, 2010

**LL.B. Semester-II**

**Paper VIII**

**M.M.: 100**

**Code: 102113**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Family Law-I**

#### **Objectives of the Course**

1. To equip the students with fundamental knowledge of Family Law.
2. To Prepare the students with strong conceptual and comparative analytical skills.
3. To develop research, analysis, reasoning and presentation skills in students.
4. To enable the students to apply the knowledge in legal practice.

#### **Outcomes of the course**

Students will be able to:

1. Understand the fundamentals of personal law with commitment towards learning.
2. Interpret the conceptual basis of legal principles of personal law with comparative analysis.
3. Research and present effectively.
4. Apply the legal principles and procedures in practice.

#### **Course Content**

##### **Unit-I: Concept of Family and Development of Family System**

Patriarchal Family, Matrilineal Family, Nuclear family, Joint family, Joint Hindu Family

*(Mitakshara and Dayabhaga)*

Source of Hindu Law and Sources of Muslim Law

Schools of Hindu Law and Schools of Muslim Law

##### **Unit-II: Introduction to Marriage Laws**

Concept of Marriage, Nature of Marriage, Essential Conditions of Marriage, Registration of Marriages (Hindu Marriage Act, 1955; Muslim Marriage, Special Marriage Act, 1954)

##### **Matrimonial Reliefs**

Annulment, Restitution of conjugal Rights, Judicial separation, Theories of Divorce, Conditions for grant of matrimonial remedies, (Hindu Marriage Act, 1955, Special Marriage Act, 1954)

Matrimonial Remedies for Muslims (*Talaq, Ila, Zihar, Tafwiz, khula, Mubara*), Muslim wife's grounds of divorce, Dissolution of Muslim Marriage Act, 1939, The Muslim Women (Protection of Rights on Marriage) Act, 2019  
Barsto Matrimonial Relief.

### **Maintenance**

Maintenance of divorced wives, neglected wives, minor children and parents (Hindu Marriage Act, 1955, Hindu Adoptions and Maintenance Act; 1956)  
Maintenance of Muslims wives during and after divorce; Muslim Women (Protection of Rights on Divorce) Act, 1986,  
Maintenance under Sec.125 of Cr.P.C.  
Maintenance of Parents and Senior Citizens Act, 2007

### **Unit-III: Child and the Family**

Parentage and Legitimacy, Legal status of Child born of void and voidable Marriage under Hindu Law, Acknowledgement of Paternity, Legitimacy and Legitimation, Legitimacy under Sec.112 of Indian Evidence Act, 1872  
Adoption and Custody, Hindu Law (Hindu Adoption and Maintenance Act, 1956) Juvenile Justice Care and Protection Act, 2015, Inter-Country Adoption  
Guardianship (Hindu Minority and Guardianship Act, 1956 and Muslim Law)

### **Customary Practice and the Law**

Dower, Types of Dower, Nature of Dower, Muslim Women's right on non-payment of Dower Dower-whether heritable or transferable  
Offences against Marriage-Adultery, Bigamy, Same Sex Marriages, Demand of Dowry (Dowry Prohibition Act, 1961, Protection of Women from Domestic Violence Act, 2005) Child Marriage (Prohibition of Child Marriage Act, 2006)

### **Unit-IV: Family Court and the Need for UCC**

Composition, Power and functions of Family Courts (Family Courts Act, 1984)  
Article 44 of the Indian Constitution

### **Recent Trends in Family Law**

Live-in relationship, Concept of Palimony, Surrogacy

### **TextBooks**

Aquil Ahmad, Mohamedan Law, Central Law Agency, 2006  
Paras Diwan, Family Law, Allahabad Law Agency, 2009  
Prof.G.C.V. Subba Rao's, Family Law in India, S. Georgia & Company, 2010  
Kusum, Family law lectures-family Law-I, Lexis Nexis Butterworths, 2008  
Mamta Rao, Law relating to Women & Children, Eastern Book Co., 2008

### **Reference Books**

Asaf A.A. Fyzee, Outline of Mohammedan Law, Oxford University Press, 2008  
D.D. Basu, Commentary on the Constitution of India, (Vol.3), Lexis Nexis Butterworths Wadhwa, 2008  
Poonam Pradhan Saxena, Family Law II lecturers, Lexis Nexis, 2019  
Flavia Agnes, Marriage, Divorce and Matrimonial Litigation, Oxford University Press, 2011  
Flavia Agnes, Marriage, Family Laws and Constitutional Claims, Oxford University Press, 2011  
Mayne's, Hindu law & usages, Bharat Law House, 2008  
Mulla, Hindu Law, Lexis Nexis Butterworths, Wadhwa, 2012  
Mulla, Principles of Mahomedan Law, Lexis Nexis Butterworths, Wadhwa, 2012  
R.V. Kelkar, Criminal Procedure, 5th Edn. 2008  
S.A. Desai, Mulla, Hindu Law, LexisNexis Butterworths Wadhwa, 2008  
S.C. Tripathi and Vibha Arora, Law Relating to Women and Children, Central Law Publications, 2010  
Syed Khalid Rashid's, Muslim Law, Eastern Book Company, 2008

**LL.B. Semester-II**

**Paper IX**

**M.M.: 100**

**Code: 102114**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Public International Law**

#### **Objectives of the Course**

1. The aim of the course is to help the student develop a learning approach that combines critical thought and applied knowledge to the study of international law.
2. It will introduce public international law and focus on its essentials with an emphasis on problem-solving approach.
3. It will begin with an introduction to the traditional approaches to international law and understand its nature, scope and functions. We will then look into the processes and institutions of international law formation, key principles, international organisations, and dispute settlement mechanism in international law.

#### **Outcomes of the Course**

Students will be able to:

1. Analyse the necessary knowledge and skills of international law.
2. Develop capacity to apply international law in concrete cases.

#### **Course Content**

##### **Unit-I: Nature, Scope, and Development of International Law**

Definition, Nature & Basis of International Law

Codification of International Law

Subjects of International Law

Relationship between International and Municipal Law

Third World and International Law

##### **Unit-II: Recognition of State**

Nature of State

Recognition (De facto and De jure recognition)

Succession

Acquisition and Loss of Territory



### **Unit-III: Jurisdiction, Power and Immunities in International Law**

Nationality

Extradition

Asylum

Diplomatic Agents

Treaties

### **Unit-IV: International Organizations**

International Organizations

United Nations Organizations

Security Council

International Court of Justice

International Criminal Court

Regional Organizations (EU, SAARC and ASEAN)

### **Text books**

Starke's International Law, Oxford, New York, 2008

Ian Brownlie, Principles of Public International Law, Oxford University Press, 2008

H.O. Aggarwal, International Law & Human Rights, Central Law Publication, 2018

S. K. Kapoor, International Law & Human Rights, Central Law Agency, 2018

### **Reference books**

Malcolm N. Shaw, International Law, Cambridge Publications, 2002

Oppenheim's International Law, Volume 1 & 2. Oxford University Press, 2008

B.S. Chimni, International Refugee Law: A Reader, Sage Publications, New Delhi, 2005

**LL.B. Semester-II**

**Paper X**

**M.M.: 100**

**Code: 102115**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

### **Company Law**

#### **Objectives of the Course**

1. To enable students to understand the Laws, Rules & Regulations relating to the companies.
2. To appreciate the issues and challenges of companies with the development of students' skills in legal reasoning, analysis and presentation through research by relying on study of statutes, case law and regulatory practice governing companies.
3. To understand the legal protection available to shareholders and their rights and to examine corporate social responsibility in India as a mandatory requirement.
4. To enable students to understand the intricacies of the different offices operating in the company set up like promoters, directors, independent directors etc. and their rights and duties.
5. To enable the students to apply the knowledge in practice.

#### **Outcomes of the Course**

Students will be able to:

1. Demonstrate strong insight of the formation and incorporation of a company, including the foundational understanding of the general role of promoters.
2. Appreciate the significance of company as a corporate entity compared to other form of corporate and non-corporate organizations.
3. Appreciate the varied methods of raising capital, other than shares, like borrowing and debentures etc.
4. Critically evaluate the existing legal framework relating to companies in accordance with the Companies Act (2013) including the Companies Amendment Act, (2017) and the Companies Amendment Act, (2020)
5. Understand the process of winding up of a corporate person and its dissolution and also appreciate the recently introduced Insolvency and Bankruptcy Code

## **Course Content**

### **Unit- I: Formation, Registration and Incorporation of Company**

Need of Company for development, Definition, meaning, nature and kinds of Company including one person company, comparison between Company and Partnership and Company and Limited Liability Partnership, theory of corporate personality, Advantages and disadvantages of corporate form of enterprise, Lifting of corporate veil, position of promoters and pre-incorporation contracts, formation of company and registration of company.

### **Unit-II: Memorandum of Association and Prospectus**

Clauses in Memorandum of Association including the doctrine of Ultra Vires, alteration of Memorandum, Articles of Association and its contents, relationship of Articles with Memorandum, alteration of Articles, doctrine of constructive notice with its exceptions.

Prospectus- Definition; contents; Shelf-Prospectus and Red Herring Prospectus; remedies against misrepresentation in Prospectus, Liability- Civil and criminal.

### **Unit- III: Shares/Debentures and Meetings**

Equity finance- Shares and their kinds including equity and preference shares, general principles of allotment and statutory restrictions on allotment, share certificate, transfer of shares. Share capital and its kinds. Debt Finance- Definition, kinds and remedies of debenture holders. Directors- Position and Powers, Director Identification Number, Corporate social responsibility. Meetings- Kinds, Procedure, Voting.

### **Unit -IV: Winding Up and Adjudicatory Bodies**

Winding up under the Companies Act 2013- Winding up by the Tribunal, grounds for compulsory winding up, who can make petition, company liquidator and winding up committee, consequences of winding up order.

Winding up under the Insolvency & Bankruptcy Code, 2016- Voluntary liquidation of a company, Default in payment of debts, Corporate Insolvency Resolution Process, Interim Resolution professional, committee of creditors.

National Company Law Tribunal and National Company Law Appellate Tribunal-powers, jurisdiction and Judicial review

**Text Books**

Avtar Singh, Indian Company Law, EBC, 2018

Kailash Rai, Principles of Company Law, Allahabad Law Agency, 2019

G.K. Kapoor & Sanjay Dhamija, Company Law and Practice, Taxman, 2021

**Reference Books**

A. Ramaiya, Guide to the Companies Act, Lexis Nexis, 2021

N.C. Jain, Company Law: Principles and Practices, Allahabad Law Agency, 2010

L.C.B. Grower, Principles of Modern Company Law, Maxwell, 2015

S.C. Tripathi, New Company Law, Central Law Publications, 2018

**LL.B. Semester-III**

**Paper XI**

**M.M.: 100**

**Code: 103111**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

## **Jurisprudence**

### **Objectives of the Course**

1. To understand the historical evolution of legal thought and legal theory.
2. To acquaint students with the growth and development of law in different countries under different social and political conditions.
3. To understand the various fundamental legal concepts such as Rights, Duties, Property, Liability, Persons etc.
4. To acquaint students with the theories, attitude and insights of various jurists.

### **Outcomes of the Course**

Students will be able to:

1. Understand, define and explain the jurisprudential understanding of the legal concepts.
2. Explain and correlate the diverse origins and conceptualizations of law and develop a keen sense of objectivity while dealing with various laws.
3. Critically analyse various legal theories and to distinguish them into broader history of thought.
4. Put in practice the acquired knowledge and will use logical, analytical and decision-making ability to deal with contemporary challenges.

### **Course Content**

#### **Unit-I: Meaning and Importance of Jurisprudence**

Jurisprudence, Law and State, Nature and Scope of Jurisprudence, Meaning and Definition and Classification of Law, Definition, Elements and Functions of State, Relation of Law and State, Law and Morals

#### **Unit-II: Sources of Law and Administration of Justice**

Classification of Sources, Custom, Legislation, Judicial Precedent  
Administration of Justice

#### **Unit-III: Schools of Jurisprudence**

Natural Law School, Analytical School, Historical School,  
Sociological School, The Pure Theory of Law

#### **Unit-IV: Concepts of the Law**

Rights and Duties, Ownership, Possession, Person, Property, Liability

#### **Text Books**

B.N. Mani Tripathi, Jurisprudence (The Legal Theory), Allahabad Law Agency, 2012

N.V. Paranjape, Studies in Jurisprudence and Legal Theory, Central Law Agency, 2013

Nomita Aggarwal, Jurisprudence, Central Law Publication, 2010

S.N. Dhyani, Fundamentals of Jurisprudence (The Indian Approach), Central Law Agency, 2004

#### **Reference Books**

Michael Doherty, Jurisprudence: The Philosophy of Law, Old Balley Press, 2003

P.J. Fitzgerald, Salmond on Jurisprudence, Thomson Sweet & Maxwell Universal, 2008

R.W.M. Dias, Jurisprudence, Lexis Nexis (Indian Edition) 2013

Suri Ratnapala, Jurisprudence, Cambridge University Press (First South Asian Edition) 2009

W. Friedmann, Legal Theory, Universal Law Publishing Co., 2008

**LL.B. Semester-III**

**Paper XII**

**M.M.: 100**

**Code: 103112**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

**Property Law (Transfer of Property Act & Easement Act)**

**Objectives of the Course**

1. To make the students understand basic principles and concepts related to transfer of property.
2. To enable the students, understand and analyse various modes of alienation under Transfer of Property act, 1882 and related legal requirements.
3. Be acquainted with the questions of law involved in the transfer of property.
4. Be acquainted with the concept, creation, scope and application of easement.
5. To enable the students to apply legal principles in practice.

**Outcomes of the Course**

Students will be able to:

1. Understand basic principles and concepts related to transfer of property.
2. Understand and analyse various modes of alienation under Transfer of Property Act and related legal requirements.
3. Understand and answer the questions of law involved in the transfer of property.
4. Understand and apply the concept, creation and scope of easement.
5. Integrate the different laws with the law of transfer of property and apply them towards problem solving.

**Course Content**

**Unit- I: Introduction**

Definitions

Essentials of valid transfer

Condition restraining alienation

Transfer for benefit of unborn person

Rule against perpetuity

Vested & Contingent interest  
Conditional Transfer

### **Unit-II: General Principles**

Election  
Apportionment  
Ostensible owner  
Doctrine of Lis-pendence  
Fraudulent transfer  
Part performance

### **Unit-III: Specific Transfers**

Sale: Definition and Essential  
Rights & liabilities of buyer and seller  
Mortgage: Definition and types of Mortgage  
Rights & Liabilities of Mortgage and Mortgagee Exchange  
Gift  
Actionable claims

### **Unit-IV: Lease and Easement Lease**

Nature & Kinds of Easement  
Imposition & Acquisition  
Disturbance  
Extinction, Suspension & Revival  
Difference between License and Easement

### **Text Books**

Poonam Pradhan Saxena, Property Law, Lexis Nexis, 2012, Nagpur  
R.K. Sinha, The Transfer of Property Act, CLA, 2021, Allahabad  
G.P. Tripathi, The Transfer of Property Act, CLA, 2014, Allahabad



T.P Tripathi, The Transfer of Property Act,1882, ALA, 2011, Allahabad  
S.N. Shukla Transfer of Property Act, Allahabad law Agency, 2020

**Reference Books**

G.C. Bharuka ,Mulla's Transfer of Property Act 1882 , Lexis Nexis Buttherworths, 2006, New Delhi.  
Vepa P. Sarthi, Transfer of Property, Eastern Book Publication,5th Ed, Lucknow, 2012  
Subbarao, Transfer of Property, Eastern Book Publication,2012  
Hari Singh Gour and A.R. Lakshmanan, Commentary on Transfer of Property Act, Delhi Law House ,2011, Delhi.  
M.R. Mallick, Goyle's A Commentary on the Transfer of Property Act, Delhi Eastern Law House,200, Delhi.  
157<sup>th</sup> Law Commission Report  
181<sup>st</sup> Law Commission Report  
Transfer of Property Act, 1882  
Indian Easement Act, 1882

**LL.B. Semester-III**

**Paper XIII**

**M.M.: 100**

**Code: 103113**

**Theory: 70**

**Credit: 4**

**Sessional: 30**

## **Family Law-II**

### **Objectives of the Course**

1. The course is designed to analyse the presence of different personal laws for different community.
2. A critical and comparative study of different personal laws governing testamentary and intestate succession i.e., their diversities, similarities, affinities and paradoxes.
3. Examine in particular, fundamental concepts dealing with the joint family, coparcenary, partition, interstate succession as well as the law relating to gifts, wills, and inheritance.

### **Outcomes of the Course**

Students will be able to:

1. Understand that personal laws owe their diversity to their varied origin, distinct principles and the bulk of substantive law itself.
2. Analyse that personal laws play a vital role in governing the conflicting interest of the individuals.
3. Interpret that personal law of a person is not determined by his domicile or his nationality but by his membership of the community to which he belongs.
4. Examine and correlate the intricacies and applicability of personal laws in handling the disputes.

### **Course Content**

#### **Unit-I: Introduction**

*Mitakshara* Joint Family: *Mitakshara coparcenary* formation and incidents Property under *Mitakshara* Law: separate property and coparcenary property *Dayabhaga coparcenary*: formation and incidents, Property under *Dayabhaga* Law *Karta* of the Joint Family : who can

be *Karta*, His/ Her position, powers, privileges and obligation. Difference between *Mitakshara* and *Dayabhaga Coparcenary* Alienation of property: Separate and coparcenary  
Debts: Doctrine of Pious Obligation and Antecedent debt  
Partition- Concept, subject matter, modes, how partition effected family and its Changing Patterns  
Processes of social change in India

## **Unit-II: Intestate Succession and Testamentary Succession**

Devolution of interest in *Mitakshara Coparcenary* property under the HSA,1956 General Principle of Inheritance under Hindu Law  
Succession to property of Hindu male dying intestate under the Hindu Succession Act,1956, The Repealing and Amending Act, 2015  
Succession to property of Hindu female dying intestate under the Hindu Succession Act,1956, *Stridhan* and Women Estate  
Disqualifications of heirs relating to succession  
General rules of succession & exclusion from succession under Islamic law: Shia & Sunni  
Classification of heirs under Hanafi and Ithna Asharia School; Their shares and distribution of property, Disqualified heirs  
Testamentary Succession  
Will under Indian Succession Act, 1925- Of will and Codicil Execution of unprivileged & privileged wills  
Attestation, revocation, alteration & revival of will, Will under Hindu law-Sec 30, HSA 1956; Will under Islamic Law- Competence of Testator, testamentary limitations

## **Unit-III: Disposition Inter-vivos**

Gift under Hindu Law-Transfer of Property Act,1882  
Hiba- meaning & characteristics, who can make and to whom Hiba, classification of Hiba  
Hiba during Marz-ul-maut, revocation of Hiba, Musha, Distinction between Hiba, Ariya, Sadaqa & Wakf, Hiba-ba-Shartul-iwaz, Hiba-bil-iwaz  
Pre-emption under Islamic Law  
Pre-emption – Definition, Classification, Subject matter Formalities & legal effects, when right lost, Constitutional validity

#### **Unit-IV: Hindu Religious Endowments and Muslim Law of *Wakf***

Traditional Religious principles of creation, Administration & Offices, Statutory methods of creation of trust, Powers & functions of Trustees, *Wakf*- meaning, essentials & formalities for creation Powers of *Mutawalli* Muslim Religious institutions & Offices

#### **Text Books**

Poonam Pradhan Saxena, Family Law II Lecturers, LexisNexis, 2019  
Aquil Ahmad, Mohammedan Law, Central Law Agency, 2006  
Paras Diwan, Family Law, Allahabad Law Agency, 2011  
G.C.V. Subba Rao, Family Law in India, S. Georgia & Company, 2010

#### **Reference Books**

Asaf A. A. Fyzee, Outline of Mohammedan Law, Oxford University Press, 2008  
Flavia Agnes, Marriage, Divorce, and Matrimonial Litigation, Oxford University Press, 2011  
Mayne's, Hindu law & usages, Bharat Law House, 2008  
Mulla, Hindu Law, Lexis Nexis Butterworths Wadhwa, 2012  
Mulla, Principles of Mohammedan Law, LexisNexis Butterworths Wadhwa, 2012  
S.A. Desai, Mulla, Hindu Law, LexisNexis Butterworths Wadhwa, 2008  
Syed Khalid Rashid's, Muslim law, Eastern Book Company, 2008

**LL.B. Semester–III**

**Paper: XIV(A)**

**M.M:100**

**Code: 103411**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Land Laws Including Tenure & Tenancy System**

### **Objectives of the Course**

1. To familiarize with the fundamental principles of Land Laws and Tenancy System.
2. To make them understand the nuances of the Land Laws and Tenancy system.
3. To make them understand the applicability of legal principles in order to handle nitty -gritties of the Land laws and Tenancy system.

### **Outcomes of the Course**

Students will be able to:

1. Possess knowledge of different types of land property and related concepts.
2. Define how to transfer the immovable property to the other person.
3. Explain and interpret various principles of land Laws.
4. Apply the principles in legal practice.

### **Course Content**

#### **Unit-I: U.P. Zamindari Abolition and Land Reforms Act, 1950**

- a. Aims and object of the Act
- b. Salient features of the Act
- c. Reasons for abolition of Zamindari system
- d. Definitions
  - (i) Agriculture year
  - (ii) Estate
  - (iii) Gram Panchayat
  - (iv) Improvement
  - (v) Intermediary
  - (vi) Land
  - (vii) Rent free guarantee
  - (viii) Sir and Khudkast
- e. Acquisition of the interest of intermediaries and its consequences, Consequences of Vesting

#### **Unit-II: U.P. Zamindari Abolition and Land Reforms Act, 1950**

- a. Acquisition of the interest of intermediaries and its consequences
  - i) Rights retained by intermediaries
  - ii) New land tenures

- iii) Status conferred on Old Tenants
- b. Compensation and Rehabilitation grant
- c. Gram Panchayat and Land Management Committee
- d. Allotment of Land and declaratory suit

### **Unit-III: U.P. Zamindari Abolition and Land Reforms Act, 1950**

- a. Tenure-Holders
  - i) Classes of Tenure holders
  - ii) Rights of Tenure holders
  - iii) Ejectment of Tenure holders
- b. Abandonment, surrender, extinction and lease.
- c. Succession

### **Unit-IV: Land Revenue**

- a. Liability to pay, First charge, Collection and Recovery, Settlement of land Revenue (S.243 to 272 U.P.Z.A. & L. R. Act, 1950).
  - b. The U.P. Land Revenue Act, 1901
    - i) Maintenance of maps and records
    - ii) Revision of maps and records
    - iii) Procedure of Revenue Courts and Revenue Officers
    - iv) Appeal, Revision, Review and Reference

### **Text Books**

R.R. Maurya, Uttar Pradesh Land Law, Central Law Publication, 2020.

Yatendra Singh, The Uttar Pradesh Imposition of Ceiling on Land Act, 1960, Central Law Publication.

### **Reference Books**

S.R. Myneni, Land Laws Asia Law House, 2020.

N. Maheswara Swami, Land Laws Asia Law House, 2020.

Sheetal Kanwal, Land Law including Tenure & Tenancy System, Amar Law Publication.

**LL.B. Semester–III**

**Paper: XIV(B)**

**M.M:100**

**Code: 103412**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Information Technology Law**

### **Objectives of the Course**

1. The primary object of this course will introduce students to the information technology law.
2. To provide insight into the applicability of other laws in the digital environment.

### **Outcomes of the Course**

Students will be able to:

1. Analyse the provisions of Information Technology laws and its peculiarities.
2. Understand the concept of electronic commerce - electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues.

### **Course Content**

#### **Unit-I: Introduction**

Information Technology, Understanding cyber space, Interface of technology and law, Information Technology Act, 2000, Legal recognition & authentication of electronic records under Information Technology Act and UNCITRAL model law on Electronic Commerce & e-signatures.

#### **UNIT-II: Civil Liabilities**

Data protection, Damage to computer, Online defamation and Dispute resolution under I.T act.

#### **UNIT-III: Criminal Liabilities**

Financial frauds, hacking, obscenity and pornography, identity theft, IPR related crime, cyber stalking, cyber terrorism, internet service provider liability and cyber security. UNIT- IV: Applicability of other laws on e-commerce, E-contracts, United Nations Convention on the Use of Electronic Communication in International Contract, trademarks and domain name, and concept of jurisdiction in cyber space.

### **Text Books**

Pavan Duggal, Legal Framework on Electronic Commerce and Intellectual Property Rights in Cyberspace, (Universal, 2014)

Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyber laws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws (Universal, 2019)

Ishita Chatterjee, Law and Information Technology, (Central Law Publications, 2018).

**Reference Books**

Pavan Duggal, An exhaustive section-wise commentary on the Information Technology Act, 2000 (Universal 2014)

S.K. Verma and Raman Mittal (Eds.), Legal Dimensions of Cyberspace, (ILI 2004).

Aparna Viswanathan, Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes (LexisNexis 2015)



**LL.B. Semester–III**

**Paper: XIV (C)**

**M.M:100**

**Code: 103413**

**Theory:70**

**Credit:4**

**Sessional:30**

### **Aviation Law**

#### **Objectives of the Course**

1. To equip students with the basic understanding of the various international conventions that affect Aviation law.
2. To apprise students with the concept of carrier and product liability in Aviation.
3. To make the students understand national laws governing aviation industry.
4. To equip the students with the basic understanding of legal regime governing crimes on board.

#### **Outcomes of the Course**

Students will be able to:

1. Explain comprehensively the Aviation industry sector.
2. Understand the international laws governing civil aviation applicable as between sovereign States.
3. Understand the domestic law of India governing the issues related to civil aviation.
4. Comprehend the rules governing liability in event of death, or injury to persons and cargos.
5. Demonstrate the intellectual and creative skills to research, interpret and synthesize relevant legal matters.

#### **Course Content**

##### **Unit -I: Introduction to Air Law**

Origin of air law

Theories of airspace

Freedom v. Sovereignty debate

The development of international legal regime

##### **Unit- II: International and National Frame work**

Chicago Convention and the Fundamental Principles Scheduled and non -scheduled air traffic

Airline cooperation

Nationality of aircrafts

Rules on airports, Jurisdiction, International Civil Aviation Organization

##### **National Laws**

Aircraft Act of 1934, The Aircraft Rules, 1937

##### **Unit -III: Legal Regime Governing Crimes on Board Aircrafts**

Problem of jurisdiction and applicable law to try the offenses on board aircrafts

The Tokyo Convention

The Hague Convention to combat hijacking

The Montreal Convention and the safety of civil aviation

## **Unit -IV: Carriers' Liability and Product Liability in Aviation**

### **Carriers' Liability under the Warsaw Convention**

Debate over the applicability Carriage documents

Extent of the liability of carrier Duration of the Liability Jurisdiction and procedural aspects Related instruments

### **Product Liability in Aviation**

Concept of product liability

Move towards strict liability in aviation Crashworthiness Punitive damages

Codification of product liability

### **Reference Books**

Lawrence B. Goldhirsch, The Warsaw Convention Annotated: A Legal Hand Book, The Hague: Kluwer Law International, 2000.

Elmar Gjemulla, et al., Montreal Convention, The Netherlands: Wolters Kluwer, 2010.

Chia-Jui-Cheng and Doo Hwan Kim, The Utilization of the World's Airspace and Free Outer Space in the 21<sup>st</sup> Century, The Hague: Kluwer Law International, 2000.

### **Text Books**

Peter Martin, et al., Air Law, Vol. 1, Butterworths, 1977.

P.P.C. Haanappel, The Law and Policy of Air Space and Outer Space, The Hague: Kluwer Law International, 2003.

J. C. Batra, International Air Law, New Delhi: Reliance Publishing House, 2003.

Air Law and Policy in India S. Bhatt, VS Mani, V. Balakista Reddy, Lancer Books 2008

**LL.B. Semester–III**

**Paper: XV**

**M.M:100**

**Code: 103611**

**Theory:70**

**Credit:4**

**Sessional:30**

**Professional Ethics & Professional Accounting System  
(Clinical/Practical Paper)**

**Objectives of the Course**

1. To have a discourse on the legal provisions, guidelines, and judicial decisions on the subject of professional conduct for advocates and on Contempt of Court Act.
2. It will also aim to discuss the opinions/decisions of the State Bar Councils/Bar Council of India on professional misconduct.

**Outcomes of the Course**

Students will be able to:

1. Identify situations of professional dilemmas.
2. Understand the concept of contempt of court and its implications on legal profession.
3. Analyze and evaluate the law and principles of legal ethics under the Advocates Act, 1961.

**Course Content**

**Unit-I: Introduction**

Brief History of Legal Profession in India

Its Nature, Evolution and Development in India

Meaning of Ethics, Object of Legal Ethics, Necessity for an Ethical Code

**Unit -II: Admission & Enrollment of Advocate**

Right to Practice

Conduct of Advocates and Disciplinary Proceedings

**Unit-III: Rights and Duties of Advocates**

Rights, Privileges, Duties, Disabilities and Social Responsibilities of an Advocate

Standard of Professional Conduct and Etiquette

Professional and other Misconducts

#### **Unit-IV: Relation with Bar& Bench**

Powers and Procedure of Disciplinary Committees of the Bar  
Accountancy for Lawyers. Bench Bar Relations  
Legality of Lawyers Strike in the Right-Duty Discourse  
Contempt Law and Practice: The Contempt of Courts Act, 1971

#### **Text Books**

C.L. Anand: Professional Ethics of the Bar, Allahabad Law Books, 1987.  
B.K. Goswami: Legal Profession and Its Ethics, Gogia Law Publisher, 1995.  
Anirudh Prasad, Principles of the Ethics of Legal Profession in India, 2004, Universal Book House, 2005.  
S.K. Mookerji, Iyer's Law of Contempt of Court, Delhi Law House, 2011.  
Krishnaswami Iyer's Professional Conduct and Advocacy, (1945)

#### **Reference Books**

G.C.V. Subba Rao, Commentary on Contempt of Courts Act 1971, 2014.  
Ranadhir Kumar De, Contempt of Court Law & Practice, Wadhwa Book Company, 2012.  
Francis L. Wellman, The Art of Cross Examination, Simon & Suchester, 1997.  
Kailash Rai, Legal Ethics, Accountability for Lawyers and Bench-Bar Relations, Central Law Publication, 2015.

**LL.B. Semester–IV**

**Paper: XVI**

**M.M:100**

**Code: 104111**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Administrative Law**

### **Objectives of the Course**

1. To expose to the guiding principles and applicable doctrines of select sub-fields of Administrative Law.
2. To foster an informed perspective on the nature and limit of Judiciary in the development of the Administrative Law.
3. To cultivate ability to identify latent issues in Administrative Law.
4. To equip students with the intellectual tools necessary to properly conceptualize and analyse issues in Administrative Law.

### **Outcomes of the Course**

Students will be able to:

1. Understand and explain the principles of Administrative Law covered in the course.
2. Apply the critical thinking required to bring about solutions to complex Administrative Law Problems/lacunae/uncertainties.
3. Predict and construct how unresolved or ambiguous Administrative Law questions could be resolved by the courts through an analysis of case law and the judicial method.

### **Course Content**

#### **Unit-I: Introduction**

Definition, Nature and Scope of Administrative Law, Reasons for the growth of Administrative Law, Relation between Administrative Law and Constitutional Law, The impact and implications of the Doctrine of Separation of power and the Rule of Law on Administrative Law, Droit Administrative

#### **Unit-II: Administrative Action**

Classification of Administrative Action – the necessity, Delegated Legislation: Meaning, Kinds and causes of its growth, Constitutionality of Delegated Legislation, Control Mechanism: Legislative Control, Procedural Control and Judicial Control

#### **Unit-III: Principles of Natural Justice and Liability**

Administrative Tribunals, Principle of Natural Justice, Exception to Natural Justice, Judicial Review of Administrative Discretion: Meaning, nature and scope, Doctrine of Promissory

Estoppels, Doctrine of legitimate expectation, Doctrine of proportionality, Liability of Administration in Tort and Contract

**Unit-IV: Review of Administrative Action**

Judicial Review of Administrative Action, Writs, Ombudsman in India (Lokpal and Lokayukta), Central Vigilance Commission, Constitutional Protection to Civil Servants, Parliamentary Committees – Commission of Enquiry

**Text Books**

I.P. Massey, Administrative Law, EBC, 2019

Jain & Jain, Principles of Administrative Law, Lexis Nexis, 2015

C.K. Takwani, Lectures on Administrative Law, EBC. 2019,

**Reference Books**

H.W.R. Wade, Administrative Law, Oxford University Press, 2019

P.P. Craig, Administrative Law, Sweet & Maxwell, 2003

De. Smith, Judicial Review of Administrative Action, Sweet & Maxwell, 2004

V.N. Shukla's, Constitution of India, EBC ,2020

S.P. Sathe, Administrative Law, Lexis Nexis, 2010

**LL.B. Semester–IV**

**Paper: XVII**

**M.M:100**

**Code: 104112**

**Theory:70**

**Credit: 4**

**Sessional:30**

### **Interpretation of Statutes and Principles of Legislation**

#### **Objectives of the Course**

1. To equip the students with various tools of interpretation of statutes.
2. To provide understanding and working knowledge about interpretation of statutes.
3. To make students understand certain rules, doctrines and principles of interpretation.

#### **Outcomes of the Course**

Students will be able to:

1. To know the techniques adopted by courts in construing statutes.
2. Interpret the conceptual basis of legal principles with comparative analysis.
3. Research, analyse, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

#### **Course Content**

##### **Unit-I: General and Rules of Statutory Interpretation**

Basic Principles of Interpretation, Statutes, Parts of Statutes, Kinds of Statutes, Intention of Legislature, Meaning of Construction and Interpretation, Purpose of interpretation, Guiding rules of interpretation

##### **Unit-II: Aids to the Interpretation**

**Internal Aids to Interpretation-** Title, Preamble, Heading, Marginal Note, Section, Sub-section, Punctuation mark, Illustration, Exception, Proviso, Explanation, Saving Clause, Schedule, Non - obstante clause

**External Aids to Interpretation-** Dictionaries, Translations, Constituent Assembly debate for Constitutional Interpretation, Legislative History, Legislative intention, Statement of objects and

reasons, Legislative Debate, Law Commission Reports, Stare Decisis, Contemporanea Expositio, General Clause Act

### **Unit-III: Rules and Principles of Statutory Interpretation**

**Primary rules-** Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction

**Secondary Rules** - Noscitur a sociis, Eiusdem generis, Reddendo Singula Singulis, Principle of Constitutional interpretation, ut res magis valeat quam pereat, In bonam partem.

### **Unit-IV: Interpretation with Reference to the Subject Matter and Purpose**

Restrictive and beneficial construction - Taxing statutes, Penal statutes, Welfare legislation  
Interpretation of substantive and adjunctive statute, Interpretation of directory and mandatory provisions, Interpretation of enabling statutes, Interpretation of codifying and consolidating statutes, Interpretation of statutes conferring rights, Interpretation of statutes conferring powers.

### **Text Books**

G. P. Singh, Principles of Statutory Interpretation, Wadhwa, 1999

P. St. Langan (Ed.). Maxwell on the Interpretation of Statutes, Lexis Nexis, 2006

N.M. Tripathi, Bombay K. Shanmukham, N.S. Bindras's Interpretation of Statutes, The Law Book Co., 2007

V. Sarathi, Interpretation of Statutes, Eastern Book Company, 2010

M.P. Jain, Constitutional Law of India, Wadhwa & Co., 2008

M.P. Singh, (Ed.) V.N. Sukla's Constitution of India, Eastern Book Company, 2017

### **Reference Books**

Narotam Singh Bindra, N.S. Bindra's Interpretation of Statutes, LexisNexis Butterworths, 2007

Sandeep Bhalla, Principles of Interpretation in India: (with Legal Maxims), IEbooks Inc., 2015

U. Baxi, Introduction to Justice K.K. Mathew's, Democracy Equality and Freedom, EBC, 1978



**LL.B. Semester-IV**

**Paper: XVIII**

**M.M:100**

**Code: 104113**

**Theory:70**

**Credit: 4**

**Sessional:30**

### **Civil Procedure Code and Limitation Act**

#### **Objectives of the Course**

1. To equip students with the fundamental knowledge of civil procedure code
2. To familiarize students with certain important concepts of civil procedure code such as place of suit, pleadings, particular suits, trial of suits, order, decree so on and so forth.
3. To acquaint students with the knowledge of procedural aspects of working of civil courts.
4. To equip students with the fundamental knowledge of the Limitation Act, 1963

#### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of Civil Procedure Code with commitment towards learning.
2. Interpret the conceptual basis of legal principles of Civil procedure code with comparative analysis
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

#### **Course Content**

##### **Unit- I: Introduction**

Background and Significance of the CPC, 1908

Definitions: Decree, Judge & Judgment, Order, Foreign Court & Judgment, Mesne Profits, Public Officer, Affidavit, Plaint, Suit, Written Statement

Jurisdiction and Place of suing

Doctrine of *Res sub judice*, Doctrine of *Res Judicata*, Caveat, Inherent Power of Courts, Restitution

Transfer of Proceedings

##### **Unit -II: Civil Suits**

Parties to Suit, Framing of suits

Pleadings: Definition and Fundamental Rules of Pleading

Plaint: General Rules of Plaint, Return and Rejection of a Plaint

Limitation for Filing Written Statement under CPC  
Joinder, Re-joinder, Misjoinder, set-off and counter claim  
Summoning under the CPC  
Incidental Proceedings  
Appearance and Non-Appearance of Parties  
Ex-parte decree, Dismissal for Default

### **Unit -III: Particular Suits and Trial of Suits**

Particular Suits: Suits by or against Governments, Suits by or against a foreigner, Suits by or against minors, Suits by or against firms, Suits by or against indigent person, Suits relating to public matters, Interpleader suits  
Trial of Suits: Examination of the Parties, Admission and Affidavit, Adjournment, Withdrawal and Compromise of suits  
Judgment: Judgment, decree and order, Execution of order and decree, Appeal from order and decree

### **Unit -IV: Interim Orders, Supplementary Proceedings and the Limitation Act**

Commissions  
Arrest and Attachment before Judgment  
Temporary Injunction and Interlocutory orders  
Appointment of Receiver  
Reference, Review and Revision  
**The Limitation Act, 1963:** Limitation of suits, Appeal and Application [Section 3-11], Computation of Periods of Limitation [Section 12- 24], Acquisition of Ownership by Possession [ The Schedule of period of Limitation is excluded]

### **Text Books**

Dinshaw Fardausi Mulla, Mulla's Code of Civil Procedure, Lexis Nexis , 2017  
Sudipto Sarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis India (11th Edn)  
M. P. Jain, The Code of Civil Procedure, LexisNexis Butterworth India, 2019

### **Reference Books**

Universal's Code of Civil Procedure, 1908 (Bare Act)  
C.K. Takwani, Code of Civil Procedure, Eastern Book Company, 2010  
M.R. Malik, Ganguly's Civil Court, Practice and Procedure, Eastern Law House, 2012  
M.P. Tandon, Code of Civil Procedure, Allahabad Law Agency, 2005

**LL.B. Semester–IV**

**Paper: XIX (A)**

**M.M:100**

**Code: 104411**

**Theory:70**

**Credit:4**

**Sessional:30**

### **Banking Law**

#### **Objectives of the Course**

1. To equip the students with fundamental knowledge of Banking Law.
2. To acquaint the students with the historic development of banking industry in India.
3. To ascertain the laws applicable to banking sector.
4. To acquaint the students with the recent and emerging dimensions of banking system.
5. To develop research, analysis, reasoning and presentation skills in students.
6. To enable the students to apply the knowledge of banking law in legal practice.

#### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of banking law with commitment towards learning.
2. Interpret the conceptual basis of legal principles of banking law with comparative analysis.
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

#### **Course Content**

##### **Unit- I: Introduction**

History & Evolution of Banking in India  
Nationalisation of Banks  
Meaning & Definition of Banking  
Kinds of Banks & their functions

##### **Unit -II: Laws relating to Banking in India**

###### **Banking Regulation Act, 1949**

Definitions of bank, banker, banking and banking companies  
Control Over Management  
Prohibition of certain activities in relation to Banking Company  
Acquisition of Undertakings of Banking Companies in Certain cases  
Suspension of Business and Winding up of Banking Companies  
Special Provisions for Speedy Disposal of Winding up proceedings

###### **The Central Bank: Reserve Bank of India**

Evolution of RBI  
Organization and Management  
Functions of RBI

## **Unit -III: Banker and Customer**

### **Relationship between Banker & Customer**

Definition of Banker and Customer  
General and Special Relationship  
Legal Character  
Contract between banker & Customer  
Banks duty to customers  
General lien & Persons entitled to General lien  
Types of Accounts

### **Special classes of Customers**

Minor  
Partnership  
Company  
Married Women  
Trust  
Illiterate persons  
Joint Hindu Family  
Executors  
lunatics

## **Unit -IV: E- Banking and Ancillary Services**

### **E-Banking-**

Definition  
Internet Banking- Retail & Corporate  
Mobile banking  
ATM Banking  
E-Cheque-authentication

### **Remittances-**

General, Demand Draft, Money Transfer  
Traveler's Cheques, Bank orders, credit cards/debit cards  
Safe deposit vaults, gift cheques

## **Banking Ombudsman**

### **Text Books**

M.L. Tannan, Tannan's Banking Law and Practice in India, LexisNexis, 2017  
Avatar Singh, Banking and Negotiable Instruments, Eastern Book Company (P) Ltd, 2018  
Ross Cranston, Principles of Banking Law, New York: Oxford University Press, 1997  
R.K. Gupta, Banking Law and Practice, Modern Law Publications, 2004  
Paget's, Law of Banking, LexisNexis, 2015  
R.N. Chaudhary, Banking Laws, Central Law Publications, 2016

### **Reference Books**

Basu, Review of Current Banking: Theory and Practice, Macmillan, 1974

L.C. Goyle- The Law of Banking and Bankers, Eastern Law House Pvt. Ltd., 1995  
S.N. Gupta, The Banking Law in Theory and Practice, Universal Publishing Co. Pvt.  
Ltd, 2017

**LL.B. Semester–IV**

**Paper:XIX (B)**

**M.M:100**

**Code: 104412**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Competition Law**

### **Objectives of the Course**

1. To develop an understanding about the concept of monopoly, constitutional perspectives pertaining to state monopoly.
2. To trace historical development of the competition law regime and learn about the need for having competition law.
3. To provide an analysis of the legal developments, from MRTP to the Competition Act.
4. To learn the nuances of the competition law and the various guidelines issued within its purview by the regulatory bodies.
5. To study and enhance the knowledge pertaining to the working of the competition commission of India and identify the areas where competition law has marked its presence.

### **Outcomes of the Course**

Students will be able to:

1. Explain the concept of monopoly, constitutional directives against monopoly and the practice of monopolization.
2. Illustrate the evolution, object and functions of Competition law.
3. Compare the types of anti-competitive agreements and testing its validity; the practices covered by abuse of dominant position; practices in connection with combinations.
4. Examine the enforcement mechanisms and regulatory framework envisaged under the Competition Law.

### **Course Content**

#### **Unit-I:**

The Concept of Monopoly: Advantages and Disadvantages, The Role of monopoly in Indian economy, Constitutional directives regarding concentration of economic power, The Right of the state to set up a monopoly in trade or business, Monopolies in the Private and Public Sectors, Monopolization of certain trades and services - Magnitude and trends.

#### **Unit-II:**

History and Development of Competition Law/ Antitrust Law, Liberalization and Globalization - Raghavan Committee Report, Competition Act 2002; Difference between MRTP Act and Competition Act, 2002, Historical Introduction to Monopolies and Antitrust Legislation in U.S.A. and U.K. -The Sherman Act, the Clayton Act and the Monopolies and Mergers Act; Monopolies Inquiry Commission Recommendations: Constitutional directive, MRTP Commission: Policy and Law.

**Unit-III:**

Enforcement Mechanisms under The Competition Law, 2002: Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI – adjudication and appeals, -Competition Appellate Tribunal (CompAT), Director General of Investigation (DGI) Regulation of Anti-competitive Agreements, Abuse of Dominant Position, Combinations under the Act

**Unit-IV:**

The Competition Act, 2002- Penalties for Contravention (Chapter VI) and Role of Competition Advocacy (Chapter VII)

**Textbooks**

T. Ramappa, Competition Law in India: Policy, Issues and Development, Oxford University Press, New Delhi

Avtar Singh, Competition Law, Eastern Book Company, Lucknow

Abir Roy & Jayant Kumar, Competition Law in India, Eastern Law House, Kolkata

Dr. Souvik Chatterji, Competition Law in India and USA, Allahabad Law Agency, Faridabad

Versha Vahini, Indian Competition Law, Lexis Nexis, Gurgaon

**Reference Books**

J.M. Blair, Economic Concentration - Structure, Behaviour and Public Policy

Rowley, International Mergers Anti-Trust Process. Evel and Little: Concentration in British Industry

J.B. Health, (ed.) International Conference on Monopolies - Mergers and Restrictive Practices

C. Kaysen and Turner, Anti-Trust Policy

W.F. Muller, A. Primer on Monopoly and Competition

A. Sutherland, The Monopolies Commission in Action

Government of India, Report of the Industrial Licensing Policy Inquiry Committee (1969)

Government of India, Report of the High-Powered expert Committee on the Companies Act

V.K. Singania, Economic Concentration through Intercorporate

S.M. Jhala, Monopolies and Restrictive Trade Practices in India

**LL.B. Semester–IV**

**Paper: XIX (C)**

**M.M:100**

**Code: 104413**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Insurance Law**

### **Objectives of the Course**

1. To equip the students with fundamental knowledge of Insurance Law.
2. To acquaint the students with the general and specific principles of law of insurance.
3. To familiarize with the various types of insurances and the laws governing insurance in India.
4. To develop research, analysis, reasoning and presentation skills in students.
5. To enable the students to apply the knowledge of insurance law in legal practice.

### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of insurance law with commitment towards learning.
2. Interpret the conceptual basis of legal principles of insurance law with comparative analysis
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

### **Course Content**

#### **Unit-I: Principles of Contract of Insurance**

Meaning, Definition & Nature of Insurance Contract,  
Parties and Premium under Contract of Insurance  
General Principles: - Essentials of Contract of Insurance  
Proposal and Acceptance  
Competence of Parties  
Consideration  
Free Consent  
Legality of Object  
Capacity to Contract

Specific principles:

Principle of utmost good faith (Duty of Disclosure, uberrima fides)  
Principle of Insurable Interest  
Principle of Subrogation  
Principle of Contribution  
Principle of Proximate Cause  
Principle of Indemnity  
Material facts  
Double Insurance & Re-insurance



## **Unit -II: Life Insurance**

Life Insurance:

History & Evolution

Nature and definition of life Insurance Contract

Kinds of Life Insurance Contracts

Formation of Life Insurance Contract

Factors affecting the risk

Amounts recoverable and persons entitled to payment under Life Insurance

Policy

Settlement of Claims and payment of Money

Important Provisions of LIC Act, 1956

## **Unit- III: Marine & Fire Insurance**

Marine Insurance

Nature & Characteristics of Marine Insurance

Indemnity

Kinds of Marine Insurance policies

Warranties & Breach of Warranties

Voyage & Deviations

Maritime perils

Settlement of Claim

Fire Insurance

Nature, Scope & Importance of Fire Insurance

Contract of Indemnity

Types of Fire Insurance

Perils insured against and proximate cause

Excepted perils

Inclusions & Exclusions under Fire Insurance Policy

Manipulated Fire and its effects

Settlement of Claim

## **Unit -IV: Legislations Governing Insurance in India**

Insurance Act, 1938

Assignment & Transfer of Policies

Nomination

Difference between Assignment & Nomination

Misstatement & Concealment

Insurance Regulatory and Development Authority (IRDA)

Duties, Powers & Function of the authority

Registration, Cancellation of Registration and Requirements as to Capital

Redress of Public Grievances Rules, 1998: Insurance Ombudsman

## **Text Books**

K.S.N. Murthy & Dr. K.V.S. Sarma, Modern Law of Insurance, LexisNexis, 2014

Avtar Singh, Law of Insurance, Eastern Book Company, 2017

J.V.N. Jaiswal, Law of Insurance, Eastern Book Company, 2008

M.N. Srinivasan, Principles of Insurance Law, LexisNexis Butterworth Wadhwa, 2009

**Reference Books**

Taxmann's, Insurance Law Manual, 2015

B.C. Mitra, Law Relating to Marine Insurance, 2012

E.R. Hardy Ivamy, General Principles of Insurance

**LL.B. Semester–IV**

**Paper: XX**

**M.M:100**

**Code: 104811**

**Theory:70**

**Credit:4**

**Sessional:30**

**Alternative Dispute Resolution- Arbitration, Mediation and Conciliation  
(Clinical / Practical Paper)**

**Objectives of the Course**

1. The intent of the course is to provide a strong academic understanding of the various modes of Alternative Dispute Resolution (ADR) systems.
2. Discuss the procedural aspects of the different modes of ADR.
3. Inculcate the practical approaches through the case study on Domestic Arbitration and International Arbitration.
4. Developed the practical approaches, participation and report writing skills through the participation in Lok Adalats and Legal Awareness Camps.

**Outcomes of the Course**

Students will be able to:

1. Understand various modes of ADR with procedure and practice.
2. Evaluate the sophisticated understanding of ethical and legal issues surrounding Dispute Resolution models and practice including case study.
3. Formulate the modalities and techniques of resolution of disputes through outside court settlement.

**Course Content**

**Unit- I: Introduction & General Concept of Alternative Dispute Resolution and Arbitration**

Meaning, Nature and Scope of ADR.

Arbitration- Definitions with related Sections description, New York Convention and Geneva Convention.

**Unit -II: Other Modes of Alternative Dispute Resolution**

Conciliation, Mediation, Negotiation, Section 89 of the Civil Procedure Code, 1908 and Plea Bargaining.

**Unit -III: Institution and Case Analysis**

One leading case on Domestic Arbitration and one on International Arbitration.

Indian Council of Arbitration (ICA) – Its system and working.

**Unit- IV: Report Writing**

Reports on participation in Legal Awareness Camps organized by department and/or with other institutions.

Reports on participation in Lok Adalats.

**Text Books**

Avtar Singh: Law of Arbitration & Conciliation and Alternative Resolution Systems, Eastern Book company, 2021

K.V. Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House, 2021

Madsudan Sahary, Text book on Arbitration and Conciliation with Alternative Dispute Resolution, Universal Law Co. Pvt.Ltd.,2017

NV Paranjpe, Law relating to Arbitration & Conciliation in India, Central Law Agency, 2016

**Reference Books**

Rohit M. Subramaniam, Eastern Book Co.2021

Anirban Chakraborty, Law & Practice of Alternative Dispute Resolution in India, Lexis Nexis, 2016

Justice S.M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow white Publications Pvt. Ltd. 2021

Shashank Garg, Alternative Dispute Resolution, Oxford, 2018

**LL.B. Semester–V**

**Paper: XXI**

**M.M:100**

**Code: 105111**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Law of Evidence**

### **Objectives of the Course**

1. To make the students understand nature and functions of the law of evidence.
2. To assist the students in grasping the fundamental rules regarding evidence which help the judge in reaching his decision.
3. To demonstrate to students the quality and type of proof needed to prevail in litigation.
4. To inculcate in them the skills of an Advocate by exposing them to the techniques of cross examination.
5. To make them understand the effect of evidence.

### **Outcomes of the Course**

Students will be able to:

1. Acquire the knowledge of the basics of law of evidence and will develop an understanding of the law of evidence and its operation.
2. Demonstrate a coherent and fundamental knowledge of the rules of evidence, evidential concepts and principles.
3. Develop communication skills to present a clear and coherent understanding of the rules of evidence to a legal audience.
4. Discuss the facts of complex legal principles pertaining to evidence
5. Demonstrate a detailed knowledge of the specific areas of current importance and to analyse the evolving nature of law of evidence.

### **Course Content**

#### **Unit- I: Introduction and Relevancy**

Introduction

Definition Nature, Functions and relationship of Law of evidence with the substantive and procedural laws.

Lex fori

Definitions (Sections 3 and Section 4)

judgements of Court of Justice, opinion of third persons and character when relevant (Sections 40 to 55)

Doctrine of res gestae (Sections 6, 7, 8, 9,14)

Conspiracy (Section10).

#### **Unit -II: Statements - Admissions/Confessions/Dying Declaration**

Admission (Sections 17 –23)

Confessions (Sections 24 –30)

Statements (Sections 32 –39)

### **Unit- III: Method of proof of facts & Production and effect of Evidence**

Facts which need not to be proved (Sections 56 –58)

Oral and Documentary Evidence (Sections 59 –78)

Presumptions (Sections 4, 41, 71 – 90, 105, 107, 108, 112, 113A, 114 & 114A)

Exclusion of oral by documentary evidence (Sections 91)

Burden of proof (Sections 101 –114A)

Facts Prohibited from proving

Estoppel (Sections 115 –117)

Privileged communications (Sections 122 –129)

Witnesses (Sections 118 – 121, 130 –134)

### **Unit -IV: Productions and Effect of Evidence**

Examination of witness (Sections 135 –166)

Improper Admission and rejection of evidence (Section 167)

Digital Signatures & Digital Certificates-The Concept

How Digital Signatures and Digital Certificates work

Applications of Digital Signatures in an e-business Scenario

Cryptography and Cryptosystems

Public Key Infrastructure (PKI)

#### **Text Books**

Batuk Lal, Law of Evidence, Central Law Agency, 2020

Ratan Lal Dhiraj Lal , The Law of Evidence, Lexis Nexis, 2019

Avtar Singh , Principle of the Law of Evidence, Central Law Publications, 2020

M. Monir, The Text Book on The Law of Evidence, Universal Law Publishing, 2018

#### **Reference Books**

Vepa P. Sarathi, Law of Evidence, EBC, 2021

Richard D. Friedman, Wigmore on Law of Evidence,

Foundation Pr, 2008

M. Monir, The Law of Evidence (In 2 Volumes)-

Sarkar and Manohar, Sarkar on Evidence, Lexis Nexis, 2010

Albert S. Osborn, The problem of Proof, Nabu Press, 2010

Ali and Woodroffe, Law of Evidence, Lexis Nexis, 2016

**LL.B. Semester–V**

**Paper: XXII**

**M.M:100**

**Code: 105112**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Law of Crimes-II (Criminal Procedure Code)**

### **Objectives of the Course**

1. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective
2. The course will acquaint the student with organisation of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised.
3. The students will also undertake the study of two cognate Acts as a part of this course viz.; Juvenile Justice Act and Probation of Offenders Act.

### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of criminal law with commitment towards learning.
2. Interpret the conceptual basis of legal principles with comparative analysis.
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

### **Course Content**

#### **Unit- I: Introduction**

Object, extent and scope of Criminal Procedure Code, Definitions, The organization of the functionaries under the Code; their duties, functions and powers, Jurisdiction of Criminal Courts in enquiries and trials.

#### **Unit-II: Pre-Trial-I**

Provisions for Investigation, Information to Police and their power to investigate, Provisions regarding arrest, warrant of arrest, search warrant, Summons, Proclamation and attachment, Security for keeping the peace and for good behaviour.

#### **Unit-III: Trial**

Process to compel appearance and production of things, Magisterial Powers to take cognizance, Complaint to Magistrate, Dismissal of complaints, Commencement of proceeding before Magistrate, The charge, Trial, Features of a fair trial, Types of Trial (Session, Warrant, Summon and Summary trial), Plea- bargaining.

#### **Unit-IV: Appeal, Reference, Revision**

The Judgment, Appeals, Reference and revision, Bail, Maintenance of wives, children's and parents, compounding of offences and plea bargaining., Limitation of taking cognizance. Juvenile Justice (Care & Protection of Children) Act, 2015, Probation of Offenders Act, 1958.

#### **Bare Acts**

Code of Criminal Procedure, 1973

Probation of Offenders' Act, 1958

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

#### **Text Books**

R.V. Kelkar, Criminal Procedure, EBC, 2021

Ratanlal & Dhiraj Lal, The Code of Criminal Procedure, Lexis Nexis, 2020

S.N. Mishra, The Code of Criminal Procedure 1973, Central Law Publication, 2020

C.K. Takwani, Criminal Procedure, Lexis Nexis, 2014

#### **Reference Books**

P. S. A. Pillai, Criminal Law, Lexis Nexis, 2017

S.C. Sarkar, Code of Criminal Procedure (Volume –I &II), Lexis Nexis, 2018



**LL.B. Semester-V**

**Paper: XXIII**

**M.M:100**

**Code:105113**

**Theory:70**

**Credit:4**

**Sessional:30**

### **Labour Law and Industrial Laws-I**

#### **Objectives of the Course**

1. This course aims to introduce fundamental principles and regulations relevant in the domain to labour and industrial law.
2. It will focus on developing research, analysis and presentation among the students.
3. It also aims to disseminate legal awareness about the relevant legislation such as trade unions act, industrial dispute act, and employee's state insurance act particularly in the context of Uttarakhand.

#### **Outcomes of the Course**

Students will be able to:

1. Possess the necessary legal knowledge in the domain of Labour Laws.
2. Develop capacity to apply these regulations in industrial disputes.

#### **Course Content**

##### **Unit-I: Trade Union Act, 1926**

Trade Unionism in India

Definition of trade union and trade dispute

Registration of trade unions

Legal status of registered trade union

Mode of registration

Powers and duties of Registrar

Cancellation and dissolution of trade union

Procedure for change of name

Amalgamation and dissolution of trade union

Disqualifications of office-bearers, Right and duties of office-bearers and members

General and Political funds of trade union

Civil and Criminal Immunities of Registered trade unions  
Recognition of trade union  
Collective bargaining

**Unit-II: The Industrial Dispute Act, 1947**  
**Resolution of Industrial Dispute**

Industrial dispute and individual dispute  
Arena of interaction and Participants– Industry, workman and employer  
Settlement of industrial dispute  
Works Committee  
Conciliation Machinery  
Court of Enquiry  
Voluntary Arbitration  
Adjudication – Labour Court, Tribunal and National Tribunal settlement bodies and techniques  
Powers of the appropriate Government under the Industrial Disputes Act, 1947  
Unfair Labour Practice

**Unit-III: The Industrial Dispute Act, 1947**  
**Instrument of Economic Coercion**

Concept of strike  
Gherao  
Bandh and Lock-out  
Types of strike  
Rights to strike and Lock-out  
General Prohibition of strikes and lock-outs  
Prohibition of strikes and lock-outs in public utility services  
Illegal strikes and lock-outs  
Justification of strikes and lock-outs  
Penalties for illegal strikes and Lock-outs  
Wages for strikes and lock-outs

**Unit-IV: Employee's State Insurance Act, 1948**

Historical Background  
Aims, Objects & Application  
Definitions  
Security Measures (Benefits Available)  
Employment Injury

General Rules concerning benefits  
Authorities under the Act

**Bare Acts**

Trade Union Act, 1926, Industrial Employment (Standing Orders) Act, 1946  
Industrial Dispute Act, 1947  
Employee's State Insurance Act, 1948

**Text Books**

S.C. Srivastava, Labour Law and Industrial Relations, Vikas Publishing House, 2012.  
S.K. Puri, Labour and Industrial Laws, Allahabad Law Agency, 2017.  
G.B. Pai, Labour Law in India, Butterworths, 2001.  
V.G. Goswami, Labour Law and Industrial Law, Central Law Agency, 2019.

**Reference Books**

S.N. Misra, Labour and Industrial Law, Central Law Agency, 2020  
O.P. Malhotra, Industrial Disputes Act, Vol. I & II, Lexis Nexis, 2004  
Indian Law Institute, Cases and Materials on Labour Law and Labour Relations, Indian Law Institute, 2007

**LL.B. Semester-V**

**Paper: XXIV (A)**

**M.M:100**

**Code: 105411**

**Theory:70**

**Credit-4**

**Sessional:30**

## **Offences Against Children and Juvenile Offences**

### **Objectives of the Course**

1. To understand the meaning of Juvenile Delinquency and the factors responsible for its causation
2. To enable the students to understand the meaning of crime related to child
3. To introduce the student to various aspects of criminal liability and the logical classification of offences according to their gravity
4. To acquaint them to available National and International legal regimes pertaining to child protection.

### **Outcomes of the Course**

Students will be able to:

1. Understand the various dimensions of the various aspects of crime and criminal behavior and the implementation of the law through Judicial interpretation
2. Work efficiently and with critical engagement with various concepts of Criminal law in relation to child protection, having due regard to the practical implementation of the principles in actual cases
3. Put in practice the acquired knowledge, procedural and practical aspects of jurisprudential law and will use logical, analytical and decision-making ability to deal with challenge

### **Course Content**

#### **Unit-I: Constitutional and International Legal Status of Child**

Constitutional Concern-Articles 15(3), 21(A), 24, 39(e) & (f) and 45

International concern and endeavour for the welfare of children:

Minimum Age conventions

Child rights conventions

U.N. Declaration of the Rights of the Child, 1924,1959

Contributions – UNESCO, UNICEF, CEDAW

## **Unit-II: Legal Control of Child Labor**

International conventions and recommendations of the ILO

The Factories Act, 1948

The Child Labor (Prohibition and Regulation) Act, 1986

## **Unit-III: Child and Criminal Liability: Statutory provisions**

Sections 82, 83, 299 (Explanation 3), 312, 313, 314, 315, 316, 317, 318, 363A, 372, 376 and 377 of IPC.

Section 27 of the Cr.P.C.

The Prohibition of Child Marriage

Act, 2006

The Children Act, 1960

The Child Abuse Prevention and Treatment Act, 1974

## **Unit-IV: Juvenile Offence, Juvenile Delinquency and Sexual Abuse of Children**

Concept of Juvenile Delinquency

### **Legal Position in India**

The Juvenile Justice (Care and Protection of Children) Act, 2015

General Principles of Care and Protection of children

Juvenile Justice Board: Procedure, Powers and functions

Procedure in relation to children in conflict with law

Children's Court and its Powers

Child welfare committee: Procedure, Powers and functions

Procedure in relation to children in need of Care and Protection

Rehabilitation and Social Re-Integration. - Offences against Children.

Probation of Offenders Act, 1958 (benefit of Section 6 of the Act)

### **Sexual Abuse of Children**

Meaning, Definition, Nature and different types of Sexual Abuses

Protection of Children from Sexual Offences Act, 2013

Preventive Sexual Assault and Aggravated Penetrative Sexual Assault (3 to 6)

Sexual Assault and Aggravated Sexual Assault (7 to 10)

Sexual Harassment (11, 12)

Using Child for Pornographic Purpose (13 to 15)

Abetment and Attempt to commit an offence (16 to 18)

Procedure for Reporting Case (19 to 23) - Procedure for recording Statement (24 to 27)

Special Courts and Procedure and Powers of Special Courts (28 to 38)

### **Text Books**

- S.C. Tripathi and Vibha Arora, Law relating to Women & Children, Central Law Publications, 2017
- R.N. Choudhary, Law relating to Juvenile Justice in India, Orient Publishing House, 2015
- Mamta Rao, Law relating to Women & Children, Eastern Book Company, 2018
- S.N. Jain (Ed.), Child and Law, Indian Law Institute, 1979

### **Reference Books**

- K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., 2012
- K.I. Vibhuti, PSA Pillai's Criminal Law, LexisNexis, Butterworths Wadhwa, 2012
- S.R. Myneni, Offences against Child and juvenile Offences, New Era Law Publication, 2018
- S.K. Chatterjee, Offences against Child and Juvenile Offences, Central Law Publication, Allahabad, 2012
- Ved Kumari, The Juvenile Justice System in India: From Welfare to Rights, Oxford University Press India, 2010
- M.S. Sabnis, Juvenile Justice and Juvenile Correction, Somaiya Publications Pvt. Ltd., 1996 edition, 1996
- N.K. Chakrabarty, Juvenile Justice in the Administration of Criminal Justice, Deep & Deep Publications, N 2000

**LL.B. Semester-V**

**Paper: XXIV (B)**

**M.M:100**

**Code: 105412**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Women and Law**

### **Objectives of the Course**

1. To create awareness and to make the students familiar with women's issues and women's rights
2. To enable them to critically analyse women's issue on human right perspective
3. To familiarize the students with the major historical developments of women's movement in their onward march to freedom and equality
4. To understand the nature and growth of women's movement in the modern age, covering arrange of issues pertinent to women's emancipation, dignity and status.

### **Outcomes of the Course**

Students will be able to:

1. Appreciate the norms of equality and liberty as the basis of just and fair society.
2. Demonstrate that how and in what manner the laws relating to women should be considered in proper perspective.
3. Analyse the radical transformation in the position of women internationally as well as nationally.
4. Able to put in practice the acquired knowledge.

### **Course Content**

#### **Unit-1: Introduction: Status of Women : International and National Perspective**

Women Rights as Human Rights

Universal Declaration of Human Rights, 1948

Convention on the Elimination of all forms of Discrimination against Women, 1979

Declaration on the Elimination of Violence against Women, 1993

### **Gender Equality and Constitution**

Preamble

Political Rights, Economic Rights and Social Justice

Fundamental Rights

Equality, Right to Livelihood, Right to Live with Dignity, Right against Exploitation

### **Directive Principles of State Policy**

Equal Justice and Free Legal aid, Provision for Just and Humane Conditions of Work and

Maternity Relief, Uniform Civil Code

Fundamental Duties- Art. -51-A[e]

Women's Representation in Local Bodies

### **Unit-II: Personal Laws and Women**

Marriage

Divorce

Adoption

Maintenance

Succession

Guardianship

### **Unit-III: Criminal Laws and Women**

Adultery

Rape (Custodial Rape, Gang Rape, Marital Rape)

Outraging Modesty

Domestic Violence

Dowry Deaths

Sexual Harassment

### **Unit-IV: Women Welfare Laws**

The Dowry Prohibition Act, 1961

Pre-conception and pre-natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994

Indecent Representation of Women (Prohibition) Act, 1986  
Immoral Traffic (Prevention) Act, 1986

Protection of Women against Sexual Harassment at Workplace Act, 2013

Protection of Women Against Domestic Violence Act, 2005

### **Labour Welfare Legislations:**

Maternity Benefit Act, 1961

Factories Act, 1948

Equal Remuneration Act, 1976



### **Text Books**

S.C. Tripathi and Vibha Arora, Law relating to Women & Children, Central Law Publications, 2017

Mamta Rao, Law relating to Women & Children, Eastern Book Company, 2018

S.N. Jain (Ed.), Child and Law, Indian Law Institute, 1979

### **Reference Books**

Anjani Kant, Women and the Law, A.P.H Publishing Corporation, 2008

Arunima Baruah, The Soft Target-Crime Against Women, Kilsa Books, 2004

Dalbir Bharathi, Women and the law, A.P.H Publishing Corporation, 2008

P.D. Kaushik, Women Rights- Access to Justice, Bookwell, 2007

National Commission for Women, Gender Equity-Making it Happen, Strategies and Schemes of Government of India, NCW, 2001

**LL.B. Semester– V**

**Paper: XXIV (C)**

**M.M:100**

**Code:105413**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Human Rights Law and Practice**

### **Objectives of the Course**

1. To expose students about concepts and ideas of Human rights.
2. To focus on the study of Law relating to Human rights in National and International perspectives.
3. To understand the development of Human rights Law in practice.
4. To understand the Conventions related to Human rights.

### **Outcomes of the Course**

Students will be able to:

1. Understand the fundamentals of law with commitment towards learning.
2. Interpret the conceptual basis of legal principles with comparative analysis.
3. Research, analyze, rationalize and present effectively.
4. Expose the students about Enforcement of Human Rights in India

### **Course Content**

#### **Unit-I: Introduction**

Concept and nature of Human Rights, History, Evolution and Growth of Human Rights, Development of Human Rights in International Law, Human Rights & U.N. Charter.

#### **Unit-II: International Conventions**

International Protection of Human Rights: Universal Declaration on Human Rights, International Covenant on Civil & Political Rights 1966, International Covenant on Social, Cultural and Economic Rights 1966, Regional Protection of Human Rights: European Convention on Human Rights, American Convention on Human Rights, African Charter on Human and People's Rights, Amnesty International.

#### **Unit-III: Enforcement and Development of Human Rights in India**

Enforcement of Human Rights, Development of Human Rights in India, Human Rights under the Indian Constitution and their Enforcement, Fundamental Rights Conventions against Torture, Inhuman and Degrading Behaviour, Directive Principles of State Policies

#### **Unit -IV: Protection of Human Rights Act, 1993**

Protection of Human Rights Act, 1993: Characteristics features, Promotion and Protection of Human Rights in India: National Human Rights Commission, State Human Rights Commission, Human Rights Courts. Human Rights during Armed Conflict, Awareness and Education of Human Right .

#### **Text Books**

S.K. Kapoor, Human Rights under International Law & Indian Law, Central Law Agency, 2017

D.D. Basu - Human Rights in Constitutional Law, Lexis Nexis,2008

H.O. Agarwal, Human Rights, Central Law Publicationc,2020

Rashee Jain, Textbook on Human Rights Law and Practice, Universal Law Publishing, 2016

#### **Reference Books**

H.O. Agarwal, -International Law & Human Right, CLP, 2018

S.K. Kapoor- International Law and Human Rights, Central Law Agency, 2021  
Bare Act, The Protection of Human Right Act,1993.

**LL.B. Semester-V**

**Paper: XXV**

**M.M:100**

**Code:105611**

**Theory:70**

**Credit-4**

**Sessional:30**

### **Drafting, Pleading and Conveyancing (Clinical/Practical Paper)**

#### **Objectives of the Course**

1. This course aims to introduce basic principles of drafting and pleading to the students.
2. During the course, format of applications, plaint and other forms of legal writing will be discussed in the class.

#### **Outcomes of the Course**

Students will be able to:

1. Understand the format and requirements of drafting in the legal proceedings.
2. Draft legal documents such as legal notices, applications and plaint etc. which will be useful in litigation.

#### **Course Content**

##### **Unit-I: General Principles of Drafting and Pleading**

Drafting rules

Forms of Pleading

##### **Unit-II: Criminal Pleading**

Bail Application

Complaint

Criminal Revision

Criminal Appeal

##### **Unit-III: Civil Pleading**

Plaint

Written Statement

Interlocutory Applications  
Original Petition  
Execution Petition  
Memorandum of Civil Appeal  
Petition Under Article 226 and Article 32 of The Constitution of India.

**Unit-IV: Conveyancing**

Essentials of Deeds  
Sale Deed  
Mortgage Deed  
Lease Deed  
Gift Deed  
Affidavit  
Promissory Note  
Power of Attorney (General)  
Power of Attorney (Special)  
Will  
Agreements  
Partnership Deed

**Text Books**

M.C. Agarwal and G.C. Mogha, Mogha's Law of Pleadings in India, Eastern Law House, 2016.  
M.R. Mallick, Ganguly's, Civil Court: Practice and Procedure, Eastern Law House, 2016.

**Reference Books**

J.M. Srivastava and G.C. Mogha, Mogha's The Indian Conveyancer, Eastern Law House, 2008.  
C.R. Datta and M.N. Das, De Souza's, Forms and Precedents of Conveyancing, Eastern Law House, 1999.

**LL.B. Semester–VI**

**Paper: XXVI**

**M.M:100**

**Code: 106111**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Labour & Industrial Law–II**

### **Objectives of the Course**

1. This course aims to introduce fundamentals principles and regulations relevant in the domain to labour and industrial law.
2. It will focus on developing research, analysis and presentation among the students.
3. It also aims to disseminate legal awareness about the relevant legislation such as minimum wages act, payment of wages act, factories act and workman's compensation act particularly in the context of Uttarakhand.

### **Outcomes of the Course**

Students will be able to:

1. Equip graduate student with the necessary legal knowledge, expertise in labour and industrial law.
2. Develop capacity to apply these regulations in industrial disputes.

### **Course Content**

#### **Unit-I: Minimum Wages Act, 1948**

Concept of minimum wage, fair wage, living wage and need based minimum wage

Constitutional validity of the Minimum Wages Act, 1948

Procedure for fixation and revision of minimum wages

Fixation of minimum rates of wages by time rate or by piece rate

Procedure for hearing and deciding claims

#### **Unit-II: Payment of Wages Act, 1936**

Object, scope and application of the Act

Definition of wages

Responsibility for payment of wages

Fixation of wage period

Time of payment of wage

Deductions which may be made from wages

Maximum amount of deduction

### **Unit-III: Workmen's Compensation Act, 1923**

Definition of dependent, workman, partial disablement and total disablement

Employer's liability for compensation

Employer's Liability when employee is employed under any contract or is engaged independently or by an independent contractor

Amount of Compensation

### **Unit-IV: Factories Act, 1948 & Maternity Benefits Act, 1961**

Concept of "factory", "manufacturing process" "worker" and "occupier"

General duties of occupier

Measures to be taken in factories for health, safety and welfare of workers

Working hours for adults

Maternity Benefits Act: Aims and Objects & Application, Definitions, Restriction of work, Right to Payment, Forfeiture of Maternity Benefits (v) Other Provision (Leaves etc.), Authorities, Powers & Duties of Inspectors and Penalty

### **Text Books**

S.C. Srivastava, Labour Law and Industrial Relations, Vikas Publishing House, 2012.

S.K. Puri, Labour and Industrial Laws, Allahabad Law Agency, 2017.

G.B. Pai, Labour Law in India, Butterworths, 2001.

V.G. Goswami, Labour Law and Industrial Law, Central Law Agency, 2019.

### **Reference Books**

S.N. Misra, Labour and Industrial Law, Central Law Agency, 2020.

O.P. Malhotra, Industrial Disputes Act, Vol. I & II, Lexis Nexis, 2020.

Indian Law Institute – Cases and Materials on Labour Law and Labour Relations, Indian Law Institute, 2007.

**LL.B. Semester–VI**

**Paper: XXVII**

**M.M:100**

**Code: 106112**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Environmental Law**

### **Objectives of the Course**

1. To acquaint students of Indian approach to the problem of environmental pollution.
2. To explore the international obligations of the country for protection of environment.
3. To make the students aware about the legislative measures for protection of environment and spirit of Indian Constitution for protection of environment.
4. To make students understand the activist role played by Indian Judiciary in protection of environment and evolution of different principles such as polluter pay principle, precautionary principle, inter-generational equity and sustainable development.

### **Outcomes of the Course**

Students will be able to:

1. Understand and explain the importance and basic principles of environmental law in India with current developments.
2. Analyze the social, historical, constitutional and legal developments on environmental law in India vis-a-vis international developments in the field.
3. Comprehend and appreciate the applicable legal regime specifically legislated for environmental protection and pollution in India.
4. Understand and appreciate the structure, functioning and jurisprudence of Special Courts and Tribunals in India on environmental issues.



## **Course Content**

### **Unit-I: Concepts of Environmental Protection**

Environmental Protection & its Importance, Global Warming and Depletion of Ozone Layer, Constitutional Provision and Environment Protection in India, Sustainable Development, International Concern for Environment Protection and Role of Judiciary in India, WTO and Environment Protection.

### **Unit-II: Environmental Legislations**

Environmental Protection Act 1986  
The National Green Tribunal Act, 2010  
Hazardous Waste Management Rules, 2016

### **Unit-III: Air and Water Legislations**

Water (Prevention and Control of Pollution) Act 1974  
Air (Protection and Control of Pollution) Act 1981

### **Unit-IV: Wildlife and Forest Legislations**

Wildlife (Protection) Act 1972  
Forest (Conservation) Act 1980  
Indian Forest Act, 1927.

### **Text Books**

S.C. Shastri, Environmental Law, Eastern Book Company, Lucknow, 2005  
I.A. Khan, Environmental Law, Central Law Agency, Allahabad, 2002  
Amod S. Tilak, Environmental Law, Snow White Publication, Mumbai.  
Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, New Delhi, 2005  
Maheshwara Swamy, Textbook on Environmental Law, Asia Law House, Hyderabad, 2008  
P Leelakrishnan, Environmental Law in India, Lexis Nexis, New Delhi, 2005  
S. Shantakumar, Introduction to Environmental Law, Wadhwa & Company, Nagpur, 2005

### **Reference Books**

Indra Priya, Environmental Law sustainable Development Asia Law Agency, 2010  
K. Uma Devi, Sustainable Development, Asia Law House, 2010  
Ratan Joshi, Environmental Study, Sahitya Bhawan Publication, Allahabad, 2019  
Philippe Sands, Principles of International Environmental Law: Frameworks, Standards and Implementation, Cambridge University Press, 2003  
Stuart Bell & Donald Me Gillivray, Environmental Law – The Law and Policy Relating to the Protection of the Environment, Oxford University Press, 2006  
Daniel Budansky, The Art and Craft of International Environmental Law, Harvard University Press, 2010

**LL.B. Semester–VI**

**Paper: XXVIII**

**M.M:100**

**Code: 106113**

**Theory:70**

**Credit:4**

**Sessional:30**

## **Principles of Taxation**

### **Objectives of the Course**

1. To analyse the basics of Income Tax Laws.
2. To apply the basics of heads of Incomes and computation procedures.
3. To explanation of legal solution for the problems relating to computation of Heads of Incomes and computation procedures.
4. To elucidate Tax authorities and recovery of taxes.

### **Outcomes of the Course**

Students will be able to:

1. Explain canon of taxation including exemption & deductions of taxes.
2. Apply general principles of Heads of Incomes and its computational procedures on Assesses.
3. Evaluate basic concepts of Tax Authorities and Recovery of taxes.
4. Design a tax-payer friendly modality for practical and procedural legal issues, involve under taxation system.

### **Course Content**

#### **Unit-I: Introduction**

Definitions.

Basis of Incomes- Charge of Income Tax, Scope of Total Income, Residential Status of an Assessee, Income deemed to accrue or arise in India and Foreign Income & its taxability.

#### **Unit-II: Incomes which do not form part of Total Income**

Incomes not included in total income.

Special provision in respect of newly established industrial undertaking in free trade Zone.

Special provision in respect of newly established hundred percent export-oriented undertaking

Income from property held for charitable or religious purpose.  
Income of trusts or Institutions from contributions.  
Section 11 not to apply in certain cases.  
Special provisions relating to incomes of Political parties.

### **Unit-III: Heads of Income**

Salaries  
Income from House Property  
Profit and Gains of Business or Profession Capital Gains  
Income from other sources.

### **Unit -IV: Tax Authorities**

Powers and Procedures for adjudication & settlement, Collection and recovery of Taxes Appeal, Reference and Revision.  
Constitutional framework for GST and Salient Features of Goods & Services Laws.

### **Text Books**

Pradeep S Shah, Taxmann's Master Guide to Income Tax Act, Taxmann Publications Pvt.. Ltd., 2021  
H.C Mahrotra, Income Tax Law, Sahitya Bhawan Publications, 2020  
Singhania, BK: Students Guide to Income Tax including GST, Taxmann Publications Pvt.Ltd.,2021  
Vinod K Singhania, Taxmann's Direct Taxes Law, Taxmann Publications Pvt.Ltd., 2021

### **Reference Books**

Girish Ahuja, Ravi Gupta, Systematic Approach to Income tax, Wolters Kluwer India Pvt. Ltd., 2019  
Vinod K Singhania, Direct Taxes & Practice, Taxmann Publications Pvt.Ltd., 2021  
Arvind P. Datar, Palkhiwalas' The Law and Practice of Income tax , 2 Vol., Lexis Nexis, 2014  
Dr. P.K. Jain, Income Tax Law and Accounts, SBPD Publishing House, 2020

**LL.B. Semester–VI**

**Paper: XXIX (A)**

**M.M:100**

**Code:106411**

**Theory:70**

**Credit-4**

**Sessional:30**

## **Intellectual Property Rights Law**

### **Objectives of the Course**

1. To introduce fundamental aspects of Intellectual property Rights to students.
2. To disseminate knowledge on copyrights and its related rights.
3. To disseminate knowledge on patents, patent regime in India and abroad.
4. To disseminate knowledge on trademarks.

### **Outcomes of the Course**

Students will be able to:

1. To get an adequate knowledge on patent and copyright for their innovative research works.
2. Interpret the conceptual basis of legal principles with comparative analysis.
3. Research, analyse, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

### **Course Content**

#### **Unit-I: IPR and International Conventions**

Basic concept of IPR, The meaning of Intellectual property, Nature, the forms of intellectual property, 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

#### **Unit-II: Copyright Act, 1957**

Historical evolution of the copyright law in India, Meaning and Nature of copyright, Copyright in literacy, dramatic and musical works, Copyright in sound records and cinematograph films, Registration Procedure, Ownership of copyright, Assignment and licence, Copyright authorities, Performer's Right, Author's Special Right, Infringement of Copy right and remedies including Anton Pillor, injunctive relief in India

### **Unit-III: Patents Act, 1970**

Concepts and Historical view of the patents, Nature and object of patent law and its scope in India; Elements of Patentability: Novelty, Non Obviousness (Inventive Steps), Industrial Application, Non-Patentable Subject Matter, Process of obtaining a patent: application, examination, opposition and sealing of patents: general introduction, Prior publication or anticipation, Procedure for filing patents, Rights and obligations of a patentee, Compulsory licences, Infringement, defences, Injunctions, Remedies & Penalties - Patent office and Appellate Board

### **Unit-IV: Trade Marks Act, 1999**

Concept of Trademarks - Different kinds of marks (brand names, logos, signatures, symbols, well known marks, certification marks and service marks) - Non Registrable Trademarks - Registration of Trademarks - Rights of holder, assignment and licensing of marks, Passing off and infringement, Remedies & Penalties - Trademarks registry and appellate board

### **Text Books**

W.R Cornish, Intellectual Property, Patents, Trademarks, Copy Rights and Allied Rights Asia Law House, 2019

Vikas Vashishth, Law & Practice of Intellectual Property Bharat Law House, 2002

P. Narayanan, Intellectual Property Law, Eastern Law House, 2020

Bibeck Debroy (ed) Intellectual Property Rights Rajiv Gandhi Foundation, 2004

W.R. Cornish, Intellectual Property, Sweet and Maxwell, 2007

M.K. Bhandari, Law relating to Intellectual Property Rights, Central Law Publication, 2021

### **Reference Books**

P. Neeraj, & Khusdeep, D. Intellectual Property Rights, India, IN: PHI learning Private Limited, 2014

B.L. Wadhera, Patents, trademarks, copyright, Designs and Geographical Judications, Universal Law Publishing, 2007

A. K. Yadav, Copyright in Digital Era, Scholar's Press, 2014

Ahuja, V K. Law relating to Intellectual Property Rights. India, IN: Lexis Nexis. 2017

Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012

**LL.B. Semester-VI**  
**Code:106412**  
**Credit:4**

**Paper: XXIX (B)**

**M.M:100**  
**Theory:70**  
**Sessional:30**

## **Health Care Laws**

### **Objectives of the Course**

1. To develop basic understanding of the Health Law.
2. To contextualize the constitutional dimension to 'right to health', obligations of medical professionals and complex issues such as 'consent', 'confidentiality' and 'medical negligence.
3. To acquaint the students with both the conceptual and practical application of medico-legal guidelines, medical ethics and develop effective strategies to prevent and defend medical negligence litigation.
4. To enable the students to apply the knowledge in legal practice.

### **Outcomes of the Course**

Students will be able to:

1. Understand the basic rules and doctrines of Health Law.
2. Understand the importance of the values and policies underlying Health law.
3. Research, analyse, rationalize and present effectively.
4. Apply the Health law to real-world problems.

### **Course Content**

#### **Unit-I: Introduction**

- a. Healthcare as an issue at the national and international level
- b. Constitutional provisions:  
Right to Health as a Fundamental Right; Remedies available under the Indian Constitution;  
Right to health vis-à-vis the right to confidentiality; Access to medical records
- c. National Health Policy
- d. Medical insurance
- e. Medical Ethics & Etiquettes

#### **Unit-II:**

- a. Problem of Drug Abuse & Drug Addiction Causes,
- b. Consequences & Remedial Measures
- c. The Problem of AIDS and its Socio-Medico Legal Aspects

### **Unit- III:**

#### **a. Medical Negligence**

Essential features of Medical Negligence; Role of consent in medical practice; Confidentiality and medical practice; Error of judgment and gross negligence; Wrongful diagnosis and negligent diagnosis

#### **b. Remedies for Medical negligence**

Law of Torts; Law of Crimes; Consumer Protection Law

### **Unit-IV:**

Legal Regulation of Transplantation & Human Organs  
Legal Regulation of Prenatal Diagnostic Techniques  
Medical Termination of Pregnancy, Artificial Insemination  
Reproductive technology – surrogate motherhood

#### **Bare Acts**

The Drugs and Cosmetics Act, 1940

The Indian Medical Council Act, 1956

The Indian Medicine Control Council Act, 1970

Medical Termination of Pregnancy Act, 1971

Transplantation of Human Organs Act, 1994

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

Vijay Malik, Drug and Cosmetic Act, 1940

#### **Text Books**

Anoop K. Kaushal, Medical Negligence & Legal Remedies, Universal Law Publishing, 2016

Jagdish Singh, Medical negligence & Compensation, Bharat Law Publications, 2014

P.K. Dutta, Drug Control, Eastern Law House, 2003

#### **Reference Books**

Jonathan Herring, Medical Law and Ethics, Oxford University Press, 2020

S. V. Joya Rao, Current Issues in Criminal Justice and Medical Law, Eastern Law House, 1999

**LL.B. Semester–VI**  
**Code:106413**  
**Credit-4**

**Paper: XXIX (C)**

**M.M:100**  
**Theory:70**  
**Sessional:30**

## **Private International Law**

### **Objectives of the Course**

1. To introduce the concepts of jurisdiction, choice of law and the recognition and enforcement of judgments and their role in the reconciling conflict of laws.
2. To make students familiar with the concept of adoption and family law matters and their interface with the principles of private international law.
3. To develop the ability to apply the knowledge gained through this course in relevant cases and identify solutions.

### **Outcomes of the Course**

Student will be able to:

1. Understand the principles of conflict of laws and its application in cases involving foreign element.
2. Apply the principles of conflict of laws in relation to the Indian legal mechanism and its practices.
3. Analyze the issue of jurisdiction and application of foreign laws in a case where foreign element are involved.

### **Course Content**

#### **Unit-I: Introduction**

Application and subject matter of Private International Law, Hague Convention on Private International law.

Distinction with Public International Law,

Characterization and theories of characterization,

Concept of Renvoi, Double Renvoi (Doctrine of Court)

Application of foreign law.

Domicile



Jurisdiction of courts, Introduction to *lex-loci* and *lex-fori* concepts.  
Depeceage

### **Unit-II: Family Law matters**

Material and formal validity of marriage under Indian and English law.  
Hague Convention on Recognition of Divorces and Legal Separations and Civil Abduction  
Aspects of Child abduction Bill 2016, India.  
Choice of law and jurisdiction of courts in matrimonial causes: dissolution of marriage,  
grounds of divorce, restitution of conjugal rights, recognition of foreign judgments.

### **Unit – III: Adoption**

Recognition of foreign adoptions, Hague Convention on Protection of Children and Co-  
operation in Respect of Inter country Adoption.  
Hague Conference on Private International Law on Family Law, and Child Abduction  
Convention.  
Adoption by foreign parents.  
Jurisdiction under Indian and English law.

### **Unit – IV: Indian Law relating to foreign judgment**

Basis of recognition, recognition.  
Finality, Failure.  
Recognition and enforcement for foreign arbitral awards.  
Direct execution of foreign decrees.

### **Bare Acts**

Civil Procedure Code, 1908  
Indian Succession Act, 1925

### **Text Books**

North and Fawcett, *Cheshire and North's Private International Law*, 13<sup>th</sup> ed., Butterworths: New  
Delhi, 1999

### **Reference Books**

Abla Mayss, *Principles of Conflict of Laws*, 3<sup>rd</sup> ed. Cavendish Publishing Ltd., U.K., 1999  
John O'Brien, *Smith's Conflict of Laws*, Cavendish Publishing Ltd., U.K., 1999  
Nandan Kamath, *Law Relating to Computers Internet and e-commerce*, Universal Law Publishing,  
New Delhi, 2001  
Paras Diwan and Peeyushi Diwan, *Private International Law*, 9<sup>th</sup> ed., Deep and Deep Publications,  
Delhi, 1998

**LL.B. Semester–VI**

**Paper: XXX**

**M.M:100**

**Code:106811**

**Project/File+Vivavoce=60+10=70**

**Credit:4**

**Sessional=30**

### **Moot Court Exercise and Internship (Clinical/Practical Paper)**

#### **Objectives of the Course**

1. To promote the growth and knowledge of practical skills in students.
2. To develop the ability in students in researching and arguing.
3. To make the student understand and appreciate court room mannerisms.
4. To expose students as nearly as possible to court room situations.
5. To develop in them subtle techniques to interview clients.

#### **Outcomes of the Course**

Student will be able to:

1. Participate in Intramural and Intermural moot court competitions.
2. Demonstrate the skills set for effective argumentation.
3. Identify legal issues and address them.
4. Learn to work in teams and develop the co-operative nature essential for then legal practice.
5. Interview clients and advise them on the procedural aspects of litigation, costs and possible legal and social consequences.

This paper will have three components of 20 marks each, which will be prepared by the student in the form of a project/file. The fourth component of this paper will be viva-voce examination of 10 marks. There will also be a sessional examination of 30 marks conducted by the department/college.

#### **(A) Moot Court**

Every student will do at least two moot courts during this semester 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 (to be recorded in a diary of the sessional work) and 5 marks for oral Advocacy.

**(B) Observance of Trial in two cases – One Civil and One Criminal**

Students will attend two trials in the VI Semester. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. Every student will attend the court for two weeks in the whole semester. This scheme will carry 20 marks.

**(C) Internship/Interviewing techniques and Pre-trial preparations**

This part will require the students to be attached with a practicing lawyer of at least 10 years practice. Preparation of this has to begin from the first semester. Each student is required to spend at least one month doing internship during the summer vacation/winter break etc. Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceeding in a diary which will carry 10 marks. Each student will further observe the preparation of documents and court papers by the advocates and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 10 marks.

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