



Meeting No. 07

meeting No. 07

APPU

DATE

PAGE 16

Board of Studies Ref. No. 2017/1050 dated 04/08/2017

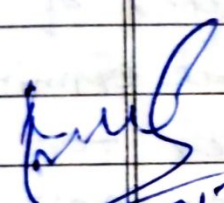
The meeting of Board of Studies Department of Law (School of Law) was held on 21.8.2017 at the office of Dean, Birsa Campus, Sinagar Garhwal. Following members were present in the meeting;

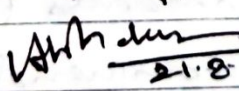
1. Prof. A.K. Pandey Dean & Head Atk/ndm
21.8.17
2. Prof. S.C. Gupta member Kull
3. Prof. Sunil Deshta Expert member Sunil Deshta
21.8.17
4. Prof. S.D. Timwari member 21.08.17
5. Prof. B.K. Agarwal Member 21/8/17
6. Dr. S.K. Chaturvedi member

The committee approved the following :-

1. Minutes of last meeting dated 26.8.2016 is approved.
2. The Annual Progress Report submitted by Mr. Rajesh Kumar Dube on the topic "Ninth schedule of the Indian Constitution: Its Ramifications for the period 2016-17 under the supervision of Prof. Ashok Kumar Pandey is approved by BOS (Progress Report attached).
3. The Annual Progress Report submitted by Km. Arti on the topic "Utilitarianism As a Base of Legal System: An Analysis for the period of 2016-17 under the supervision of Prof. Subash Chandra Gupta is approved by BOS (Progress Report attached)
4. The list of examiners / paper setters already submitted by the convenor for the course LL.B. B.A. LL.B., LL.M. is approved.

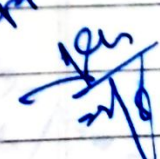
- 5. The convener of BOS is authorized to prepare and submit the list of paper setters / Examiners for the classes LL.B., B.A. LL.B. and LL.M. for the session 2017-18.
- 6. The BOS ~~approved~~ ^{discussed} the minor changes in the paper Corporate Laws of LL.M. 12th Semester which will be applicable from the session 2017-18. Amended copy of syllabus of corporate law will be put up before BOS in next meeting for the approval of BOS.


 21.8.17
 Convener & Dean Law
 21/8/17
 Sunil Desai
 21/08/2017
 Expert Member
 21.8.17

Hon'ble V.C. for approval

 21.8.17
 Dean school of Law

JK to examine

du 21/8/17
 49.

We may approve.

 21/8

For approval of
 du 21/8
 30/8

Hon'ble V.C.
 pro.

Meeting No. (11)

APPU

DATE

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Board of Studies Ref. no. 4th / 21/10/2019 / 538
Dated: 16/05/2019

The meeting of Board of Studies, Department of Law (School of Law) was held on 22-05-2019 in the Economics Department, HNBRW, Srirangapatna.

Following members were present:

1. Prof. S.C. Gupta, Head & Convener
2. Prof. R.S. Negi
3. Prof. Rakesh Bahuguna
4. Dr. J.S. Chaudhary
5. Dr. Vishal Guleria

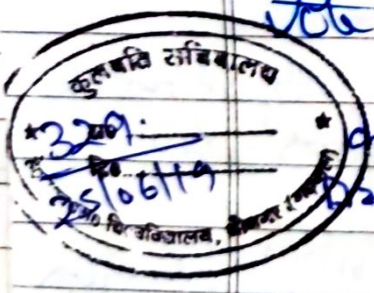
The committee approved the following:

1. The minutes of the last meeting dated 10-09-18 is approved.
2. The ~~3~~ ³ ~~six~~ ^{six} monthly progress reports submitted by Mr. Ashok Kumar Yadav dated 22-11-2017 to 21-05-2019 on the topic "Liability of State in Government Contract: A Study with Special Reference to India" under the supervision of Prof. Ashok Kumar Pandey is approved by BOS (3-Progress report attached)
3. The ~~3~~ ³ ~~six~~ ^{six} monthly progress reports submitted by Ms. Himani Bhatt dated 23-11-2017 to 22-05-2019 on the topic "The Emerging Menace of Revenge Pornography: Legal Perspective and Challenges" under the supervision of Dr. Vishal Guleria is approved by BOS (3-Progress Report Attached)

4. The 3 six-monthly progress reports submitted by Mr. Anish Kumar Babu dated 23-11-2017 to 22-05-2019 on the topic "Changing Dimensions of Right to Privacy: A Study with Special Reference to India" under the supervision of Dr. Sudhir Kumar Chaturvedi is approved by BOS. (3-Progress report attached)
5. The 3 six-monthly reports submitted by Ms. Sumera Azeeshi dated 23-11-2017 to 22-05-2019 on the topic "Role of Forensic Science in Criminal Investigation in India" under the supervision of Dr. Ramprakash is approved by the BOS (3-Progress report attached)
6. The details of seat distribution in department of Law, HNB Garhwal University is as follows:
- a) LL.B. (Three year & six sem.) - 80 seats in BKR campus, Pauri & 80 seats in SRT Campus, Tehri.
 - b) LL.M. (Two year & four sem. self finance course) 20 seats in BKR campus and 20 seats in SRT campus, Tehri.
- It is submitted to DSW, HNBRW, Shimoga as per the directions of the MHRI and the University regarding 10% reservation under Economically Weaker Section (EWS).
7. BOS agreed to offer the SWAYAM MOOC courses, with the condition that if a course of SWAYAM MOOC matches

with the prescribed syllabi by more than 80%. then it can be offered to the students for credit transfer. (20% of total credits limit). The list of courses offered for credit transfer shall be notified to the students and SWAYAM Co-ordinator every semester by the convenor BOS.

8. The interviews in the form of Power point presentation for admission in Ph.D. in the course of law were held today on 22-05-2019 in the department of Economics, HNBAU, Shriroga, Chikballa. The list of selected candidates with documents has been submitted to Joint Registrar, Academics. Out of a total of 14 qualified candidates, only six (6) reported to the members of BOS. Meeting is concluded with vote of thanks.



Prof. J.S. Chandpuri

Prof. Rajesh Bahuguna

Prof. R.S. Megri

Dr. Ishal Arora

For approval of members
[Signature]

22.05.2019
Head & Convenor. BOS
Dept. of Law

Approved
27.6.2019
[Signature]
List of M.S. also needs to be approved
27.6.2019

The meeting of Board of Studies, Department of Law (School of Law) was held on 16.9.2019 in the Registrar Meeting room, HNBGU, Srinagar Garhwal at 10.00 am.

Following members were present:

1. Prof. AK Pandey, Dean School of Law
2. Prof. BK Agrawal Head-Eco, Tehri Campus 16.09.19
3. Prof. MM Semwal, Deptt. Pol. Sc. HNBGU
4. Dr. Ram Prakash, Asstt. Prof. Law, Pauri
5. Dr. RK Dube, Deptt. of Law, DAV College, Dehra
6. Prof Subhash C Gupta, Head & Convener Law Dept

The Committee approved the following:

1. The minutes of the last meeting dated 16.5.19 is approved
2. Programme Outcomes of LLB and LLM programmes of School of Law, HNBGU are approved.
3. Course Outcomes of LLB and LLM programmes of School of Law, HNBGU are approved.
4. List of experts is approved.
5. Minor changes incorporated in paper namely 'Offences Against Children and Juvenile offences' Paper : XXVI of LLB, V Semester (Code : SOL / LLB / E-05) is approved & applicable from session 2020-21.
6. The Convener of BOS is authorised to prepare and submit list of Paper Setters / Examiners for the classes LLB / B.A. LLB / LLM & PHD.

Meeting is concluded with note of thanks

Approved
16.9.19
To
Dr (Academics)

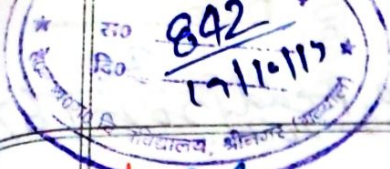
AK Pandey
16-9-19
Dean Law

M. M. Semwal
16.09.19

R. K. Dube
16.9.2019
Head Convener BOS

R. K. Dube
16/9/19

16.9.19



C.A may kindly consider and approve resolutions passed by BOS. Agenda point no 5 needs to be placed before SB by consensus of BOS, Law Dept

Refintan *[Signature]*

[Signature]
17/10/19

Honble VC

[Red mark] Approved

Checked
2.10.2019

Meeting No. 13

Board of Studies Unit letter No. Head/2020/67
Dated: 18.02.2020.

APPU

DATE

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The meeting of Board of Studies, Department of Law (School of Law) was held on 26/27.02.2020 in the Dean's Office Meeting Room, Birla Campus, HNBCU, Srinagar Garhwal at 10.30 am.

Following Members were present -

1. Prof. A.K. Pandey, Department of Law
SRT Campus, Badshahi Thaul, Tehri Garhwal *[Signature]*
2. Prof. B.K. Agrawal, Head, Dept. of Eco
SRT Campus, Badshahi Thaul, Tehri Garhwal *[Signature]*
3. Prof. M.M. Senwal, Head, Dept. of Pol. Sc.
Birla Campus Srinagar Garhwal *[Signature]* 26.2.20
4. Prof. Rajesh Bahuguna, Dean, Law College
Uttaranchal University, Dehradun *[Signature]*
5. Dr. Ram Prakash, Asstt. Prof. Dept. of Law
BGR Campus, Pauri Garhwal. *[Signature]* 26/2/20
6. Prof. Subhash Chandra Gupta, Dean & Head - Law
Convener BOS, BGR Campus, Pauri Garhwal. *[Signature]*

The Committee approved the following -

1. The Minutes of the last meeting dated 16.09.2019 is approved.
2. The minutes of the BOS meeting dated 16.09.2019 including agenda point No. 5 is placed and approved by the School, Board meeting on 16.09.2019 at 3.00 pm.
3. The interviews of Candidates for admission in Ph.D. in the course of Law for School of Law HNBCU

[Signatures]

were held. Total 43 candidates (04 JRF, 17 NET and 22 Entrance) list was provided by the University for interview. After interview & presentation by the candidates, only 06 candidates (02 UR, 02 OBC, 01 SC & 01 EWS) were selected out of total 18 present & appeared for interview. Waiting list is also prepared. List of selected & waiting candidates with certificates and outline proposals are enclosed with this register minutes and submitted to the section.

4. Following existing Ph.D. students in Law submitted their progress reports from the period of 23.05.2019 to 22.11.2019 duly forwarded by their Supervisors.

- (i) Himani Bisht, SRT Campus, Tehri Garhwal (Supervisor Dr. Vishal Guleria)
- (ii) Avinash K. Babu, SRT Campus, Tehri Garhwal (Supervisor Dr. SK Chaturvedi)
- (iii) Alok Kumar Yadav, SRT Campus, Tehri Garhwal (Supervisor Prof. AK Pandey)

BOS approved progress report of all above candidates and reports enclosed here with.

5. In compliance of University letter 2781016/2020/49 dated 11.11.2020 relating to adding two credit course in the Ph.D. course is approved as follows with the decision in the Deans meeting on 24.02.2020 under the Chairmanship of Prof. AR Nautiyal - Total credit 15 in Ph.D. course

Core Course (A)

- (i) Research Methodology - 04 credit
- (ii) (a) RPE - 02 credit
- (b) Legal Theories & Concepts - 01 credit

Elective papers (B)

- (i) Const. Law of India - 04 credit
- (ii) Administrative Law - 04 credit.

(Handwritten signatures and initials)

6. In compliance of University letter 27/2/20/5) दिनांक 12. मार्च 2020 relating to constitute a Committee on plagiarism. BOS suggest to constitute the Committee with following members —
- (a) Chairman - Head of the Dept. of Law
 - (b) Prof. BK Agrawal, Head - Eco. SRT Campus, Tehri
Prof. MM Semwal, Head Pol. Sc. Birla Campus, Srinagar
(one is nominated by the Honorable V.C.)
 - (c) MR. MS Rana, Librarian, Central Library, Srinagar
7. BOS approved Supervisors for following Ph.D. Students —
- (i) Yogesh Khandwal - Prof. SC Gupta, BGR Campus, Pauri
 - (ii) Amresh Rawat - Dr. Ram Prakash, BGR Campus, Pauri
8. On the request of Director SRT Campus, Tehri Prof. AA Borai, BOS recommend the proposal for establishment of B.A.LL.B. Course five year Integrated Course in the Department of Law, SRT Campus, Tehri. Proposal copy is enclosed here with.
Meeting is concluded with vote of Thanks.

[Signature]

[Signature]
27.02.2020
27.02.2020

[Signature]
27.2.2020
Convener BOS

Prof. (Dr.) Rajendra Bahuguna
Principal & Dean
Law College of Shri
Uttanchal University
Dehra Dun.

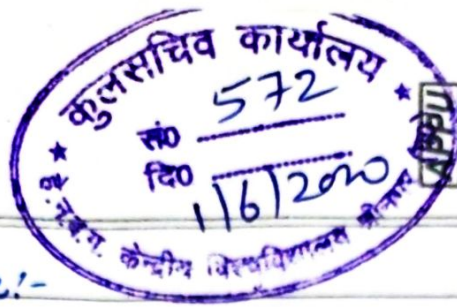
[Signature]
27.2.20

Forwarded to Dean
[Signature]
27.2.2020 Dean

पाठ्यक्रम समिति निधि की बैठक जिसके
27.2.2020 में निर्णय लिए गए निर्णयों में से
एक संकेत सूचना बोर्ड में रखी जाना है, यह
कि BOS से लेखित है।

डा. माननीय कुलपति जी के आभारों के साथ
[Signature]
14/3

08.
03/06/20



DATE

PAGE 33

From page:-

-A

Resolution no 5,648 needs to be put up before School Board.

Minutes of BOS are submitted for kind consideration and approval please.

Hand
14/5/20

Registrar

16/06/2020

Hon'ble VC

A Approved
Charit
5.6.2020

A meeting of Board of Studies of Department of Law was held through online mode on 20 December, 2021. The following members were present in the meeting.

1. Prof. A. K. Pandey, Convenor, Board of Studies (BOS)
Department of Law, SRT Campus, Badshahithaul, Tehri
2. Prof. S.C. Gupta
Department of Law, BGR Campus, Pauri
3. Prof. Sunil Deshta, (External Expert)
Department of Laws, Himachal Pradesh University, Shimla
4. Prof. Raman Mittal (External Expert)
Professor -in-Charge, Campus Law Centre, Delhi University, New Delhi
5. Prof. M.M. Semwal
Department of Political Science, Birla Campus, Srinagar, HNBSGU
6. Dr. Mamta Rana
Associate Professor, Department of Law, SRT Campus, Badshahithaul
8. Dr. Alok Yadav
Assistant Professor, Department of Law, SRT Campus, Badshahithaul, Tehri
8. Dr. Anju Rani
Assistant Professor, Department of Law, Gopeshwar Law College

Minutes of the Meeting

Agenda No. 1: Welcome of the members and announcements, if any.

At the outset Prof. A.K. Pandey, Convener, Board of Studies welcomed all the Hon'ble members of BOS. He further read the agenda of the present meeting. Thereafter following decisions were unanimously taken in the meeting and forwarded for submission to the competent authority for further approval.

Agenda No. 2: To consider and confirm the minutes of the previous meeting of BOS held on 25 August 2021

Prof. A.K. Pandey, Convener, Board of Studies read out the minutes of the previous meeting of BOS held on 25 August 2021.

Decision: All the Hon'ble Members of Board of Studies present unanimously confirmed the minutes of the previous meeting of BOS held on 25 August 2021.

Agenda No. 3: To consider and approve the proposed grid and revised syllabus of LL.B. three years (six semesters) course with objectives and outcomes also the newly introduced courses applicable from the academic session 2022-23.

Decision: After a detailed discussion all the Hon'ble Members of Board of Studies present unanimously approved the revised syllabus with objectives and outcomes applicable from the academic session 2022-23. (Rules, Course Structure and Syllabus attached)

Agenda No 4: To consider and approve the Learning Outcomes based Framework of LL.B., LL.M. and Ph.D. Programmes.

Decision- All the Hon'ble Members of Board of Studies present unanimously approved the Learning Outcomes Based Framework of LL.B., LL.M. and Ph.D. programmes. (LOCF document attached)

Agenda No. 5: To consider and approve the proposed One Year Certificate Course on Cyber Laws proposed to be offered from the academic session 2022-23.

Decision- All the Hon'ble Members of Board of Studies present unanimously approved the One Year Certificate Course on Cyber Laws proposed to be offered from the academic session 2022-23 along with its rules and syllabus. (Rules, Course Structure and Syllabus attached)

The Meeting ended with a Vote of Thanks by Prof. Subhash Chandra Gupta.

Forwarded to Hon'ble Vice-Chancellor
for Approval

Aminder
21-12-2021
Dean, School of Law
H.N.B. Garhwal University

पाठ्यक्रम समिति की बैठक दि. 20-12-21 में
 सभी सद. 15.0.5. से संलग्न है, सद. 10-03
 04.05 स्कूल बोर्ड की बैठक दि. 21-12-2021
 में अनुमोदन के पश्चात् माननीय कुलपति
 महोदयों के अनुमोदनार्थ प्रस्ताव

S.O. | 24-12-2021

AR 24/12/2021

अनुमोदनार्थ
28/12/21
 DR (Acad)

Submitted for kind consideration on
 'x' above please.

Registrar 29/12/21
29/12/2021

Hon. VC

Approved as per rule and by pass

4.1.2022

**Department of Law
H.N.B. Garhwal University, Srinagar (Garhwal)**

**Minutes of Board of Studies convened on 25 August, 2021
Medium: Online (Google Meet)**

A meeting of Board of Studies of Department of Law was held through online mode on 25 August, 2021. The following members were present in the meeting.

1. Prof. A. K. Pandey, Convener, Board of Studies (BOS)
Department of Law, SRT Campus, Badshahithaul, Tehri
2. Prof. S.C. Gupta
Department of Law, BGR Campus, Pauri
3. Prof. Sunil Deshta, (External Expert)
Department of Laws, Himachal Pradesh University, Shimla
4. Prof. Raman Mittal (External Expert)
Professor -in-Charge, Campus Law Centre, University of Delhi, New Delhi
5. Prof. R.N. Gairola
Department of Political Science, Birla Campus, Srinagar, Garhwal
6. Prof. Subodh Kumar
Department of Commerce, SRT Campus, Badshahithaul, Tehri
7. Dr. Mamta Rana
Associate Professor, Department of Law, SRT Campus, Badshahithaul, Tehri
8. Dr. S.K. Chaturvedi
Assistant Professor, Department of Law, SRT Campus, Badshahithaul, Tehri
8. Mr. Rajesh Kumar
Assistant Professor, Department of Law, Govt. Law College, Gopeshwar

Minutes of the Meeting

Agenda No. 1: Welcome of the members and announcements, if any.

At the outset Prof. A.K. Pandey, Convener, Board of Studies welcomed all the Hon'ble members of BOS. He further read the agenda of the present meeting. Thereafter following decisions were unanimously taken in the meeting and forwarded for submission to the competent authority for further approval.

Agenda No. 2: To consider and confirm the minutes of the previous meeting of BOS held on 08 March, 2021

Prof. A.K. Pandey, Convener, Board of Studies read out the minutes of the previous meeting of BOS held on 08 March, 2021.

Decision: All the Hon'ble Members of Board of Studies present unanimously confirmed the minutes of the previous meeting of BOS held on 08 March, 2021.

Agenda No. 3: To consider and approve the Memorandum of Understanding (MOU) between ZEST IP consultants and Department of Law, SRT Campus, Badshahithaul, Tehri Hemvati Nandan Bahuguna Garhwal University.

Decision: After a detailed discussion all the Hon'ble Members of Board of Studies present unanimously approved the MOU between Zest IP consultants and Department of Law, SRT Campus Badshahithaul, Tehri.

Agenda 4: To consider and approve the names of paper setters/examiners for the academic session 2020-2021 for LL.B., BA.LL.B. and LL.M. courses and to authorize the Convener to submit the names of the paper setters/examiners for the academic session 2021-22

Decision: All the Hon'ble Members of Board of Studies present unanimously approved the names of paper setters/examiners for the academic session 2020-2021 and authorized the convener to submit the names of the paper setters/examiners for the academic session 2021-2022.

Agenda No 5: To Consider and approve the synopsis of Research Scholars namely:

- a. Anuj Kumar Sinha under the supervision of Prof. (Dr.) Ashok Kumar Pandey, Department of Law, SRT Campus, Badshahithaul, Tehri, submitted his synopsis for research work on the topic- "Combating Cartelization and Bid-Rigging: A Critical Study with Reference to The Competition Act, 2002". The Presentation of the Synopsis was made through PowerPoint (PPT) before the BOS.

Decision: The BOS approved the Synopsis.

- b. Devendra Mani Mishra under the supervision of Dr. Vishal Guleria, Department of Law, SRT Campus, Badshahithaul, Tehri, submitted his synopsis for research work on the topic- "Sedition Law and the Freedom of Expression in India: A Study of the Legal Perspectives" The Presentation of the Synopsis was made through PowerPoint (PPT) before the BOS.

Decision: The BOS approved the Synopsis.

- c. Manoj Yadav under the supervision of Dr. S.K. Chaturvedi, Department of Law, SRT Campus, Badshahithaul, Tehri, submitted his synopsis for research work on the topic- "भारत में एलजीबीटी समुदाय के अधिकारों का अध्ययन: विधिक एवं सामाजिक मान्यता के सन्दर्भ में" . The Presentation of the Synopsis was made through PowerPoint (PPT) before the BOS.

Decision: The BOS approved the Synopsis.

- d. Meenakshi under the supervision of Prof. (Dr.) Subhash Chandra Gupta, Department of Law, BGR Campus, Pauri, submitted her synopsis for research work on the topic-

“Tribunalisation of Justice: An Analysis into the Efficacy of Tribunals in India”. The Presentation of the Synopsis was made through PowerPoint (PPT) before the BOS.

Decision: The BOS approved the Synopsis.

- e. Sona Dhangar under the supervision of Dr. Ram Prakash, Department of Law, BGR Campus, Pauri, submitted her synopsis for research work on the topic- “भारतीय शासन प्रणाली में न्यायपालिका की स्वतन्त्रता एवं जवाबदेही- एक समालोचनात्मक अध्ययन”. The Presentation of the Synopsis was made through PowerPoint (PPT) before the BOS.

Decision: The BOS approved the Synopsis.

- f. Tulika Dhanai under the supervision of Dr. Mamta Rana, Department of Law, SRT Campus, Badshahithaul, Tehri, submitted her synopsis for research work on the topic- “The Emerging Concerns on Legal Regulation of Organic Cosmetic Products and it’s Implications on Consumer Rights”. The Presentation of the Synopsis was made through PowerPoint (PPT) before the BOS.

Decision: The BOS approved the Synopsis.

Agenda 6: To consider, assess and approve the Six Monthly Progress Reports of the research Scholars (2017 Batch, 2018 Batch and 2019 Batch)

The following research scholars presented their progress reports before the BOS

Decision: The BOS is satisfied and it approved the following progress reports;

Batch- 2017

S.No:	Name of the Scholar	Duration of the Progress Report
1.	Sumera Qureshi	23/01/2021 to 22/7/2021 (Sixth Progress Report)

Batch- 2018

S.No:	Name of the Scholar	Duration of the Progress Report
1.	Yogesh Kandwal	08/02/2021 to 07/08/2021 (Fourth Progress Report)
2.	Amresh Rawat	08/02/2021 to 07/08/2021 (Fourth Progress Report)

Batch- 2019

S.No.	Name of the Scholar	Duration of the Progress Report
1.	Anuj Kumar Sinha	27/07/2020 to 26/01/2021 (First Progress Report) 27/01/2021 to 26/07/2021 (Second Progress Report)
2.	Devendra Mani Mishra	23/07/2020 to 22/01/2021 (First Progress Report) 23/01/2021 to 22/07/2021 (Second Progress Report)
3.	Manoj Yadav	30/07/2020 to 29/01/2021 (First Progress Report) 30/01/2021 to 29/07/2021 (Second Progress Report)
4.	Meenakshi	08/08/2020 to 07/02/2021 (First Progress Report) 08/02/2021 to 07/08/2021 (Second Progress Report)
5.	Sona Dhangar	05/08/2020 to 04/02/2021 (First Progress Report) 05/02/2021 to 04/08/2021 (Second Progress Report)
6.	Tulika Dhanai	25/07/2020 to 24/01/2021 (First Progress Report) 25/01/2021 to 24/07/2021 (Second Progress Report)

After a long session the meeting ended with a vote of thanks.

Forwarded to Hon'ble Vice-Chancellor
for Approval

Arjun

26.8.2021

Dean, School of Law
H.N.B. Garhwal University

Pl. examine.
6/9/21

Shri Bish + d
7/9/2021

AR(A&N)

H1624548-1121212121

पाठ्यक्रम समिति विधि विभाग की बैठक दिनांक
25-09-2021 में मद सं- 01, 02, 04, 05, 06,
B.O.S. से संस्तुत है, शेष मद 03 स्कूल बोर्ड
में रखा जाना है,

उत्तः माननीय कुलपति महोदय के आनुमोदनार्थि

प्रस्तुत

S.O 07.9.2021

Amr
AR

AR(A)

Submitted for kind consideration on
"X" above please.

Hand
13/9/21

Registrar

16/09/21

Hon. VC

Approved as proposed on per rule
20.9.2021

कुलपति कार्यालय
462
12/9/21

कुलसचिव कार्यालय
1628
12/9/21

H.N.B. Garhwal University, Srinagar, Garhwal
School of Law
(LL.B. Three Years Course)
Applicable from Academic Session: 2015-16

Important Instructions

1. The admission to the above mentioned courses 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 under 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 (2) hours.
8. The total number of credits for LL.B. Three Year 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.

H.N.B. Garhwal University, Srinagar, Garhwal
School of Law
(LL.B Three Years Course)
Applicable from Academic Session: 2015-16

Model Question Paper

LL.B. -----Semester Examination Year-----

Paper No.

Name of the Paper

Time : Two Hours

Maximum Marks : 70

Note : Attempt any five questions from Part A (Short Answers) .Each question carries 5 marks. Attempt any Three questions from Part B(Long Answers) and each question carries 15 marks

(Part A-Short Answer Type Questions)

1. Question in Hindi medium
Question in English medium
2. Question in Hindi medium
Question in English medium
3. Question in Hindi medium
Question in English medium
4. Question in Hindi medium
Question in English medium
5. Question in Hindi medium
Question in English medium
6. Question in Hindi medium
Question in English medium
7. Question in Hindi medium
Question in English medium

(Part-B Long Answer Type Questions)

- 8. Question in Hindi medium
Question in English medium**

- 9. Question in Hindi medium
Question in English medium**

- 10. Question in Hindi medium
Question in English medium**

- 11. Question in Hindi medium
Question in English medium**

- 12. Question in Hindi medium
Question in English medium**

- 13. Question in Hindi medium
Question in English medium**

H.N.B. Garhwal University, Srinagar, Garhwal
School of Law
COURSE – STRUCTURE
LL.B. (Three Year Degree Course)
Applicable from Academic Session: 2015-16

The LL.B. Course shall be divided into six semesters. The following course of study is based on the revised guidelines of the Bar Council of India and as per Ordinances of the University.

Semester-I

Subject Code	Title of Course	Credit	Max. Marks
SOL/LL.B./ C-01	Constitutional Law-I	4	100
SOL/LL.B./C-02	Law of Contract (Contract-I)	4	100
SOL/LL.B./C-03	Law of Crimes-I (Indian Penal Code)	4	100
SOL/LL.B./C-04	Law of Torts, M V Act and Consumer Protection Laws	4	100
SOL/LL.B./C-05	English	4	100

Semester-II

Subject Code	Title of Course	Credit	Max. Marks
SOL/LL.B./ C-06	Constitutional Law -II	4	100
SOL/LL.B./ C-07	Special Contract (Law of Contract-II)	4	100
SOL/LL.B./C-08	Family Law-I (Hindu Law)	4	100
SOL/LL.B./C-09	Family Law-II (Muslim Law)	4	100
SOL/LL.B./C-10	Company Law	4	100

Semester- III

Subject Code	Title of Course	Credit	Max. Marks
SOL/LL.B./ C-11	Jurisprudence	4	100
SOL/LL.B./C-12	Property Law (T P Act and Easement Act)	4	100
SOL/LL.B./C-13	Labour and Industrial Law - I	4	100
SOL/LL.B./E-01	Land Laws Including Tenure and Tenancy System	4	100
	or		
SOL/LL.B./E-02	Law of Insurance		
SOL/LL.B./P-01	Professional Ethics and Professional Accounting System (Clinical/Practical Paper)	4	100

Semester- IV

Subject Code	Title of Course	Credit	Max. Marks
SOL/LL.B./ C-14	Administrative Law	4	100
SOL/LL.B./C-15	Environmental Law	4	100
SOL/LL.B./C-16	Labour and Industrial Law - II	4	100
SOL/LL.B./E-03	Equity, Trust and Fiduciary Relations	4	100
	or		
SOL/LL.B./E-04	Banking Law		
SOL/LL.B./P-02	Alternative Dispute Resolution (Clinical/Practical Paper)	4	100

Semester-V

Subject Code	Title of Course	Credit	Max. Marks
SOL/LL.B./ C-17	Law of Evidence	4	100
SOL/LL.B./C-18	Law of Crimes-II (Criminal Procedure Code)	4	100
SOL/LL.B./C-19	Civil Procedure Code and Limitation Act	4	100
SOL/LL.B./E-05	Offences Against Children and Juvenile Offences	4	100
	or		
SOL/LL.B./E-06	Women and Law		
SOL/LL.B./P-03	Drafting, Pleading and Conveyancing (Clinical/Practical Paper)	4	100

Semester - VI

Subject Code	Title of Course	Credit	Max. Marks
SOL/LL.B./ C-20	Interpretation of Statutes & Principles of Legislation	4	100
SOL/LL.B./C-21	Public International Law	4	100
SOL/LL.B./C-22	Principles of Taxation	4	100
SOL/LL.B./E-07	Intellectual Property Rights Law	4	100
	or		
SOL/LL.B./E-08	Human Rights Law and Practice		
SOL/LL.B./P-04	Moot Court Exercise and Internship (Clinical/Practical Paper)	4	100

Internship – Each student will have to complete minimum of 12 weeks internship for Three years course during the entire period of studies, provided that internship in any year cannot be for a continuous period of more than 4 weeks. The students may do their internship during winter and summer vacations.

LL.B. Semester – I
Code: SOL/LL.B./C-01
Credit-4

Paper : I

M. M: 100
Theory: 70
Sessional: 30

Constitutional Law-I

UNIT-I :

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
Justiciability of fundamental rights
Article 13- Doctrine of eclipse, severability, waiver, distinction between Pre-constitutional law and post-constitutional law
Article 14- Right to equality: Doctrine of reasonable classification and Principle of absence 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
Article 19(1)(a) to Article 19(1)(g)- Right to Freedoms
Article 20- Protection in respect of conviction for offences
Article 21- Protection of life and personal liberty,
Article 21-A ó Right to Education.

UNIT – IV : Fundamental Rights

Article 22- Protection against arrest and detention in certain cases
Articles 23 & 24- Right against exploitation
Article 25 to Article 28- Right to freedom of religion
Articles 29 & 30- Cultural and Educational rights
Article 32 to Article 35 ó Right to Constitutional Remedies
Public Interest Litigation

Suggested Readings :

Constitution of India	D.D. Basu
Constitution of India	H.M. Seervai
Constitution of India	M.P. Jain
Constitution of India	V.N. Shukla
Constitutional Law of India	J.N. Pandey
Constitutional Law of India	Narender Kumar
Introduction to Constitution of India	B K Sharma

LL.B. Semester – I
Code: SOL/LL.B./C-02
Credit-4

Paper :II

M. M-100
Theory: 70
Sessional: 30

Law of Contract (Contract-I)

Unit- I

Formation of Contract

Meaning and nature of contract

Offer/Proposal: Definition, Communication, Revocation, General/Specific offer, Invitation of treat

Acceptance: Definition, Communication, Revocation, Provisional acceptance, Tenders/Auctions

Unit -II

Consideration and Capacity

Consideration: Definition, Essentials, Privity of Contract, Exception Section 2(d) 25

Capacity to enter into a contract; Minor's Position, Nature/effect of minor's agreements.

Unit-III

Validity, Discharge and Performance of Contract

Free Consent

Coercion, Undue influence, Misrepresentation, Fraud, Mistake

Unlawful consideration and object

Effect of void, voidable, valid, illegal, unlawful and uncertain agreement/contracts,

Contingent Contract

Discharge of Contracts

Performance

Time and Place of performance

Agreement

Impossibility of performance and frustration

Breach: Anticipatory & Present

Unit-IV

Quasi Contracts and Remedies

Law Relating to certain Relations resembling those created by contract with special emphasis on doctrine of unjust enrichment (Quasi Contract, Section 68-72),

Remedies available under Indian Contract Act, 1872: Compensation: Meaning and nature,

Damages, Kinds, Remoteness etc., Injunction, Specific Performance, Quantum Merit

Suggested Readings:

Indian Contract Act, 1872 (Bare Act)

Law of Contract -

Anson

Indian Contract Act -

Pollock and Mulla

Law of Contract -

Avtar Singh

Samvidha Vidhi (Hindi) -

S. K. Kapoor

Law of Contract-

Kailash Rai

LL.B. Semester – I
Code: SOL/LL.B./C-03
Credit-4

Paper : III

M. M: 100
Theory: 70
Sessional: 30

Law of Crimes-I (Indian Penal Code)

Unit I:

- a. Definition and Nature of Crime
- b. Common Intention and Common Object
- c. Joint and Constructive Liability
- d. Preliminary Offences ó Abetment, Attempt, Criminal Conspiracy
- e. Offence of Public Nuisance

Unit II:

General Exceptions

- (i) Mistake (ii) Accident (iii) Necessity (iv) Infancy (v) Unsoundness of Mind
- (vi) Intoxication (vii) Right of Private Defence

Unit III:

Offences Against Human Body

- (i) Culpable Homicide (ii) Murder (iii) Hurt and Grievous Hurt (iv) Wrongful Restraint and Wrongful Confinement (v) Criminal Force and Assault (vi) Kidnapping and Abduction (vii) Rape (viii) Unnatural Offence

Unit IV:

a. Offences Against Property

- (i) Theft (ii) Extortion (iii) Robbery and Dacoity (iv) Criminal Misappropriation of Property & Criminal Breach of Trust (v) Cheating (vi) Mischief (vii) Criminal Trespass

b. Offences Against Marriage

- (i) Bigamy (ii) Adultery

c. Offences Against State and Public Tranquility

- (i) Unlawful Assembly (ii) Sedition (iii) Rioting (iv) Affray

d. Defamation

Suggested Readings:-

The Indian Penal Code, 1860 (Bare Act)
Criminal Law - P.S.A. Pillai
Principles of Criminal Law - Jeroma Hall
Criminal Law - R.C. Nigam
Indian Penal Code - Ratan Lal & Dhiraj Lal
Criminal law, Cases and Materials - K.D. Gaur
The Indian Penal Code - M.P. Tandon

Law of Torts, M.V. Act and Consumer Protection Laws

UNIT – I : General Principles of Tort

- a. Tort: Definition, Nature and Distinction from Crime, Contract and quasi contract
- b. Constituents of Tort : Wrongful Act, Injuria sine damnum, Damnum sine injuria, Ubi jus ibi remedium
- c. General Principle of Tortious Liability: Two Competing Theories- pigeon hole theory,
- d. Justification in Tort- Volenti non fit injuria, Act of God, Inevitable Accident , Necessity, Plaintiff's Default ,Private Defence
- e. 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

- a. Trespass to Person: Assault, Battery, False Imprisonment, Malicious Prosecution
- b. Trespass to Land, Nuisance
- c. Torts related to Reputation: Defamation
- d. Negligence, Contributory Negligence, Res ipsa loquitur
- e. Salient Features of MV Act with special reference to Compulsory Insurance
- e. Third party liability of owner under the Motor vehicle Act

UNIT – III :Principles of Liability in Torts and Legal Remedies

- a. Vicarious Liability
- b. Strict Liability and Absolute Liability
- c. Kinds of Damages, Remoteness of Damages, Novus Actus Interveniens, Nervous Shock
- d. General Remedies in Tort- Judicial and Extra legal Remedies
- e. Joint Tort Feasors

UNIT – IV : Concept of Consumer and Consumer Protection Act

- a. Definition of Consumer and Object of Consumer Protection Act
- b. Rights and duties of Consumers
- c. Unfair Trade Practices, Defects in Goods
- d. Services: Types of Services , Deficiency-meaning
- e. Consumer Protection Councils
- f. Consumer Disputes Redressal Agencies: District Forum, State Commission, National Commission

Suggested Readings :

- | | |
|-------------------------------|------------------------|
| Consumer Protection Act, 1986 | |
| Law of Torts- | Salmond & Heuston |
| Tort- | Winfield & Jolowiz |
| The Law of Torts- | Ratan Lal & Dhiraj Lal |
| Law of Torts - | R.K. Bangia |
| Law of Tort - | P S A pillai |

LL.B. Semester – I
Code: SOL/LL.B./C-05
Credit-4

Paper : V

M. M: 100
Theory: 70
Sessional: 30

English

UNIT – I : Introduction

- a. Need and Importance of Legal Language
- 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 Valoram, 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, Obitor Dicta, Onus Probandi, Parens Patriae, Pari Passu, Per Incuriam, Prima Facie, Pro Bono Publico, Quid Pro Quo, Ratio Decendi, Raison D'être, Res Integra, Res Nullius, Sine Qua Non, Intra-Vires, Ultra Vires
- b. Actus non facit reum mens sit rea, Bonafides non paitur ut bisidemexigatur Damnum sine injuria esse potest, Extra territorium jus dicenti impune Nonparentur, 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 injurium, 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

Suggested Readings :

English Grammar - Wren & Martin
Legal Language and Legal Writing - P.K. Mishra
Legal Language, Writing and General English - J.S. Singh
A Solution of Legal Maxims - Herbert Brown
Legal Language, Legal Writing and General English- G.S. Sharma
Legal Glossary - Ministry of Law Justice and Company Affairs government of India

LL.B. Semester- II
SOL/LL.B./C-06
Credit- 4

Paper VI

M.M.-100
Theory-70
Sessional-30

Constitutional law-II

UNIT-I :

Directive Principles of State Policy and Writs

- a. 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
- b. Article 51-A ó Fundamental Duties
- c. Article 226 ó 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

- a. Legislative Powers
Doctrine of Territorial Nexus
Doctrine of Harmonious Construction
Doctrine of Pith and Substance
Doctrine of Repugnancy
Doctrine of Colorable Legislation
- b. Administrative Powers
- c. Financial Powers

UNIT – III :

Constitutional Organs

- a. Union Parliament and State Legislature
Constitution and Function
Parliamentary Sovereignty
Parliamentary Privileges
Anti Defection Law
Collective Responsibility of Cabinet
- b. Union and State Executive
- c. Supreme Court and High Court
Constitution and Jurisdiction
Power of Judicial Review
Independence of Judiciary

UNIT – IV :

Contractual and Tortious Liability of State
Services under the Union and States
Emergency Provisions
Amendment of the Constitution

Suggested Readings :

Constitution of India	D.D. Basu
Constitution of India	H.M. Seeravi
Constitution of India	M.P. Jain
Constitution of India	V.N. Shukla
Constitutional Law of India	J.N. Pandey
Constitutional Law of India	Narender Kumar

Special Contract (Law of Contract –II)**Unit-I****Contract of Indemnity and Guarantee (Sections 124-147)**

Indemnity-definition, essential elements, difference between Indian law and English law, Right and liabilities of Indemnifier and Indemnity-Holder, Nature of indemnity clauses, difference between indemnity contract and Contingent contract, distinction between contract of indemnity and guarantee

Guarantee- sections 126-147 : definition, essential elements, co-existence of surety and principal debtor's liabilities, joint and separate liability of surety, continuing guarantee, discharge of liability of the surety, discharge of liability of co-surety and joint co-surety, rights of surety.

Unit-II**Contract of Bailment and Pledge (Sections 148-181)**

Bailment-sections 148-171: Definition, essential elements, kinds of bailment, rights and duties of bailor, Rights and duties of bailor, Rights and duties of bailee, Determination of bailment, Rights and responsibility of finder of goods, Provisions relating to lien, rights of bailor and bailee against wrong-doers Pledge- sections 172-181: Definition, essential elements, rights of Pawnor, Rights of Pawnee, Pledge by mercantile agent, suits against wrong- doers, Difference between pledge and bailment, difference between pledge and Mortgage, difference between pledge and hypothecation, difference between General and particular lien.

Unit-III**Contract of Agency (Sections 182-238)**

Meaning and definition of agency, difference between agent and servant, Essential elements of valid agency, Mode for creation of agency, mutual Relation between principal, original agent and sub-agent, meaning of Substituted agent, difference between sub-agent and substituted agent, Rights and duties of an agent, Agent's lien on principal's property, Relation between the principle and third person, undisclosed agent, pretended agent Termination of agency.

Unit-IV

Sales of Goods Act, 1930 (Sections 1-66)

Indian partnership Act, 1932 (sections 1-74)

Suggested Readings:

Indian Contract Act 1872 (Bare Act)

Law of Contract -

Anson

Indian Contract Act -

Pollock and Mulla

Law of Contract -

Avtar Singh

Samvidha Vidhi (Hindi) -

S.K. Kapoor

Sale of Goods Act 1930 (Bare Act)

The Indian Partnership Act 1932 (Bare Act)

Samvidha Vidhi II -

R.L. Rathi

Partnership and Sale of Goods Act -

Avtar Singh

LL.B. Semester – II
Code: SOL/LL.B./C-08
Credit-4

Paper :VIII

M.M: 100
Theory: 70
Sessional: 30

Family Law- I (Hindu Law)

Unit I : General

Concept and Development of Family Law, Sources of Hindu Law ó Ancient and Modern, Application of Hindu Law Schools of Hindu Law, Joint Family- Mitakshara joint family, Karta of Joint family-his position, powers, privileges and obligations, Coparcenary-formation, characteristics, Dayabhag Coparcenary; Property-Self acquired and Coparcenary property, Alienation of Property- Separate and Coparcenary; Partition, reunion; Debts; Stridhan, Women's Estate; Religious and Charitable Endowments; Gifts

Unit II: Marriage and Matrimonial Disputes and Remedies

Essentials of Valid Marriage, Nullity, Void and voidable marriage and their effects, Guardianship in marriage and Regulation over child marriage. Matrimonial Remedies- Restitution of Conjugal Rights, Judicial Separation, Dissolution of Marriage by divorce, Theories of divorce, Emerging concept of Irretrievable breakdown of Marriage

Unit III: Maintenance, Adoption and Guardianship In Hindu Law

Maintenance under Hindu Marriage Act (Ss. 24 & 25) and Hindu Adoption and Maintenance Act, 1956. Adoption-Kinds of Sons, Doctrine of Relation Back, Hindu Adoption and Maintenance Act, 1956-Nature of adoption, Conditions, Ceremonies, Capability, Effect.

Guardianship-Hindu Minority and Guardianship Act, 1956- Meaning, Kinds and Powers of guardian, Disabilities to act as Guardian

Unit: IV: Inheritance and Succession

Hindu Succession Act, 1956 -Features, Succession to the property of Hindu male and Hindu female dying intestate under the provisions of the Hindu Succession Act, 1956 Devolution of interest in Mitakshara Coparcenary under the provisions of the Hindu Succession Act, 1956 and Hindu Succession (Amendment) Act, 2005

Suggested Readings:

- Hindu Law past and present - J D M Derrett
- Hindu Law - Mulla
- Family Law - Paras Diwan
- Hindu Law (English & Hindi) - U.P. D. Kesri
- Lecture on Hindu Law - Kusum & P.P Saxena
- Hindu Marriage Act, 1955- (Bare Act)
- Hindu Adoption and Maintenance Act, 1956 (Bare Act)
- Hindu Minority and Guardianship Act, 1956 (Bare Act)
- Hindu Succession Act, 1956 (Bare Act)

LL.B. Semester – II
Code: SOL/LL.B./C-09
Credit-4

Paper :IX

M. M: 100
Theory: 70
Sessional: 30

Family Law II (Muslim Law)

Unit I:

Introduction

Origin of Muslim Law, Development of Muslim Law Application of Muslim Law, Definition of Muslim, Sources of Muslim Law, Schools of Muslim Law

Unit II:

Marriage ó Introduction, Definition, Nature, Forms and Capacity, Essentials of Marriage, Khyar-ul-bulug (Option of Puberty), Iddat, Classification of Khyar-ul-bulug
Marriage ó The legal effect of a valid marriage, Muta or Temporary Marriage, Judicial Proceedings

Dower (Mahr) ó Definition, Concept, Kinds, Objects and Subject matter, Enforcement of Dower, Wife's Right on non-payment of dower, The Widow's right of retention of dower

Unit III:

Dissolution of Marriage-Introduction, Classification, Forms of Dissolution, Divorce by Common Consent, Dissolution by Judicial Process, Legal effects of divorce, Change of Religion, Dissolution of Muslim Marriage Act, 1939, Maintenance-Definition, Obligation arising in Marriage, Obligation arising out of blood Relationship, Maintenance of wife with special reference to Section 125 of Cr. P.C., The Muslim (Women of Rights on Divorce) Act, 1986; Parentage and Legitimacy ó Acknowledgement of legitimacy, Section 112 of the Indian Evidence Act.

Unit IV:

Gift (Hiba) ó Definition, How Gifts are made, Capacity, Object, Subject, Gift of Musha, Conditional gift and Future Gift, Life Estate or Life Interest, Hiba-bil-iwaj, Hiba-ba-shart-ul-Ibaz

Will-Form of Will, Competence of Testator and Legatee, Valid subjects of Will, Testamentary limitations, Formalities of a Will and abatement of legacy, Guardianship-Guardianship of the Person, Guardianship of the Property, Guardianship in Marriage
Wakf- Definition, Classification, Who can make Wakf, Completion, Subject, Object, Administration

Pre-Emption ó Origin, Application, Definition, Classification, Conflict of Laws, Formalities, Subject Matter, Legal Effects

Suggested Readings:-

Muslim Law - Mulla

Outlines of Muhammadan Law - Asaf A. A. Fyzee

Mohammadan Law (English & Hindi) - Aqil Ahmad

Muslim Law - M.A. Qureshi

Muslim Vidhi - R.R.

LL.B. Semester – II
Code: SOL/LL.B./C-10
Credit-4

Paper : X

M. M: 100
Theory: 70
Sessional: 30

Company Law

Unit I:

Formation, Registration and Incorporation of Company

Meaning of Corporation, Nature and Kinds of Company, Promoters-Positions, Duties and Liabilities, Registration, Mode and Consequences of incorporation, Uses and Abuses of the Corporate Form, Lifting the Corporate Veil, Theory of Corporate Personality, One Man Company.

Unit II:

Memorandum of Association-Name, Registered office, Objects and Powers, Doctrine of ultra vires, Alteration of objects, Registration of alteration Articles of Association-Forms, Signature and Contents of Articles, Prospectus-Definition, Issues, Contents, Kinds, Liabilities for Misrepresentation, Remedies for Misrepresentation, Statement in lieu of Prospectus Dividends, Payments, Capitalization profit, Audit to Account.

Unit III:

Share and Share Capital- Meaning, Nature and Kinds, Various Rights and Duties attached to these Shares, General Principles of Allotment and Statutory restriction on allotment Share Certificate- Its objects and effects, Transfer of Shares, Restrictions on Transfer, Relationship between Transferor and Transferee, Issue of Share at Premium, Role of Public Finance Institutions Share Capital- Increase and Reductions of Share Capital Duties of Court to protect interests of creditors and shareholders, Borrowing powers, effect of unauthorized borrowing, loans to other companies Instruments, Contracts by Companies. Debentures-Definition, Kinds, Share holder and Debenture holder, Remedies of Debenture holder. Corporate Social Responsibility.

Unit IV:

Reconstruction and Amalgamation-Winding Up- Types of winding up- Compulsory Winding up, Voluntary Winding up, Reasons of Winding up, Consequences, Winding up by Courts, Liability of past members, Payments of liabilities Offences ó Cognizance, Composition, Jurisdiction to try offences, Penalty. Offences ó Cognizance, Composition, Jurisdiction to try offences, Penalty, National Financial Regulatory Authority (NFRA), Serious Fraud Investigation Office (SFIO).

Suggested Readings:-

Principle of Modern Company Law - L.C.B. Grower
Palmer's Company Act - Palmer
Guide to the Companies Act - A. Ramaiya
Company Law - Avtar Singh
Company Law - R.K. Bangia
Indian companies act 2013

LL.B. Semester – III
Code: SOL/LL.B./C-11
Credit-4

Paper : XI

M. M: 100
Theory: 70
Sessional: 30

Jurisprudence

Unit I:

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

Unit II:

Sources of Law: Classification of Sources , Custom , Legislation ,Judicial Precedent.

Unit III:

School of Jurisprudence: Analytical School , Historical School , Sociological School , The Pure Theory of Law.

Unit IV:

Concepts of the Law: Rights and Duties, Possession, Ownership, Person.

Suggested Readings:

Jurisprudence and Legal Theory - Mahajan Dr. V. D.

An Introduction to Jurisprudence - Mani Tripathi Dr. B. N.

Jurisprudence - Salmond J.W.

A Text Book of Jurisprudence - Paton G. W.

Jurisprudence - Dias R. W. M.

Legal Theory -Friedmann W.

LL.B. Semester – III
Code: SOL/LL.B./C-12
Credit-4

Paper :XII

M. M: 100
Theory: 70
Sessional: 30

Property Law (Transfer of Property Act & Easement Act)

UNIT – I

General Principles

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

Suggested Readings:

The Transfer of Property Act - Lahiri S.M.
The Transfer of Property Act ó Mulla
The Transfer of Property Act - Shukla S.N.
The Transfer of Property Act - Tripathi G.P.
The Transfer of Property Act - Sinha R.K.
The Transfer of Property Act - Tripathi T.P

Labour & Industrial Law –I

Unit – I: Trade Unions Act, 1926

- a. Trade Unionism in India
- b. Definition of trade union and trade dispute
- c. Registration of trade unions
 - i) Legal status of registered trade union
 - ii) Mode of registration
 - iii) Powers and duties of Registrar
 - iv) Cancellation and dissolution of trade union
 - v) Procedure for change of name
 - vi) Amalgamation and dissolution of trade union
- d. Disqualifications of office-bearers, Right and duties of office-bearers and members
- e. General and Political funds of trade union
- f. Civil and Criminal Immunities of Registered trade unions
- g. Recognition of trade union
- h. Collective bargaining

Unit – II: The Industrial Dispute Act, 1947

Resolution of Industrial Dispute

- a. Industrial dispute and individual dispute
- b. Arena of interaction and Participants of Industry, workman and employer
- c. Settlement of industrial dispute
 - i) Works Committee
 - ii) Conciliation Machinery
 - iii) Court of Enquiry
 - iv) Voluntary Arbitration
 - v) Adjudication of Labour Court, Tribunal and National Tribunal settlement bodies and techniques.
- d. Powers of the appropriate Government under the Industrial Disputes Act, 1947
- e. Unfair Labour Practice

Unit – III: The Industrial Dispute Act, 1947

Instruments of Economic Coercion

- a. Concept of strike
 - i. Gherao
 - ii. Bandh and Lock-out
 - iii. Types of strike
 - iv. Rights to strike and Lock-out
 - v. General Prohibition of strikes and lock-outs
 - vi. Prohibition of strikes and lock-outs in public utility services
 - vii. Illegal strikes and lock-outs
 - viii. Justification of strikes and lock-outs
 - ix. Penalties for illegal strikes and Lock-outs
 - x. Wages for strikes and lock-outs

Unit – IV: Employee’s State Insurance Act, 1948

- a. i. Historical Background
- ii. Aims, Objects & Application
- iii. Definitions
- iv. Security Measures (Benefits Available)
- v. Employment Injury
- vi. General Rules concerning benefits
- vii. Authorities under the Act

b. The Employees Provident Funds & Miscellaneous Provisions Act, 1952

- i. Historical Background
- ii. Aim, Object & Application
- iii. Definitions
- iv. Authorities under the Act

Suggested Readings

Statutory Material - Trade Union Act, 1926, Industrial Employment (Standing Orders) Act, 1946 and Industrial Dispute Act, 1947
S.C. Srivastava, Industrial Relations and Labour Law, Vikas Publishing House, New Delhi
Dr. S.C. Srivastava, Labour Law and Industrial Relations
Dr. S.K. Puri, Labour and Industrial Laws
Dr. V.G. Goswami, Labour Law and Industrial Law
S.N. Misra, Labour and Industrial Law
O.P. Malhotra, Industrial Disputes Act, Vol. I & II
Indian Law Institute ó Cases and Materials on Labour Law and Labour Relations

Land Laws Including Tenure & Tenancy System

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) Maintainance of maps and records
 - ii) Revision of maps and records
 - iii) Procedure of Revenue Courts and Revenue Officers
 - iv) Appeal, Revision, Review and Reference

Suggested Readings:

- Uttar Pradesh Land Laws. - R.R. Maurya
- The Uttar Pradesh Imposition of - Yatindra Singh
- Ceiling on Land Holding Act, 1960
- U.P. Zamindari Abolition and Land Reforms Act, 1950
- The U.P. Land Revenue Act, 1901

LL.B. Semester – III
Code: SOL/LL.B./E-02
Credit-4

Paper :XV

M. M: 100
Theory: 70
Sessional: 30

Law of Insurance

Unit I

Introduction, Meaning of Insurance, Historical Aspect, Characteristic of Insurance, Nature of Insurance Contract

Unit II

Theory of Cooperation, Theory of Probability, Principles of Insurance, Utmost Good Faith, Insurance Interest

Unit III

Life Insurance, Marine Insurance, Fire Insurance.

Unit IV

Indemnity, Subrogation, Causa Proxima, Mitigation of Loss, Attachment of Risk,

Constitution, Function and Powers of Insurance Regulatory and Development Authority

Suggested Readings:

Law of Insurance

M.N.Mishra

Handbook of Insurance and Allied Laws

C.Rangarajan

LL.B. Semester – III
Code: SOL/LL.B./P-01
Credit-4

Paper :XVI

M. M: 100
Written& Viva: 60+10= 70
Sessional: 30

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

Legal Profession: Its Nature, Evolution and Development in India.
Meaning of Ethics, Object of Legal Ethics, Necessity for an Ethical Code

Rights, Privileges, Duties, Disabilities and Social Responsibilities of an Advocate
Standard of Professional Conduct and Etiquette.
Professional and other Misconducts.

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.

Note: - There will be a written examination of 60 marks. There will be a total of eight questions out of which the student will have to attempt any four. Each question shall carry 15 marks. The written examination will be conducted at the department/college level and viva-voce of 10 marks. The sessional will be of 30 marks conducted by department/college. The students will be required to submit a file and also to give a presentation in the sessional work.

Suggested Readings:

C.L. Anand: Professional Ethics of the Bar

B.K. Goswami: Legal Profession and Its Ethics

Anirudh Prasad: Principles of the Ethics of Legal Profession in India

Sunil Deshta and Kiran Deshta: Practical Advocacy of Law.

S.K. Mookerji: Iyer's Law of Contempt of Court.

LL.B. Semester – IV
Code: SOL/LL.B./C-14
Credit-4

Paper :XVII

M. M: 100
Theory: 70
Sessional: 30

Administrative Law

UNIT – I :

- a. Meaning, Nature and Scope of Administrative Law
- b. Reason for the growth of Administrative law.
- c. Relation between Administrative Law and Constitutional Law.
- d. Droit Administratif
- e. Rule of Law
- f. Separation of Powers

UNIT – II :

- a. Classification of Administrative actions: Quasi-Legislative, Quasi-Judicial and Administrative.
- b. Delegated Legislation.
 - i) Meaning, Kinds and causes of its growth.
 - ii) Constitutionality
 - iii) Control Mechanism: Legislative Control, Procedural Control and Judicial Control

UNIT – III :

Administrative Tribunals
Difference between Tribunal and Court
Principle of Natural Justice and exclusion of Natural Justice
Liability of Administration in Tort and Contract

UNIT – IV :

- a. Administrative Discretion
- b. Writs
- c. Exclusion of Judicial Review
- d. Ombudsman
- e. Central Vigilance Commission

Suggested Readings:

Administrative Law	-	H.W.R. Wade
Administrative Law	-	P.P. Craig
Judicial Review of Administrative Action	-	De. Smith
Administrative Law	-	C.K. Thakkar
Administrative Law	-	I.P. Massey
Principles of Administrative Law	-	Jain & Jain

LL.B. Semester – IV
Code: SOL/LL.B./C-15
Credit-4

Paper : XVIII

M. M: 100
Theory: 70
Sessional: 30

Environmental Law

Unit I:

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 Protection Act 1986,
National Environment Appellate Authority Act 1997,
National Environment Tribunal Act 1995.

Unit III:

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

Unit IV:

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

Suggested Readings:

Armin Rosencraouz, Syam Diwan - Environmental Law & Policy in India: Cases
Marthal L. Noble Material & Statements
Rama Krishna - The Emergence of Environmental Law in Developing Countries- A Case Study of India
P. S. Jaswal and Nishta Jaswal - Environmental Law
R.G. Chaturvedi & M.N. Chaturvedi - Law on Protection of Environment and Prevention of pollution

LL.B. Semester – IV
Code: SOL/LL.B./C-16
Credit-4

Paper : XIX

M. M: 100
Theory: 70
Sessional: 30

Labour & Industrial Law –II

Unit – I: Minimum Wages Act , 1948

- a. Concept of minimum wage, fair wage, living wage and need based minimum wage
- a. Constitutional validity of the Minimum Wages Act, 1948
- b. Procedure for fixation and revision of minimum wages
- c. Fixation of minimum rates of wages by time rate or by piece rate
- d. Procedure for hearing and deciding claims

Unit-II: Payment of Wages Act, 1936

- a. Object, scope and application of the Act
- b. Definition of wages
- c. Responsibility for payment of wages
- d. Fixation of wage period
- e. Time of payment of wage
- f. Deductions which may be made from wages
- g. Maximum amount of deduction

Unit –III: Workmen’s Compensation Act, 1923

- a. Definition of dependant, workman, partial disablement and total disablement
- b. Employer’s liability for compensation
 - Scope arising out of and in the course of employment
 - Doctrine of Notional Extension
 - When employer is not liable
- c. Employer’s Liability when employee is employed under any contract or is engaged independently or by an independent contractor
- d. Amount of Compensation
- e. Distribution of Compensation
- f. Procedure in proceedings before Commissioner
- g. Appeals

Unit – IV: A) Factories Act, 1948

- a. Concept of ‘factory’, ‘manufacturing process’ ‘worker’ and ‘occupier’
- b. General duties of occupier
- c. Measures to be taken in factories for health, safety and welfare of workers
- d. Working hours for adults
- e. Employment of young persons and children
- f. Annual leaves with wages
- g. Additional provisions regulating employment of women in factories

B) Maternity Benefits Act, 1961 (30 sec)

- (i) Aims and Objects & Application, Definitions (ii) Restriction of work (iii) Right to Payment (iv) Forfeiture of Maternity Benefits (v) Other Provision (Leaves etc)
- (vi) Authorities (vii) Powers & Duties of Inspectors (viii) Penalty

Suggested Readings:

S.C. Srivastava, Commentaries on Factories Act, 1948, Universal Law Publishing House, Delhi
H.L. Kumar, Workmen’s Compensation Act, 1923
Dr. S.C. Srivastava, Labour Law and Industrial Relations
Dr. S.K. Puri, Labour and Industrial Laws
Dr. V.G. Goswami, Labour Law and Industrial Law
S.N. Misra, Labour and Industrial Law

Equity, Trust and Fiduciary Relations

Unit – I:

History, Definition of Trust and its comparison with other analogous relations.
Kinds of Trust- Simple Trust, Special Trust, Private Trust, Public Trust, Express Trust, implied.Trust, Constructive Trust, Resulting Trust, Precatory Trust, Secret Trust, Voluntary Trust, Illusory. Trust, Discretionary Trust, Charitable Trust.
Distinction between express and constructive trust, implied trust. Creation of Trust

Unit – II:

Duties and Liabilities of Trustees, Rights and Powers of Trustees, Disabilities of Trustees. Rights of beneficiaries. Liabilities of beneficiaries. Remedies open to beneficiaries
The Charitable and Religious Trusts Act, 1920
Appointment - Rules for selecting new trustees. Discharge of Trustees
Extinction of trust, its revocation, obligations is the nature of trust,
Fiduciary relationship -Definition, Nature, objects and its kinds

Unit – III:

Equity, Concept, Definition, Historical background of Equity.
Equity relation with common law and the Judicature Act, 1873
Equitable rights, Interests, Nature and Classification
Election, conversion, Performance, Satisfaction and Mistake, Ademption. Fraud, Accident and Liens.

Unit – IV:

The maxims of equity, Meaning, Its application and cases,
Limitations of the maxim, recognition in India.
The Maxims of Equity:
i. Equity will not suffer a wrong to be without a remedy.
ii. Equity follows the law
iii. Where equities are equal the law shall prevail
iv. Where equities are equal the first in time shall prevail
v. He who seeks Equity, must do Equity
vi. He who comes to Equity, must come with clean hands
vii. Delay defeats Equity
viii. Equality is Equity
ix. Equity looks to the intent rather than the form
x. Equity imputes an intention to fulfill an obligation
xi. Equity looks of that as done which ought to have been done
xii. Equity Acts in personam

Suggested Readings:

Principles of Equity - G.P. Singh
Principles of Equity - T.R. Desai
The Indian Trusts Act - S.N. Aiyer
Principle of Equity - E.H.T. Snell
Equity ó Maitland
Modern Equity - H.G. Hanbury
Equity - D.D. Basu
Equity and Trust - B.M. Gandhi

LL.B. Semester – IV
Code: SOL/LL.B./E-04
Credit-4

Paper :XXI

M. M: 100
Theory: 70
Sessional: 30

Banking Law

Unit – I:

Banking System in India

- a. Kinds of banks and their functions
- b. Banking Regulation Laws
 - i Reserve Bank of India Act, 1934
 - ii Banking Regulation Act, 1949

Unit-II

Relationship between banker and customer

- Legal Character
- Contract between banker & customer
- Banks duty to customers
- The Banking Ombudsman Scheme, 1995
- Liability under Consumer Protection Act, 1986

Unit – II:

Lending, Securities and Recovery by Banks

- a. Principles of Lending
- b. Position of Weaker Sections
- c. Nature of Securities and Risks Involved
- d. Recovery of debts with and without intervention of courts / tribunal:
 - i Recovery of Debts due to Banks and Financial Institutions Act, 1993
 - ii Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002.

Unit – IV:

Banking Frauds

- a. Nature of Banking Frauds
- b. Legal Regime to Control Banking Frauds
- c. Recent Trends in Banking: Automatic Teller Machine and Internet Banking, Smart Cards, Credit Cards

Suggested Readings:

Banking Law & Negotiable Instruments Act ó Sharma and Nainta
Banking System, Frauds and Legal Control ó R.P. Namita
Banking Law & Practice in India ó M.L. Tannan

LL.B. Semester –I V
Code: SOL/LL.B./P-02
Credit-4

Paper :XXII

M. M: 100
Project/File and Viva: 60+10=70
Sessional: 30

Alternative Dispute Resolution (Clinical/Practical Paper)

Outline of Course

- 1.Negotiation Skill to be learned with simulated program
- 2.Conciliation Skill
- 3.Arbitration Law and practice including international Arbitration

The course is required to be conducted preferably by practicing lawyer through simulation and case studies.

Each student will prepare a project/file on the following topics of 60 marks followed by viva-voce of 10 marks at the time of end semester examination. Before that a sessional examination of 30 marks will be conducted by the department/college.

- (i) Arbitration ó Case study of one leading cases decided under The Arbitration and Conciliation Act, 1996 and one leading case related to International Arbitration.
- (ii) Conciliation, Mediation and Negotiation.
- (iii) Section 89 of Code of Civil Procedure, 1908.
- (iv) Plea Bargaining
- (v) Indian Council of Arbitration (ICA) and International Centre for Alternative Dispute Resolution (ICADR) ó its system and working.
- (vi) Reports on participation in Legal Awareness Camps organized by department /college .
- (vii) Reports on participation in Lok Adalat.

Suggested Readings:

B.P. Saraf Junjhanwala, S.M: Law of Arbitration and ADR in India
International Dispute Settlement ó J.G. Merrills
Legal Services Authority Act, 1987

LL.B. Semester – V
Code: SOL/LL.B./C-17
Credit-4

Paper : XXIII

M. M: 100
Theory: 70
Sessional: 30

Law of Evidence

Unit I:

Introduction and Relevancy

a. Introduction

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

Lex fori

b. Definitions (Sections 3 and Section 4)

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

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

e. Conspiracy (Section 10).

Unit II:

Statements - Admissions/Confessions/Dying Declaration

a. Admission (Sections 17 ó 23)

b. Confessions (Sections 24 ó 30)

c. Statements (Sections 32 ó 39)

Unit III:

Method of proof of facts & Production and effect of Evidence

a. Facts which need not to be proved (Sections 56 ó 58)

b. Oral and Documentary Evidence (Sections 59 ó 78)

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

d. Exclusion of oral by documentary evidence (Sections 91)

e. Burden of proof (Sections 101 ó 114A)

f. Facts Prohibited from proving

• Estoppel (Sections 115 ó 117)

• Privileged communications (Sections 122 ó 129)

g. Witnesses (Sections 118 ó 121, 130 ó 134)

Unit IV :

Productions and Effect of Evidence

a. Examination of witness (Sections 135 ó 166)

b. Improper Admission and rejection of evidence (Section 167)

c. 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)

Suggested Readings:

The Law of Evidence -

Ratan Lal and Dhiraj Lal

Principle of the Law of Evidence -

Dr. Avtar Singh

The Text Book on The Law of Evidence -

Chief Justice M. Monir

Law of Evidence -

Vepa P. Sarathi

Wigmore on Law of Evidence -

Richard D. Friedman.

The Law of Evidence (In 2 Volumes)-

Chief Justice M. Monir

Law of Evidence-

Batuk Lal

LL.B. Semester – V
Code: SOL/LL.B./C-18
Credit-4

Paper :XXIV

M. M: 100
Theory: 70
Sessional: 30

Law of Crimes- II (Criminal Procedure Code)

UNIT – I :

Introduction

- a. Object, extent and scope of Criminal Procedure Code
- b. Definitions
- c. Constitution and powers of Criminal Courts
- d. Jurisdiction of Criminal Courts in enquiries and trials

UNIT – II :

Provisions for Investigations

- a. Information to Police and their power to investigate
- b. Provisions regarding arrest, warrant of arrest, search warrant
- c. Summons
- d. Proclamation and attachment
- e. Security for keeping the peace and for good behavior

UNIT – III :

Process to compel appearance and production of things

- a. Complaint to Magistrate
- b. Commencement of proceeding before Magistrate
- c. The charge
- d. Maintenance of wives, children and parents

UNIT – IV :

Execution of Proceedings and Trials & Judgement

- a. Trial before Court of Session and High Court
- b. Trial of warrant cases by Magistrates
- c. Trial of summons cases by Magistrates
- d. Summary trials
- e. The Judgment
- f. Appeals, Reference and revision
- e. Bail

Suggested Readings:

- | | |
|-------------------------------------|----------------------------------|
| The Code of Criminal Procedure | -Ratan Lal and Dhiraj Lal |
| R.V. Kelkar's Criminal Procedure | -Dr. K.N. Chandrasekharan Pillai |
| The Code of Criminal Procedure 1973 | -S.N. Mishra |
| Code of Criminal Procedure - | S.C. Sarkar (Two Volumes) |

LL.B. Semester – V
Code: SOL/LL.B./C-19
Credit-4

Paper :XXV

M. M: 100
Theory: 70
Sessional: 30

Civil Procedure Code and Limitation Act

UNIT – I Definitions; Suits in general: Jurisdiction; Res- subjudice- (stay of suit); Res- Judicata, Foreign Judgment; Judgment and decree.

UNIT – II Place of suing; Summons and Discovery; Costs; Parties to suits; Framing of suit;
Issue of summons; Pleadings; Plaint; Written Statement; Set-off; Counter Claim.

UNIT – III Appearance of Parties; Summoning and Attendance of Witnesses; Execution of Decree; Incidental Proceedings: Commissions; Suits in a particular cases; Suits by Indigent Persons, Arrest and Attachment before Judgment, Temporary Injunction and Interlocutory orders, Receivers; Appeal, Reference, Review and Revision,

UNIT –IV The Limitations Act 1963- Preliminary; Limitation of suits; Appeal and Application (Sections 3 to Section 11); Computation of Periods of Limitation (Section 12 to Section 24); Acquisition of Ownership by Possession (The Schedule of period of Limitation is excluded)

Suggested Readings:

Civil Procedure Code D.F. Mulla
The Code of Civil Procedure M.P. Jain
Code of Civil Procedure Justice T.S. Doabia
The Indian Limitation Act, 1963 BARE ACT
Civil Procedure C.K. Takwani
Civil Procedure Code T.P. Tripathi

LL.B. Semester – V
Code: SOL/LL.B./E-05
Credit-4

Paper :XXVI

M. M: 100
Theory: 70
Sessional: 30

Offences Against Children and Juvenile Offences

UNIT – I :

Constitutional and International Legal Status of Child:

1. Constitutional concern-Articles 15(3), 21(A), 24, 39(e) & (f) and 45
2. International concern and endeavour for the welfare of the children:
(i) Minimum Age conventions (ii) Child rights conventions (iii) U.N. Declaration of the Rights of the Child, 1924,1959 (iv) Contributions of UNESCO, UNICEF, CEDAW

UNIT – II :

Legal Control of Child Labour:

1. International conventions and recommendations of the ILO
2. The Factories Act, 1948
3. The Child Labour (Prohibition and Regulation) Act, 1986

UNIT – III :

Child and Criminal Liability: Statutory provisions:

1. Sections 82, 83, 299 (Explanation 3), 312, 313, 314, 315, 316, 317, 318, 363A, 372, 376 and 377 of IPC.
2. Section 27 of the Cr.P.C.
3. The Prohibition of Child Marriage Act, 2006
4. The Children Act, 1960
5. The Child Abuse Prevention and Treatment Act, 1974

UNIT – IV :

Juvenile Offence, Juvenile Delinquency and Sexual Abuse of Children

1. Concept of Juvenile Delinquency
2. Legal Position in India
 - i) The Juvenile Justice (Care and Protection of Children) Act, 2000
 - ii) Probation of Offenders Act, 1958 (benefit of Section 6 of the Act)
3. Sexual Abuse of Children
 - i) Meaning, Definition, Nature and different types of Sexual Abuses
 - ii) Protection of Children from Sexual Offences

Suggested Readings:

- Lotika Sarkar, The Law Commission of India (1988)
U.Baxi, Law and Poverty: Critical Essay (1988), Eastern, Lucknow
Ajnes, Flavia, Law as Gender Inequality, New Delhi, Oxford (1999)
(Section IV: General Conclusions & Recommendations)
S.C. Tripathy, Law relating to Women & Children
Anjani Kant, Law relating to Women & Children
Mamta Rao, Law relating to Women & Children
Agarwal & Agarwal, Law relating to Women & Children
S.N. Jain Ed, Child and Law (1979), Indian Law Institute, New Delhi

LL.B. Semester – V
Code: SOL/LL.B./E-06
Credit-4

Paper :XXVII

M. M: 100
Theory: 70
Sessional: 30

Women and Law

Unit - I.

A. Introduction

- i. Status of Women in India
- ii. Status of Women ó Position abroad

B. Constitution of India & Women

- i. Preamble
- ii. Equality Provision

Unit – II:

Personal Laws and Women

- a. Unequal position of women ó different personal laws and Directive principles of State Policy
- b. Uniform Civil Code towards gender justice
- c. Sex inequality in inheritance
- d. Guardianship

Unit – III:

Criminal Laws and Women

- a. Adultery
- b. Rape
- c. Outraging Modesty
- d. Domestic Violence

Unit – IV:

Women Welfare Laws

- a. The Dowry Prohibition Act, 1961
- b. Pre-conception and pre-natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994
- c. Indecent Representation of Women (Prohibition) Act, 1986
- d. Immoral Traffic (Prevention) Act, 1987
- e. Family Courts Act, 1984
- f. Labour Welfare Legislations: Maternity Benefit Act, Factories Act, Equal Remuneration Act,
Implementation of Wage Laws and Legislation on Women Employment

Suggested Readings:

- Law relating to Women ó Dr. Sayed Maqsood
- Law relating to Women ó Dr. S.C. Tripathi
- Women and Law ó Prof. Nomita Aggarwal
- Women and Law ó Dr. Manjula Batra
- Women and Law ó G.P. Reddy

LL.B. Semester – V
Code: SOL/LL.B./P-03
Credit-4

Paper :XXVIII

M. M: 100

Project/file+Viva-Voce= 60+10=70
Sessional = 30

Drafting, Pleading and Conveyancing (Clinical/Practical Paper)

The Course shall include:

(1) General principles of drafting and pleading

(2) Criminal:

- a) Bail Application
- b) Complaint
- c) Criminal Revision
- d) Criminal Appeal

(3) Civil:

- a) Plaint
- b) Written Statement
- c) Interlocutory Applications
- d) Original Petition
- e) Execution Petition
- f) Memorandum of Civil Appeal
- g) Civil Revision:
- h) Petition Under Article 226 and Article 32 of The Constitution of India.

(4) Conveyancing :

- a) Essentials of Deeds
- b) Sale Deed
- c) Mortgage Deed
- d) Lease Deed
- e) Gift Deed
- f) Affidavit
- g) Promissory Note
- h) Power of Attorney (General)
- i) Power of Attorney (Special)
- j) Will
- k) Agreements
- l) Partnership Deed

The course will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 30 marks (2 marks for each) and 15 exercises in conveyancing carrying another 30 marks (2 marks for each exercise) remaining 10 marks will be given for viva-voce at the time of end semester examination. There will be sessional examination of 30 marks conducted by the department/college.

LL.B. Semester – VI
Code: SOL/LL.B./C-20
Credit-4

Paper : XXIX

M. M: 100
Theory: 70
Sessional: 30

Interpretation of Statutes & Principles of Legislation

UNIT I - General and Rules of Statutory Interpretation

- A. Meaning of the term Statute, Commencement, Operation and repeal of Statutes, Amending, Consolidating, and Codifying Statutes
- B. Purpose and importance of Interpretation of Statutes
- C. Meaning of Interpretation and Construction
- D. Rules of Statutory Interpretation-
 - (a) Literal Rule. (b) Regard to subject & object- Heydon's Rule (Mischief Rule)
 - (c) Regard to Consequences ó Golden Rule

UNIT II- Secondary rules of interpretation and presumptions in Statutory Interpretation

- A. Secondary Rules-
 - (a) *Ex-vicecertibus Actus*, (b) *Ut res magis valeat quam pareat*, (c). *Noscitur a Sociis*, *ejusdem Generis*, (d) *Expressio Unicusest exclusion*, (e) *.Raddendo Singula Singulis*
- B. Presumptions and consideration in Interpretation
- C. Prospective Operation of Statutes

UNIT III - Aids to the Interpretation

- A. Internal Aids to Interpretation
 - a. Title, Preamble, Heading, Marginal Note,
 - b. Section, Sub-section, Punctuation,
 - c. Illustration, Exception, Proviso, Explanation, Saving Clause, Schedule
- B. External Aids to Interpretation-
 - a. Constituent Assembly debate for Constitutional Interpretation,
 - b. Legislative History: Legislative intention,
 - c. Statement of objects and reasons,
 - d. Legislative Debate, Law Commission Reports,
 - e. *Stare Decisis*, *Contemporana Expositio*

UNIT IV- Interpretation with reference to the subject matter, purpose and principles of Constitutional interpretation & General Clauses Act

- A Interpretation of Penal statutes
- B. Interpretation of Taxing Statutes
- C. Interpretation of the Constitution-
- D. General Clauses Act, 1897

Suggested Readings:

- | | |
|------------------------------|-----------------|
| Interpretation of Statutes - | Maxwell |
| Interpretation of Statutes - | Bindra N.S. |
| Interpretation of Statutes - | Singh G.P. |
| Interpretation of Statutes - | Bhattacharya T. |
| Interpretation of Statutes - | Mathur D.N. |

LL.B. Semester – VI
Code: SOL/LL.B./C-21
Credit-4

Paper :XXX

M. M: 100
Theory: 70
Sessional: 30

Public International Law

UNIT – I :

Definition, Nature & Basis of International Law.
Sources of International Law.
Subjects of International Law.
Relationship between International Law & Municipal Law.
Position of Individual in International Law.

UNIT – II :

Nature of State.
Recognition.
Succession.
Acquisition & Loss of Territory.
Intervention.

UNIT – III :

Nationality.
Extradition.
Asylum.
Diplomatic Agents.
Treaties.

UNIT – IV :

International Organizations
United Nations Organizations
Security Council
International Court of Justice
International Criminal Court

Suggested Readings :

1. An Introduction to International Law - J.G. Starke
2. Cases and Material on International Law - D.J. Harris
3. Public International Law - H.O. Aggarwal
4. Public International Law - S. K. Kapoor
5. International Law - Oppenheim

Principles of Taxation

Unit – I:

- a. Definitions
- b. Basis of Income
 - Charge of Income Tax
 - Scope of total Income
 - Residential status of an assessee
 - Dividend Income
 - Income deemed to accrue or arise in India
 - Foreign income and its taxability

Unit – II:

Incomes which do not form part of total Income

- a. Incomes not included in total income
- b. Special provision in respect of newly established industrial undertaking in free trade zones
- c. Special provision in respect of newly established hundred per cent exportoriented undertaking
- d. Income from property held for charitable or religious purpose
- e. Income of trusts or institutions from contributions
- f. Conditions as to registration of trusts, etc.
- g. Section 11 not to apply in certain cases
- h. Special provision relating to incomes of political parties

Unit – III:

Heads of Income

- a. Salaries
- b. Income from house property
- c. Profits and gains of business or profession
- d. Capital gains
- e. Income from other sources

Unit – IV:

Tax Authorities

- a. Powers
- b. Procedure for Adjudication and Settlement
- c. Collection and recovery of taxes
- d. Appeal, Reference and Revision

Suggested Readings:

Dinesh Ahuja and Ravi Gupta, Systematic approach to Income Tax, (Latest Edition)
Singhania, Student Guide to Income Tax,
Taxation Laws-Kailash Rai
Taxmann -(Latest Edition).

LL.B. Semester – II
Code: SOL/LL.B./E-07
Credit-4

Paper :XXXII

M. M: 100
Theory: 70
Sessional: 30

Intellectual Property Rights Law

Unit – I:

Introduction-

Meaning, nature and types of intellectual properties; development of law of intellectual property and impact of international law on it; international treaties and conventions- TRIPs and GATT.

Unit – II:

Copyright Act, 1957-

Nature, object, subject matter and modes of copyright; ownership of copyright and rights and obligation of owner; registration of copyright; copyrights of societies and broadcasting organization; international copyrights; term of copyright; infringement of copyrights; authorities, remedies and appeals under copyright Acts, 1957.

Unit – III:

Patents Act, 1970-

Nature and object of patent law and its scope in India; applications for patents; publication & examination of applications; amendments and revocation of patents; issue of compulsory licenses; rights and Government to use invention; establishment of patent office; maintenance of register of patents; powers of controller; patent agents; terms of patent; infringement of patent rights; authorities remedies and appeal under the Patents Act, 1970.

Unit – IV:

Trade Marks Act, 1999-

Nature and scope of trade marks law; application and registration of trade mark; certification of trade marks; maintenance of register of trade marks; office of registrar, his powers and functions; assignment and transmission of trade marks; rights of registered users; provisions relating to collective marks, service marks and textile goods; infringement of trade marks; authorities penalties and appeals under Trade Marks Act, 1999.

Suggested Readings:

Intellectual Property - W.R. Cornish

Intellectual Property Law - R.K. Nagarajan

Copyright Law - P. Narayana

Indian Patents Law & Procedure - D. P. Mittal

Patent Law - P. Narayanan

Law Relating to Intellectual Property - Dr. B.L. Wadehra

LL.B. Semester – VI
Code: SOL/LL.B./E-08
Credit-4

Paper :XXXIII

M. M: 100
Theory: 70
Sessional: 30

Human Rights Law and Practice

UNIT – I :

- a. History, Evolution and Growth of Human Rights
- b. Concept of Human Rights
- c. Development of Human Rights in International Law
- d. Human Rights & U.N. Charter

UNIT – II:

- a. Universal Declaration on Human Rights
- b. International Covenant on Civil & Political Rights 1966
- c. International Covenant on Social, Cultural and Economic Rights 1966
- d. Optional Protocols
- e. Other UN Conventions against Torture, Inhuman and Degrading Behaviour

UNIT – III :

- a. Enforcement of Human Rights
- b. Development of Human Rights in India
- c. Human Rights under the Indian Constitution and their Enforcement
 - i) Fundamental Rights
 - ii) Directive Principles of State Policies

UNIT – IV :

Human Rights Act, 1993

Suggested Readings:

The World of Women in Pursuit of Human Rights	-	Patanjali Nandan Chaturvedi
The United Nations & The Human Rights	-	Patanjali Nandan Chaturvedi
Judicial Review of Administrative Actions	-	De. Smith
Human Rights for Children in Indian Evolution	-	Sudip Chakraborty
Policies and Publications		
Human Rights ó An Introduction	-	Darren J.Døbyrne
Human Rights	-	D.D. Basu
Human Rights	-	Thomas Buergenthan

LL.B. Semester – VI
Code: SOL/LL.B./P-04
Credit-4

Paper: XXXIV

M. M: 100
Project/File+Viva-Voce=60+10=70
Sessional=30

Moot Court Exercise and Internship (Clinical/Practical Paper)

This paper will have three components of 30 marks each which will be prepared by the student in the form of a project/file including a sessional examination of 30 marks conducted by the department/college.

(A)Moot Court

Every student will do at least three 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 30 marks.

(C)Interviewing techniques and Pre-trial preparations

Each students 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 15 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 15 marks.

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

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

Sl.No.	Name of the Paper	Paper Code	Maximum Marks	Credits
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
Total Credits				20

Second (2nd) Semester

Sl. No.	Name of the Paper	Paper Code	Maximum Marks	Credits
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
Total Credits				20

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
Total Credits				20

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
Total Credits				20

Fifth (5th) Semester

Sl. No.	Name of the Paper	Paper Code	Maximum Marks	Credits
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
Total Credits				20

Sixth (6th) Semester

Sl. No.	Name of the Paper	Paper Code	Maximum Marks	Credits
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
Total Credits				20

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

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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. 11th 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, 9th 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 ButterworthsWadhwa, 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.
157th Law Commission Report
181st 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 21st 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 Inter-corporate

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, ButterworthsWadhwa, 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

Paper: XXIX (C)

M.M:100

Code:106413

Theory:70

Credit-4

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.
Depeçage

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*, 13th ed., Butterworths: New
Delhi, 1999

Reference Books

Abla Mayss, *Principles of Conflict of Laws*, 3rd 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*, 9th 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.

H.N.B.Garhwal University, Srinagar, Garhwal
School of Law/ Department of Law

Course- LL.M. (Course of Study, w.e.f. 2011-2012)

Semester-I

Subject Code	Title of the Course	Credit	Maximum Marks
SOL/Law/C-101	Legal Theories	3	100
SOL/Law/C-102	Law and Social Transformation in India-I	3	100
SOL/Law/C-103	Indian Constitutional Law-I	3	100
SOL/Law/C-104	Judicial Process-I	3	100
SOL/Law/C-105	Administrative Law- I	3	100
SOL/Law/C-106	Legal Education	3	100

Semester - II

Subject Code	Title of the Course	Credit	Maximum Marks
SOL/Law/C-201	Legal Concepts	3	100
SOL/Law/C-202	Law and Social Transformation in India-II	3	100
SOL/Law/C-203	Indian Constitutional Law-II	3	100
SOL/Law/C-204	Judicial Process-II	3	100
SOL/Law/C-205	Administrative Law- II	3	100
SOL/Law/C-206	Research Methodology	3	100

Semester - III

Subject Code	Title of The Course	Credit	Maximum Marks
SOL/Law/C-301	Mass Media Law	3	100
SOL/Law/C-302	Public Utilities Law	3	100
SOL/Law/C-303	Human Rights	3	100
SOL/Law/E-304	Contract Law	3	100
	or		
	Environment and Development- Law and Policy	3	100
SOL/Law/E-305	Insurance Law	3	100
	or		
	Resource Management and the Law	3	100
SOL/Law/E-306	Company Law	3	100
	or		
	Prevention and Control of Pollution	3	100
Self-Study	Pollution: Prevention and Control	3	100

Semester - IV

Subject Code	Title of The Course	Credit	Maximum Marks
SOL/Law/C-401	Constitutionalism, Federalism and Pluralism	3	100
SOL/Law/C-402	Union-State Financial Relations	3	100
SOL/Law/C-403	Dissertation and Viva-Voce	3	100
SOL/Law/E-404	Law of Industrial and Intellectual Property	3	100
	or		
	Environment and International Legal Order	3	100
SOL/Law/E-405	Banking Law	3	100
	or		
	Biological Diversity and Legal Order	3	100
SOL/Law/E-406	Corporate Laws	3	100
	or		
	Environmental Legislation	3	100

LL.M. SEMESTER - I

Course Name- Legal Theories
Course No. SOL/ Law/ C- 101
Credit - 3

Maximum Marks: 100
(a) Semester Examination: 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I

Definition, nature and scope of Jurisprudence and Legal theory, Importance of the study of Jurisprudence and legal theory
Analytical Positivism- Jermy Bentham, John Austin

UNIT-II

The Pure Theory - Hans Kelsen, Basic Norms, Implication of Pure Theory, Contribution of Kelsen.
American Realism- Justice Holmes, Carl. N. Llewellyn

UNIT-III

Sociological School- The social origin of law and legal institution. Impact of law on society. The task of law in society. Social criterion of the validity of law. Social engineering.
Philosophical School- Kant and Hegel

UNIT-IV

Historical School- Savigny's theory of Volksgeist, Maine's theory
Natural Law
The Greek period, The Roman period, The Medieval period, Revival of Natural law theories

References :

1. Bodenheimer, Jurisprudence-The Philosophy and Method of Law(1996), Universal Del.
2. Fitzgerald(ed)- Salmond on Jurisprudence(1999), Tripathi, Bpmbay
3. W.Fridman- Legal Theory, Universal, New Delhi
4. Paton G.W.-Jurisprudence, Oxford, ELBS
5. Dias R.W.M.- Jurisprudence, First Indian Reprint, Aditya Books, New Delhi.
6. Roscoe Pound- Introduction to Philosophy of Law Re-print, Universal, New Delhi
7. Hart H.L.A.- The Concepts of Law, Oxford, ELBS
8. Lloyds- Introduction to Jurisprudence
9. Tripathi B.N.M.- Jurisprudence and Legal Theory

LL.M. SEMESTER - I

Course Name: Law and Social Transformation in India- I	Maximum Marks : 100
Course No. SOL/ Law / C- 102	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

Syllabus

UNIT-I. Law and Social Change

Law as an instrument of social change
Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India
Law and development, Social change in the context of democracy.

UNIT-II. Law and its Inter-Relationships with Religion

Religion and the law, Religion as a divisive factor, Secularism as a solution to the problem, Reform of the law on secular lines, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

UNIT-III. Law and its Inter-Relationships with Language

Language as a divisive factor, Constitutional guarantees to linguistic minorities, Language policy and the constitution, Non- discrimination on the ground of language.

UNIT-III. Law and its Inter-Relationship with Community

Caste as a divisive factor, Non-discrimination on the ground of caste, Protective discrimination - Scheduled castes, scheduled tribes and backward classes, Reservation - Statutory Commission and Statutory provisions.

References :

1. Upendra Baxi- The Crisis of Indian Legal System, Vikas, New Delhi
2. Upendra Baxi- Law and Poverty, Critical Essays, Tripathi, Bombay
3. Marc Galanter- Law and Society in Modern India, Oxford
4. Robert Lingat- The Classical Law of India, Oxford
5. Duncan Derret- The State, Religion and Law in India, Oxford University Press, Delhi
6. H.M.Seeravi- Constitutional Law of India, Tripathi
7. D.D.Basu - Constitution of India, Prentice hall of India, New Delhi
8. Indian Law Institute- Law and Social Change: Indo American Reflection, Tripathi
9. M.P.Jain- Outlines of Indian Legal History, Tripathi, Bombay
10. Government of India

LL.M. SEMESTER – I

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Course Name: Indian Constitutional Law - I
Course No. SOL/ Law/ C-103
Credit - 3

Maximum Marks : 100
(a) Semester Examination: 60
(b) Sessional Assessment 40

Syllabus

UNIT-I. Right to Equality

State- Article 12 and its expansion, Need for widening the definition in the wake of liberalization., Meaning and basis of Judicial Review
Equality before law and Equal protection of the laws, Basis of classification, No discrimination on grounds of religion, race, caste etc. Equality of opportunity in public employment.

UNIT-II. Right to freedom

Freedom of press, Freedom of speech and expression, Access to information, Right to strike and Bandh, Freedom of profession, occupation ,trade or business.

UNIT-III. Right to life and liberty

Meaning of life and personal liberty, Right to privacy, The changing dimension of Right to life and personal liberty, Right to education. *

UNIT-IV. Educational and Cultural Rights of Minorities.

Constitutional Remedies Articles 32 and 226. Growing importance of Public Interest Litigation.

References :

1. H.M.Seeravi- Indian Constitutional Law, three volumes, Tripathi
2. M.P.Jain- Constitutional Law of India, Wadhwa
3. D.D.Basu- Commentaries of Indian Constitution
4. V.N.Shukla- Constitution of India

LL.M. SEMESTER - I

Course Name: Judicial process- I
Course No. SOL/ Law / C- 104
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I

Nature of judicial process Judicial process as an instrument of social ordering. Judicial process and creativity in law- Legal reasoning and growth of law. The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified system.

UNIT-II

Special Dimensions of Judicial Process in Constitutional Adjudications. Notions of judicial review. Role in constitutional adjudication-various theories of judicial role. Tools and techniques in policy making and creativity in constitutional adjudication. Problems of accountability and judicial law making.

UNIT-III

. The Concept of Justice. The concept of justice and Dharma in Indian thought. Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought. Various theoretical bases of justice- the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

UNIT-IV

. Relation between Law and Justice. Equivalence theories- Justice as nothing more than the positive law of the stronger class. Dependency theories- justice depends on law, but justice is not as the law. The independence of justice theories - The relationship in the context of the Indian constitutional ordering.

References :

1. Julius Stone- The Province and Function of Law, Part II, Universal, New Delhi
2. Julius Stone- Precedent and the Law; Dynamics of Common Law Growth, Butterworth
3. Julius Stone- Legal System and Lawyer's Reasonings, Universal, New Delhi
4. Cardozo- Nature of Judicial Process, Universal, New Delhi
5. Henry J Abraham- The Judicial Processes, Oxford
6. W.Friedman- Legal Theory, Stevens, London
7. Bodenheimer- Jurisprudence : The Philosophy and Method of the Law, Universal, New Delhi
8. John Rawls- A Theory of Justice, Universal, New Delhi
9. Edward H. Levi- An Introduction to Legal Reasoning, University of Chicago

LL.M. SEMESTER – I

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Course Name: Administrative Law - I
Course No. SOL/ Law/ C- 105
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I

Evolution and Significance of Administrative Law in various system of Governance- England & USA. *

Doctrine of separation of power
Rule of Law - Changing dimensions

UNIT-II

Delegated Legislation- Problems, Process and Control, Judicial Review of delegated legislation

UNIT-III

Processual Fairness- Evolution and significance of Natural Justice. Doctrine of fairness and doctrine of legitimate expectation in England. Doctrine of fairness in India - (Articles 14,19 and 21), Bias,Opportunity of hearing, Official secrecy, Access to information and Right to Information Act.

UNIT-III

Administrative Discretion-Need for discretionary powers, nature, scope and limits. Control on Maladministration - Ombudsman, Indian Model- Lokpal and Lokayukt Commission of Inquiry, Vigilance Commission , Inquiries by Legislative Committee, Legislative Control, Judicial Inquiries , NARCO Test.

References :

1. Pater H. Schunk- Foundation of Administrative Law
2. Friedman- The State and Rule of Law in a Mixed Economy
3. Ivor Jennings- Law and the Constitution
4. Schwartz and Wade- Legal Control of Government
5. De Smith- Judicial Review of Administrative Action
6. D.D.Basu- Comparative Administrative Law
7. Jain and Jain- Principles of Administrative Law
8. Narender Kumar- Nature and Concepts of Administrative Law,ALA, Faridabad
- 9..K.K.Shukla and S.S.Singh-Lok-Ayukta : A socio- Legal Study

LL.M. SEMESTER – I

*

Course Name: Legal Education
Course No. SOL/ Law/ C- 106
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I. Concept of Legal education.

Foundation of legal education- Meaning, object and Domain of legal education.

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UNIT-II.

History of Legal Education in India- Ancient Period, Muslim Period, British Period

Development of Legal Education in India

Legal Education System in USA& UK.

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UNIT-III. Legal Education in India :

Reforms in legal education, Report of Knowledge Commission,

Restructuring of Legal education

Clinical Legal Education-Concept and concerns

Legal Aid, Legal Literacy, Legal Survey

UNIT-IV. Law Teaching :

Lecture Method, The Problem Method, Discussion Method and its suitability as post graduate level teaching, seminar Method of teaching, Clinical method of teaching. *

References :

1. Albert J.Harno- Legal Education in United States,2004, The Law Book Exchange Ltd. 33, Terminal Avenue, clark,New Jercy
2. Tom Ginsburg- Transforming Legal Education in Japan and Korea
3. Stacey Steel and Kathryn Taylor- Legal Education in Asia : Globalization, Change and Contexts-2010, NewYork, Routledge
4. Paul Maharg- Transforming Legal Education : Learning and Teaching the Law in the early Twenty First Century,2007
5. G.Mohan Gopal (ed)- Prof. N.R.Madhava Menon's Reflections on Legal and Judicial Education, Universal Law Publishing Co.Pvt. Ltd., Delhi
6. N.R.Madhava Menon- Clinical Legal Education,2006, Eastern Book Co., Lucknow
7. Sushma Gupta- History os Legal Education, 2006,Deep and Deep pub. New Delhi
8. S.K.Agrawal- Legal Education in India, Tripathi, Bombay

LL.M. SEMESTER - II

Course Name: Legal Concepts
Course No. SOL/ Law / C- 201
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I. Sources of Law-

Custom- Definition, Nature, Requisites of a valid custom, Relation between custom and prescription, Theories regarding transformation of custom into Law.

Precedent- Precedent as a source of law, Nature of judicial precedent, Kinds of precedents, Ratio Decidendi Obiter Dicta, Doctrine of Stare Decisis
Prospective overruling, Merits and Demerits.

Legislation- Supreme & Subordinate Legislation, Kinds of subordinate legislation, Delegated legislation, control of delegated legislation, Codification of laws.

UNIT-II. Rights and Duties- Theories of legal rights, Essential elements Classification and categorization of rights, Types of rights, Correlation of rights with duties, Generation of rights, The basis of rights. Obligation and duty.

UNIT-III. Legal personality- Origin & Concept, Definition, Kinds, Liability, Theories **Possession-** Nature, Meaning, Roman law, English law, Elements, Kinds, Acquisition **Ownership-** Definition, Characteristics, Acquisition, Kinds, Ownership & possession. **Title -** Definition and Nature, Classification.

UNIT-IV. The concept of justice- Meaning, nature and varieties of justice-Marx, Austin, Allen. The basis of justice- the liberal contractual tradition, the liberal utilitarian tradition, the liberal moral tradition, the socialist tradition. **Law and morality**

References :

1. Bodenheimer, Jurisprudence-The Philosophy and Method of Law(1996),Universal Del.
2. Fitzgerald(ed)- Salmond on Jurisprudence(1999),Tripathi, Bpmbay
3. W.Fridman- Legal Theory, Universal, New Delhi
4. Paton G.W.-Jurisprudence, Oxford, ELBS
5. Dias R.W.M.- Jurisprudence, First Indian Reprint, Aditya Books, New Delhi.
6. Roscoe Pound- Introduction to Philosophy of Law Re-print, Universal, New Delhi
7. Hart H.L.A.- The Concepts of Law, Oxford, ELBS
8. Lloyds- Introduction to Jurisprudence
9. Tripathi B.N.M.- Jurisprudence and Legal Theorys

LL.M. SEMESTER - II

Course Name: Law and Social Transformation in India - II	Maximum Marks : 100
Course No. SOL/ Law / C- 202	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

Syllabus

UNIT-I. Constitution's Orientation and Social Transformation

Impact of sociological school in India, Constitutional text as a mechanism for social change, The constitutional amendments and social transformation-Basic structure theory, The role of Governmental organs for social transformation, Constitutional interpretations as an effective tools for social transformation.

UNIT-II. Women, Children and the Law

Crime against women, Gender injustice and its various forms, Women's commission, Empowerment of women. Child labour and exploitation, Children and education.

UNIT-III. Modernization and the Law

Modernization as a value- Constitutional perspectives reflected in the fundamental duties, Modernization of social institutions through law- Reform of family law, Industrial Reform- Industrialization v. environmental protection. Reform of Court processes- Criminal law: Compounding and payment of compensation to victims, Civil law : ADR, Lok Adalats, Prison reforms

UNIT-IV. Alternative Approaches to law

The jurisprudence of Sarvodaya- Gandhiji, Vinova Bhave, Jayaprakash Narain, Concept of Grama nyayalayas,. Socialist thought on law and justice- An inquiry through constitutional debates on the right to property. Indian Marxist critique of law and justice. Naxalite movement- causes and cure

References :

1. Upendra Baxi- The Crisis of Indian Legal System, Vikas, New Delhi
2. Upendra Baxi- Law and Poverty, Critical Essays, Tripathi, Bombay
3. Marc Galanter- Law and Society in Modern India, Oxford
4. Robert Lingat- The Classical Law of India, Oxford
5. Duncan Derret- The State, Religion and Law in India, Oxford University Press, Delhi
6. H.M.Seeravi- Constitutional Law of India, Tripathi
7. D.D.Basu - Constitution of India, Prentice hall of India, New Delhi
8. Indian Law Institute- Law and Social Change: Indo American Reflection, Tripathi
9. M.P.Jain- Outlines of Indian Legal History, Tripathi, Bombay
10. Government of India
11. Sunil Desta & Kiran Desta- Law and Menace of Child Labour, Armor Pub., Delhi
12. Savitri Gunasekhare- Children, Law and Justice, Sage
13. J.B.Kriplani- Gandhi: His Life and Thought, Ministry of Information & Broadcasting
14. Agnes Flavia- Law and Gender Inequality: The Politics of Women's Right in India

LL.M. SEMESTER – II

*

Course Name: Indian Constitutional Law- II	Maximum Marks : 100
Course No. SOL/ Law/ C- 203	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

UNIT-I

Federalism- Nature of Indian Constitution, Challenges before Indian federalism, Creation of new states, Centre's responsibility and internal disturbance within states, Directions of Centre to the state under Articles 356 and 365, Special status of certain States.

UNIT-II

Separation of power- Doctrine of separation of power, Constitutional framework- Judicial interpretation and practice, Judicial activism and judicial restraining, PIL, The independence of Judiciary. *

Democratic process- Election and election reforms, Election Commission

UNIT-III

The Executive- Constitutional status, Power and functions of President

The Legislature- Functions, Parliamentary privilege.ss

The Judiciary- Power and functions of Supreme Court, Power of judicial review.

UNIT-IV

Distribution of Powers

Distribution of legislative powers between centre and states

Distribution of administrative powers between centre and states

Distribution of financial powers between centre and states

Amendment of the Constitution

References :

1. H.M.Seeravi- Indian Constitutional Law, three volumes, Tripathi
2. M.P.Jain- Constitutional Law of India, Wadhwa
3. D.D.Basu- Commentaries of Indian Constitution
4. V.N.Shukla- Constitution of India

LL.M. SEMESTER – II *

Course Name: Judicial Process- II
Course No. SOL/ Law/ C- 204
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assesment : 40

Syllabus

UNIT-I Judicial Process in India- Indian debate on the role of Judges and on the notion of judicial review. New challenges before the Indian judiciary. *

UNIT-II. Independence of judiciary and the nature of judicial process. *
Attitude of judicial confrontation with the legislature and executive. Appointment and transfer of judges and its effect on independence of judiciary.

UNIT-III. Judicial activism. Reasons in defense of judicial activism. Constitution of India and Judicial activism. Role played by the Supreme Court of India. The tools and techniques of the judicial activism. Need for care and caution. *

UNIT-IV. Decision making in the Supreme Court of India. Nature of participation- dissent, concurrence, unanimity and voted with majority.
Indegenous legal system of uttarakhand- concept, evolution, prospect and challenges

References :

1. Julius Stone- The Province and Function of Law, Part II, Universal, New Delhi
2. Julius Stone- Precedent and the Law; Dynamics of Common Law Growth, Butterworth
3. Julius Stone- Legal System and Lawyer's Reasonings, Universal, New Delhi
4. Cardozo- Nature of Judicial Process, Universal, New Delhi
5. Henry J Abraham- The Judicial Processes, Oxford
6. W.Friedman- Legal Theory, Stevens, London
7. Bodenheimer- Jurisprudence : The Philosophy and Method of the Law, Universal, New Delhi
8. John Rawls- A Theory of Justice, Universal, New Delhi
9. Edward H. Levi- An Introduction to Legal Reasoning, University of Chicago
10. Upendra Baxi- The Indian Supreme Court and Politics, Eastern Book Co., Lucknow
11. Rajeev Dhavan- The Supreme Court of India: A Socio-Legal Critique of its Justice Techniques, Tripathi, Bombay.

LL.M. SEMESTER - II

Course Name: Administrative Law- II
Course No. SOL/ Law/ C- 205
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I. Rule of Law -Wade's exposition of rule of law, Dicey's formulation of rule of law, Modern meaning of rule of law- England, America, India, Rule of law vis-a-vis Administrative law.

Separation of powers- Origin, Meaning, System of checks and balances- England, America, India, A principle of restraint.

Administrative Tribunals- Definition, characteristics. Establishment of Administrative Tribunals in India, Service Tribunals.

UNIT-II. Writs- Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto.

UNIT-III. Judicial Review of Administrative Action

Judicial Review- Historical development, Meaning, Scope-power of Supreme Court and High Courts, Jurisdiction-Finality clause, conclusive evidence clause, Grounds of judicial review- Doctrine of Ultra-vires, Exclusion of judicial review- Position in England, America and India.

Privileges of Administration- Privilege to withhold the documents, binding nature of statutes, promissory estoppel.

UNIT-IV. Liability of Administration- Liability in Tort-England , US, India. Liability under Contract.

Public Undertakings- Public enterprises, Statutory public corporations, control of public corporations.

Constitutional Protection to Civil Servants- Recruitment and condition of service, Tenure of office- Doctrine of Pleasure, Constitutional safeguards to civil servants, Application of Article 311(2) to dismissal and removal, Reasonable opportunity of being heard.

References :

1. Pater H. Schunk- Foundation of Administrative Law
2. Friedman- The State and Rule of Law in a Mixed Economy
3. Ivor Jennings- Law and the Constitution
4. Schwartz and Wade- Legal Control of Government
5. De Smith- Judicial Review of Administrative Action
6. D.D.Basu- Comparative Administrative Law
7. Jain and Jain- Principles of Administrative Law
8. Narender Kumar- Nature and Concepts of Administrative Law, ALA, Faridabad
9. K.K.Shukla and S.S.Singh-Lok-Ayukta : A socio- Legal Study

LL.M. SEMESTER - II

Course Name: Research Methodology

Maximum Marks : 100

Course No. SOL/ Law / C- 206

(a) Semester Examination : 60

Credit - 3

(b) Sessional Assessment : 40

Syllabus

UNIT-I

Meaning, Importance and Objectives of research. Kinds of research, Socio-legal research, Doctrinal and non-doctrinal research, Computerized research, Relevance of empirical research. Criteria of good research. Problems of Researchers in India.

UNIT-II

Research Methodology. Procedural guidelines regarding the research process. Selection of the research problem- different steps. Survey of related literature- Legislative material, juristic writing and case material. Formulation hypothesis. Selection of sample. Research design. Collection of data.. Test of hypothesis.

UNIT-III

Different steps in writing of research report, Steps of research report writing, Layout of research writing. Preliminary, main text. Conclusion and observation. Mechanics of writing a research report. Practical aspect. Physical design. Treatment of quotation, Footnotes, Documentation style, Abbreviation, Bibliography.

UNIT-IV

Role of computer in research- Computer system an overview- History of computer, Characteristics of computers, Functioning of computers, Types of computer, Benefits and limitation of computers. Application of computer in research.

References :

1. M.O.Price, H.Binter and Bysiewicz - Effective Legal Research,1978.
2. Pauline V.Young - Scientific Social Survey and Research,1962.
3. William J.Grade and Paul K.Hatt- Methods in Social Research, Graw-Hill Book Co.
4. H. M. Hyman- Interviewing in Social Research, 1965
5. Payne- The Art of Asking Questions,1965.
6. Erwin C.Surrency, B. Flelf, and J.Crea- A Guide to Research
7. Morris L.Cohan- Legal Research in Nutshell,1996, West Publishing Co.
8. Harvard Law Review Association- Uniform System of Citations
9. Indian Law Institute Publication- Legal Research and Methodology

LL.M. SEMESTER – III *

Course Name: Mass Media Law
Course No. SOL/ Law / C- 301
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I: Press-

Freedom of Speech and Expression- Article 19(1)(a) ; includes Freedom of Press, relating to employees wages and service conditions, Price and Page Schedule Regulation, Newsprint Control Order and Advertisement. *

UNIT-II: Radio and Television

Government Monopoly: Why Government department? Should there be an autonomous Corporation? Effect of television on people, Government policy, Internal scrutiny of serials, Judicial Review of Doordarshan decisions : Freedom to telecast. *

UNIT-III: Films

Films- How far included in freedom of speech and expression, Censorship of films- constitutionality, the Abbas case, Difference between films and press- Why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act

UNIT-IV: Constitutional Restrictions

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

Suggested Readings -

1. M.P.Jain, Constitutional Law of India, Wadhwa
2. H.M.Seervai, Constitutional Law of India, Tripathi Bombay
3. Soli Sorabjee, Law of Press Censorship in India
4. Justice E.S.Venkatramiah, Freedom of Press :Some Recent Trends
5. D.D.Basu, The Law of Press of India
6. Raheev Dhavan, On the Law of Press in India, 26 JILI 288
7. Rajeev Dhavan, Legitimizing Government Rhetoric; Reflections on Some Aspects of the Second Press Commission, 26 JILI 391.
8. Annual Survey of Indian Law published by Indian Law Institute

LL.M. SEMESTER – III *

Course Name: Public Utilities Law
Course No. SOL/ Law / C- 302
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I

Freedom of Trade, Commerce and Intercourse (Article 301-306) and Freedom of Trade Article 19(1)(g), Government Monopoly- Competition Law and Regulatory Authorities with special reference to TRAI.

UNIT-II

Utilities Legislation - Subordinate Legislation, Parliamentary, Procedural and Judicial control over subordinate legislation, Administrative Authorities - Structure of Administrative Authorities, Public Utilities and fair hearing. *

UNIT-III

Public Utilities and Consumer Protection Act.

Public Utilities and their employees (i) Application of Article 16 and 311 (ii) Application of Industrial Law - Right to Strike

UNIT-IV

Public Utilities and Fundamental Rights

(i) The Right to Equality: the Air Hostess Case

(ii) Are Public Utilities State for the purpose of Article 12 of the Constitution?

(iii) Extension of the Concept of State

Liabilities and special privileges of Public Utilities

(i) In Contract, and (ii) In Tort *

Suggested Readings -

1. S.P.Sathe - Administrative Law
2. Jain & Jain - Principles of Administrative Law
3. Jagdish UI - Handbook of Electricity Law
4. Bhaumic - The Indian Railways Act
5. P.M.Bakshi - Television and the Law
6. G.Ramesh - Characteristic of Large Service Organization in Developing Country like India, 32 IJPA (1986)
7. Law Commission of India 38th Report : Indian Post Office Act, 1898 (1968)
8. Annual Survey of Indian Law published by Indian Law Institute

LL.M. SEMESTER – III *

Course Name: Human Rights
Course No. SOL/ Law / C- 303
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assesment : 40

Syllabus

UNIT-I:

Universal Declaration of Human Rights, European Convention of human Rights, Subsequent development in International Law and position in India. *

Protection of Human Rights Act, Constitution of Human Right Commission in Union and States and working of Commission

UNIT-II: Emerging Areas in Human Rights

The U.N. Declaration on right to development and sustainable development, Minority Rights, Communal Riots as involving violation of Human Rights, Rights of women, children and weaker sections of society, Rights of under trial prisoners/accused and kids of prisoners.
*

UNIT-III: Right not to be subject to Torture, Inhuman or Cruel Treatment

Concepts of torture, third degree methods. Outlawry of torture at International and Constitutional Law level, Incidence of torture in India. Custodial violence and custodial deaths. Judicial attitude. Law Reforms- proposed and pending.

UNIT-IV : People Participations in Protection and Promotion of Human Rights-Role of International NGOs, Amnesty International , Minority Rights Groups., International Bars Association, Law Asia., Contribution of these group to protection and promotion of Human Rights in India

Suggested Readings:

1. M.J.Akbar - Riots After Riots **.2. U.Baxi** - The Right to be Human **3 .L.Levin** - Human Rights **4. F.Kazmi-** Human Rights **5. W.P.Gromley** - Human Rights and Environment **6. Nagendra Singh** - Human Rights and International co-operation **7.S.C.Khare** - Human Rights and United Nations **8. J.A.Andrews** - Human Rights in International Law.

LL.M. SEMESTER - III

Course Name: Contract Law
Course No. SOL/ Law / C- 304
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I : General Principles of Contract

Offer, Proposal, Acceptance, Consideration and capacity, Validity of contract-free consent, Quasi contract

UNIT-II : Contract of Bailment and Pledge

Contract of Bailment : Definition, Kinds of bailment, Rights and duties of bailor and bailee, Determination of bailment, Rights and responsibilities of finder of goods, Provisions relating to lien . Pledge- Definition, Essential elements, Rights of Pawnor and Pawnee, pledge by mercantile agent, difference between pledge and bailment

UNIT-III : Contract of Agency

Meaning and definition, Difference between agent and servant, Essential elements, Mode for creation of Agency, Rights and duties of an Agent, Relation between principal and agent, Termination of agency.

UNIT-IV : Contract of Partnership

Definition and applications, Nature of Partnership, Relation of partner to one another, Incoming and Outgoing partner, Dissolution of firm, Registration of firms.

Suggested Readings :

1. Indian Contract Act, Bare Act
2. Indian Partnership Act , Bare Act
3. Anson - Law of Contract
4. Pollock and Mulla - Indian Contract Act
5. Avtar Singh - Law of Contract
6. G.C.Cheshire and H.S.Fifoot and M.P.Furmston - Law of Contract, ELBS, Butterworth
7. M.Krishnan Nair - Law of Contract
8. H.K.Saharay - Partnership and Sale of Goods Act
9. R.K.Bangia - Partnership Act
10. Avtar Singh - Partnership and Sale of Goods Act

LL.M. SEMESTER - III

Course Name: Environment and Development - Law and Policy. Maximum Marks : 100
Course No. SOL/ Law / E- 304 (a) Semester Examination : 60
Credit - 3 (b) Sessional Assessment :40

Syllabus

UNIT-I : The Idea of Environment

Ancient and Medieval period, Traditions, Natural and biological sciences- perspective, Modern concept - conflicting dimension

UNIT-II : Population, Environment and Development

Theories of development, Right to development, Sustainable development- National and International perspective, Population explosion and environmental impact, Population and development.

UNIT-III :Policy and Law

From Stockholm to Rio and after, Post-Independence India, Role of government, Forest policy and law, Conservation strategy, Water policy.

UNIT- IV : Constitutional Perspective

Fundamental Rights, Right to environment, Directive principles and fundamental duties, Legislative power, polluter pay principle- absolute liability of hazardous industry, Precautionary principle, Public trust doctrine.

Suggested Readings :

1. C.M.Abraham - Environmental Jurisprudence in India, Kluwer
2. Richard L Riversz, et.al(eds) - Environmental Law, TheEconomy and sustainable Development, Cambridge
3. Kailash Thakur - Environmental Protection - Law and Policy, Deep & Deep, N.Delhi
4. CharlesA.R.Webster - Environmental Health Law
5. Stuart Bell and Donald McGillvray - Environmental Law, Blackstone Press
6. P.Leelakrishnan - Law and Environment, Eastern
7. P.Leelakrishnan - The Environmental Law in India , Butterworths- India
8. R.B.Singh and Suresh Mishra - Environmental Law in India, Concept Pub. New Delhi
9. Thomas j Schoenbaum - Environmental Policy Law , Foundation Press, New York
10. Indian Journal of Public Administration, July-Sept. 1988 Vol. XXXV no.3pp.353-801

LL.M. SEMESTER - III

Course Name: Insurance Law
Course No. SOL/ Law / E- 305
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I : Introduction

Nature of Insurance contract, Various kinds of insurance, Proposal, Policy, Parties, Consideration, Need for utmost good faith, Insurable interest, Indemnity, Insurance policy, law of contract and law of torts- need , importance of insurance.

UNIT-II : Indian Insurance Law

Definition, nature and history of development, Assignment and alteration, The Insurance Act,1938 and the Insurance Regulatory Authority Act 2000, Mutual insurance companies and co-operative life insurance societies.

UNIT-III : Life Insurance and Insurance Against Accidents

Nature and scope, Circumstances affecting the risk, Amounts recoverable under the policy, Persons entitled to payment, Settlement of claim and payment of money. Conditions of Life Insurance Policy.

The Fatal Accidents Act,1855, objects and reasons, Assessment of compensation, Contributory negligence, The Personal Injuries(Compensation Insurance)Act,1963, Compensation payable under the Act

UNIT-IV : Insurance Against Third Party Risks

The Motor Vehicle Act,1988, Nature and Scope, Effect of Insolvency or death on claims of insolvency and death of parties, Certificate of insurance, Claims Tribunal- constitution, functions, application for compensation, procedure, powers and award., Liability insurance, Nature and kinds of such insurance, Public liability insurance, Professional negligence insurance. Mediclaim, sickness insurance.

Suggested Readings :

1. John Hanson and Christophals Henly - All Risks Property Insurance, LLP , Hongkong
2. Peter Mac Donald Eggers and Patric Foss - Good Faith and Insurance Contracts, LLP Asia, Hongkong
3. Banerjee - Law of Insurance, Asia Law House , Hyderabad
4. Birds - Modern Insurance Law, Sweet and Maxwell
5. Colinvauxø - Law of Insurance, Sweet and Maxwell
6. E.R.Hardy Ivamy - General Principles of Insurance Law
7. Edwin W.Patterson - Cases and Materials on Law of Insurance
8. M.N. Sreenivasan - Law and Life Insurance Contract.

LL.M. SEMESTER - III

Course Name: Resource Management and the Law
Course No. SOL/ Law / E- 305
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I : Water

Salinity, Bund and Spill ways, Aquaculture and fishing- regulation, Irrigation, Ground water management, Interstate water management and disputes.

UNIT-II : Land

Controls on land development, Eco-friendly land planning - Conservation, Utilization, and conversion, mining and Quarrying.

UNIT- III : Concepts of Common Property and State Property

Forest, Wildlife, Common facilities and the right to use - roads, parks, pathways, lakes, rivers, Natural heritage - tribal habitat, Historical monuments, Wet lands- Wise use concept

UNIT-IV : Energy

Sources, Energy related environmental problems : tapping, transmission, and utilization, indiscriminate use, Utilization of conventional energy : hypo-electric, thermal and nuclear. Non-conventional energy : solar, wind ,tidal and biogas.

Suggested Readings :

1. C.M.Abraham - Environmental Jurisprudence in India, Kluwer
2. Richard L Riversz, et.al(eds) - Environmental Law, TheEconomy and sustainable Development, Cambridge
3. Kailash Thakur - Environmental Protection - Law and Policy, Deep & Deep, N.Delhi
4. CharlesA.R.Webster - Environmental Health Law
5. Stuart Bell and Donald McGillvray - Environmental Law, Blackstone Press
6. P.Leelakrishnan - Law and Environment, Eastern
7. P.Leelakrishnan - The Environmental Law in India , Butterworths- India
8. R.B.Singh and Suresh Mishra - Environmental Law in India, Concept Pub. New Delhi
9. Thomas j Schoenbaum - Environmental Policy Law , Foundation Press, New York
10. Indian Journal of Public Administration, July-Sept. 1988 Vol. XXXV no.3pp.353-801
11. Jack Grosse - Protection and Management of our Natural Resources Wild Life and Habitat,1997, Oceana
12. Dwivedi - India's Environmental Policies, Programmes and Stewardship, Mc.Millan
13. A.R.Bam and P.N.Gantam - Natural Heritage of India, R.K.Publishers, Delhi
14. David Hughes - Environmental Law, Butterworths, London
15. S.K.Jain andA.R.K.Sastry - Threatened Plants of India : A State of the Art Report

LL.M. SEMESTER - III

Course Name: Company Law
Course No. SOL/ Law / E- 306
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I :

History of company legislation, Characteristic features of a company and lifting the corporate veil, Nature and Kinds of companies. Promoter-Definition and his legal position and effects of pre-incorporation contracts. Theory of corporate personality.

UNIT-II :

Memorandum of Association-Contents, objects and powers, doctrine of ultra-vires, Alteration of memorandum, Relation with Article of Association. Prospectus-Definition, issues, contents, kinds, liabilities for misrepresentation, remedies for misrepresentation. Dividends, capitalization profit.

UNIT-III :

Share and share capital- Meaning, nature and kinds, general principles and statutory provisions regarding allotment of shares, Effect of irregular allotment. transfer of shares ,relationship between transferor and transferee. Share capital- increase and reduction of share capital . Debentures- definition and kinds, shareholder and debenture holder, remedies to debenture holder.

UNIT-IV :

Membership of company, Appointment and removal of Directors, remuneration of Directors, Legal position of Directors, criminal liability of the officers of the company. Meeting of the company- Statutory meeting, Annual general meeting and extra-ordinary meeting. Division of powers between company in general meeting and Board of Directors, Remedies in cases of oppression and mismanagement, Investigation into the affairs of company. Company secretary- appointment and his legal position. National company law Tribunal and Appellate Tribunal.

Suggested Readings :

1. L.C.B.Grover - Principle of Modern Company Law
2. Palmer - Palmer's Company Law
3. A.Ramaiya - Guide to Companies Act
4. Avtar Singh - Company Law
5. R.K.Bangia - Company Law

LL.M. SEMESTER - III

Course Name: Prevention and Control of Pollution

Maximum Marks : 100

Course No. SOL/ Law / E- 306

(a) Semester Examination : 60

Credit - 3

(b) Sessional Assessment : 40

Syllabus

UNIT-I :

Pollution- Meaning, Kinds of pollution and their impact.

Pollution of Air- Pollutants and effects, Modalities of control, Conflicts of jurisdiction of different control, Agencies, Critique of existing legal framework.

UNIT-II :

Pollution of Water - Definition, Ground water pollution, Sources, Critique of existing laws, Machinery, Powers, Function, Offences and penalties

UNIT-III :

Noise Pollution - Sources and effects, Different legal controls, Need for specific law.

Disposal of Waste - Kinds of wastes, Disposal agencies - local bodies and other agencies, Disposal and recycling of wastes.

UNIT-IV :

Sanctions Against Pollution - Efficacy of criminal and civil sanctions, Corporate liability- Civil and criminal, Should penalties be prohibitive? Civil liability - compensatory and penal, Administrative compensation system, Incentives to pollution control.

Suggested Readings :

1. C.M.Abraham - Environmental Jurisprudence in India, Kluwer
2. Fredoric R. Anderson, et al - Environmental Improvement Through Economic Incentives
3. Kailash Thakur - Environmental Protection - Law and Policy, Deep & Deep, N.Delhi
4. Charles A.R. Webster - Environmental Health Law
5. P.Leelakrishnan - Law and Environment, Eastern
6. P.Leelakrishnan - The Environmental Law in India , Butterworths- India
7. Daniel R.Mandekar - Environmental Law and Land Controls Registration, Bobbs Merrill ,New York
8. Indian Law Institute- Mass Dissasters and Multinational Liability : The Bhopal Case
9. Jack Grosse - Protection and Management of our Natural Resources Wild Life and Habitat, 1997, Oceana
10. Dwivedi - India's Environmental Policies, Programmes and Stewardship, Mc.Millan
11. John F.Mc Eldownery and Sharron Mc Eldownery- Environmental Law and Regulation, Blackstone Press
12. David Hughes - Environmental Law, Butterworths, London
13. Armin Rozencranz, et al.(eds)- Environmental Policy and Law in India, Butterworths

LL.M. SEMESTER - III

Course Name: Pollution: Prevention and Control

Maximum Marks: 100

Course No. **Self Study**

(a) Semester Examination: 60

Credit - 3

(b) Sessional Assessment: 40

Syllabus

UNIT-I :

Pollution- Meaning, Kinds of pollution and their impact.

Pollution of Air- Pollutants and effects, Modalities of control, Conflicts of jurisdiction of different control, Agencies, Critique of existing legal framework.

UNIT-II :

Pollution of Water - Definition, Ground water pollution, Sources, Critique of existing laws, Machinery, Powers, Function, Offences and penalties

UNIT-III :

Noise Pollution - Sources and effects, Different legal controls, Need for specific law.

Disposal of Waste - Kinds of wastes, Disposal agencies - local bodies and other agencies, Disposal and recycling of wastes.

UNIT-IV :

Sanctions Against Pollution - Efficacy of criminal and civil sanctions, Corporate liability- Civil and criminal, Should penalties be prohibitive? Civil liability - compensatory and penal, Administrative compensation system, Incentives to pollution control.

Suggested Readings :

1. C.M.Abraham - Environmental Jurisprudence in India, Kluwer
2. Fredoric R. Anderson, et al - Environmental Improvement Through Economic Incentives
3. Kailash Thakur - Environmental Protection - Law and Policy, Deep & Deep, N.Delhi
4. Charles A.R. Webster - Environmental Health Law
5. P.Leelakrishnan - Law and Environment, Eastern
6. P.Leelakrishnan - The Environmental Law in India , Butterworths- India
7. Daniel R.Mandekar - Environmental Law and Land Controls Registration, Bobbs Merrill ,New York
8. Indian Law Institute- Mass Disasters and Multinational Liability : The Bhopal Case
9. Jack Grosse - Protection and Management of our Natural Resources Wild Life and Habitat, 1997, Oceana
10. Dwivedi - India's Environmental Policies, Programmes and Stewardship, Mc.Millan
11. John F.Mc Eldownery and Sharron Mc Eldownery- Environmental Law and Regulation, Blackstone Press
12. David Hughes - Environmental Law, Butterworths, London
13. Armin Rozencranz, et al.(eds)- Environmental Policy and Law in India, Butterworths

LL.M. SEMESTER - IV

Course Name: Union - State Financial Relations
Course No. SOL/ Law / C- 402
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I :

Concept of Federalism. Financial System under the British Rule- Lord Mayo's Financial Reform, Lord Lytton's Provincial Contracts of 1877-78, Financial System under the Government of India Act 1919, Financial Relation under the Government of India Act 1935.

UNIT-II :

Taxing powers: Taxing Powers of the Union, Taxing Powers of the States, Concurrent Taxing Powers, Residuary Taxing Power, Tax and fee, Restrictions on taxing powers.

Distribution of Revenue: Exclusively Union Taxes, Central Taxes shared with States, Central taxes assignable to States.

UNIT-III :

Transfer of Resources : Tax-Sharing, Grants-in-Aid, Specific Grants.

Borrowing Powers : Borrowing by Union, Borrowing by States.

UNIT-IV

Finance Commission, Planning Commission, National Development Council.

Inter State Trade and Commerce : Freedom of Inter State Trade and Commerce,

Restrictions on Legislative Power of the Union and States with regard to trade and commerce.

Suggested Readings :

1. K.R.Bombwall - The Foundation of Indian Federation
2. K.C.Wheare - Federal Government
3. H.M.Seervai - Constitutional Law of India
4. D.T.Lakdawala - Union State Financial Relations
5. D.D.Basu - Commentary on the Constitution of India
6. P.Diwan - Union State Fiscal Relations
7. Ashok K.Pandey - Federalism and Fiscal Adjustment under the Indian Constitution.
8. Report of The Sarkaria Commission on Financial Relations
9. Reports of the Finance Commission.

LL.M. SEMESTER - IV

Course Name: Dissertation and Viva-voce	Maximum Marks : 100
Course No. SOL/ Law / C- 403	(a) Written Work : 60
Credit - 3	(b) Viva-Voce : 40

For selecting the topic of the dissertation, prior permission of the Head of the Department will be essential and the topic will be related to the subjects / papers which are studied in any one of the semesters. The dissertation shall be supervised by the regular teacher. The dissertation shall be evaluated by external examiner.

The viva-voce shall be conducted by an external and an internal examiner. The candidate must have secured 40 percent of marks separately in dissertation and viva-voce and 50% in aggregate.. The candidate must be present in viva-voce, otherwise he will be declared fail in viva-voce and the candidate will have to reappear in the viva-voce examination and will have to deposit the fee as required by the university. The dissertation shall be submitted before the commencement of IVth semester examination.

LL.M. SEMESTER – IV *

Course Name: Law of Industrial and Intellectual Property	Maximum Marks : 100
Course No. SOL/ Law / E- 404	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

Syllabus

UNIT-I: Trademarks Law

Historical development of the concept of trademark and trademark law, Need for protection of trademarks, Kinds of trademarks, Assignment and licensing of trademarks, Maintenance of register of trademarks, office of the registrar his powers and functions, assignment and transmission of trademarks, Infringement of trademarks. Authorities, penalties and appeal under the Trade Marks Act, 1999.

UNIT- II: Patent Law

Nature and object of Patent Law, Procedure for obtaining patents, Issue of compulsory licenses. TRIPS obligation, Regulation of environment and health hazards in biotechnology patents, Indian policy and position. Patent co-operation treaty (PCT). *

UNIT- III: Copyright Law

Nature, object, subject matter and modes of copyright, ownership of copyrights, rights and obligation of owner , infringement of copyright, authorities, remedies and appeals under Copyright Act. Performers' rights.

UNIT- IV: Intellectual Property

Freedom of speech and expression as the basis of the regime of intellectual property right. Legal status of hazardous research protected by the regime of intellectual property law. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security. Traditional knowledge- protection. *

Suggested Readings :

1. Whale on Copyright, 1996
2. W.R.Comish - Intellectual Property, Sweet and Maxwell, London 2000
3. N.S.Gopalkrishnan and T.G.Agitha - Principles of Intellectual Property, EBC, Lucknow
4. P.Narayana - Patent Law, Wadhwa Publication
5. Brinkhof (ed) - Patent cases, Wolters Kluwer
6. Feroz Ali Khader - The Law of Patents Lexis Nexis Wadhwa Nagpur
7. Iver P.Cooper - Biotechnology and Law, Clerk Boardman Callaghan, New York
8. Carlos M Correa(ed)- Intellectual Property and International Trade, Kluwer
9. A.K.Bansal - Law of Trademarks in India, Institution of Parliamentary studies and Centre for Law, Intellectual Property and Trade, New Delhi.
10. Patent Co-operation Treaty Hand Book, 1998, Sweet and Maxwell

LL.M. SEMESTER - IV

Course Name: Environment and International Legal Order	Maximum Marks : 100
Course No. SOL/ Law / E- 404	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

Syllabus

UNIT - I :

International Concern for Environment Protection - World environment movement , Natural and cultural heritage, role of international and regional organizations.
International Obligations towards Sustainable Development - International financing policy, World environment fund, Global environment facility, International co-operation, Poverty alleviation.

UNIT-II :

Marine Environment - conservation and exploitation, Scientific research and exploitation, Antarctic environment, international seabed authority, Pollution from ships, Dumping of oil and other wastes into the sea.

UNIT-III :

Trans -Boundary Pollution Hazards - Oil pollution, Nuclear fall outs and accidents, Acid rain, Chemical pollution, Green house effect, Depletion of ozone layer, Space pollution.

UNIT-IV :

Control of Multinational Corporation and Containment of Environmental Hazards - Problems of liability and control mechanisms, Disaster management at international level, Monopoly of biotechnology by MNCs.
Disposal and Dumping of Hazardous Wastes- Transnational problem and control

Suggested Readings :

1. Priya Kanjan Trivedi- International Environmental Laws,APH Publishing House,Delhi
2. Sir Elworthy and Jane Holder- Environmental Protection, Text &Materials Butterworth
3. Henrick Ringbom- Competing Norms in the Law of Marine Environmental protection
4. Jean-PierreBeurier- New Technologies and Law of Marine Environment 2000, Kluwer
5. Richard L reversz(ed) - Environmental Law, the Economy and Sustainable Development, 2000, Cambridge.
- 6.Aynsley Kellor- International Toxic Risk Management , 1999, Cambridge
7. Zhiguo Gao- Environmental Regulation of Oil and Gas, 1998, Kluwer.
8. Indian Law Institute- Legal Control of Environmental Pollution, 1980
9. Varshney C.K. - Water Pollution and Management, 1983,WilleyEastern, New Delhi.
10. World Commission on Environment and Development, Our Common Future, Oxford.
11. British Institute of International and Comparative Law- Selected Documents on International Environmental Law, 1975, London.

LL.M. SEMESTER - IV

Course Name: Banking Law	Maximum Marks : 100
Course No. SOL/ Law / E- 405	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

Syllabus

UNIT-I : Nature and development of banking,, History of banking in India and elsewhere- Indigenous banking- Evolution of banking in India- Different kinds of banks and their functions.

Law relating to Banking Companies in India- Controls by government and its agencies- on management, on accounts and audit, lending, credit policy, reconstruction and reorganization, suspension and winding up

UNIT-II : The Central Bank- Evolution of Central Bank, Characteristics and functions, Economic and social objectives, The Reserve Bank of India as the Central Bank-organizational structure,, Functions of RBI- Regulation of monetary mechanism of economy, Credit control, exchange control, monopoly of currency issue, Bank rate policy formulation.

UNIT- III :Relationship of Banker and Customer - Legal character, Contract between banker and customer, Banker's lien, Protection of bankers. Customers - Nature and types of accounts, special classes of customers: lunatics, minor , partnership, corporations, local authorities. Banking duty to customers. Customer protection : banking as service.

UNIT-IV : Negotiable Instruments - Meanings and kinds, Transfer and negotiations, Holder and holder in due course, Liabilities of parties.

Recent Trends of Banking System in India - Information technology, Automation and legal aspects, Smart card, Credit cards.

Suggested Readings :

1. A.Basu - Review of Current Banking Theory and Practise, 1998, Mac Millan.
2. Ross Cranston- Principles of Banking Law,1997, Oxford.
3. L.C.Goyle- The Law Relating to Banking and Bankers, 1995,Eastern.
4. M.L.Tannan-Tannan's Banking Law and Practice in India,1997,India Law House,Del.
5. K.C.Shekhar-Banking Theory and Practice,1998,UBS Publisher Distributor Ltd ,Delhi
6. C.Goodhart- The Central Bank and the Financial System,1995, Mac Millan , London.
7. K.Subrahmanyam- Banking Reforms in India,1997, Tata Maigraw Hill,New Delhi
8. M.A.Mir- The Law Relating to Bank Guarantee in India,, Metropolitan Book,New Del.
9. R.S.Narayana- The Recovery of Debts due to Banks and Financial Institutions Act 1993 (51 of 1993) Asia Law House, Hyderabad.
10. Mitra- The Law Relating to Banker's Letters of Credit and Allied Laws,1998, University Book House, Allahabad.
11. R.K.Talwar- Report of Working Group on Customer Service in Banks
- 12.. Narsimhan Committee Report on Financial System 1991,Second Report,1999.

LL.M. SEMESTER - IV

Course Name: Biological Diversity and Legal Order

Maximum Marks : 100

Course No. SOL/ Law / E- 405

(a) Semester Examination : 60

Credit - 3

(b) Sessional Assessment : 40

Syllabus

UNIT-I :

Bio-Diversity- Meaning, Need for protection of bio-diversity, Dependence of human life on the existence in flora and fauna, Significance of wild life, Medicinal plants, Plant and micro-organism.

UNIT-II :

Bio-diversity and Legal Regulation- Utilization of flora and fauna for bio-medical purposes, Experimentation on animals : Legal and ethical issues, Genetic mutation of seeds and micro-organisms, Legal mechanisms of control, Recognition of regional and local agencies.

UNIT-III :

Development projects and destruction of bio-diversity-Concept of sustainable development. Problems in Legal Regulation of Medicinal Plants- Cosmetic plants, Utilization of flora and fauna for bio-medical purposes by multi-national corporations: Problems of control

UNIT-IV :

Legal Framework for Development and Protection of Sanctuaries- Parks, Zoos, Biosphere resources, Protection of genetic resources for agriculture
Regulation of trade in wild-life products.

Suggested Readings :

1. Arjun Prasad Nagore- Biological Diversity and International Environmental Law, 1996, A.P.H. Publishing Corporation, New Delhi.
2. Project Large- Plant Variety Protection and Plant Biotechnology-options for India, All India Council for Research and Training, New Delhi.
3. K.L.Mehta and R.L.Arora- Plant Genetic Resources of India; their Diversity and conservation, 1982, National Bureau of Plant Genetic Resources, New Delhi .
4. P.N.Bhat- Animal Genetic Resources in India, 1981.
5. P.N.Bhat- Conservation of Animal Genetic Resources in India, ÷ Animal Genetic Resources, Conservation and Management FAO, Rome, 1981.
6. M.S.Swaminathan-Genetic Conservation: Microbes to Man , Presidential Address at XV International Congress of Genetics, New Delhi, Dec.12-21, 1983.
7. Wild Genetic-Resources, Earthscan Press Briefing Document no.33 Earthscan, London

LL.M. SEMESTER – IV *

Course Name: Corporate Laws	Maximum Marks : 100
Course No. SOL/ Law / E- 406	(a) Semester Examination : 60
Credit - 3	(b) Sessional Assessment : 40

Syllabus

UNIT -I:

Corporate Governance, concept of corporate governance, emergence of corporate governance, authorities involved in corporate governance in India.

Law relating to Sale of Goods, Partnership and Limited Liability Partnership

UNIT-II:

Company Law in a Computerized Environment: E-filing, Credit rating and Insider trading, the Co-operative Societies Act, The Information Technology Act.

UNIT- III:

Need for creditor protection, Preference in payment. Rights in making company decisions affecting creditor interest, creditor self protection. Control over corporate spending.

Individual share holder right, Corporate membership right, Qualified membership right, Transfer and transmission of securities.

UNIT-IV:

Inspection of accounts, SEBI, Central government control, Control by registrar of companies, RBI control.

Suggested Readings :

1. Ellø Ferran- Company Law and Corporate Finance,
2. Ramaiya A. - Guide to Companies Act,1998, Vol. I, II, III
3. H.A.J.Ford and A.P.Austin- Ford's Principle of Corporation Law,1999, Butterworths.
4. R.M.Goode- Legal Problems of Credit and Security, 1988, Sweet & Maxwell.
5. 11. S.C.Kuchhal- Corporation Finance: principles and Problems, 1966.
6. V.G. Kulkarni- Corporate Finance
7. Y.D.Kulshreshtha- Government Regulation of Financial Management of Private Corporate Sector in India, 1986.
8. Journals- JILI, Company Law Journal. Companies Act.
9. Elements of Corporate Laws- Dr. S N Maheshwari & Dr. SK Maheshwari.2012
10. Business Laws- Dr. R K Chopra.2011

LL.M. SEMESTER - IV

Course Name: Environmental Legislation
Course No. SOL/ Law / E- 406
Credit - 3

Maximum Marks : 100
(a) Semester Examination : 60
(b) Sessional Assessment : 40

Syllabus

UNIT-I :

Pollution- Meaning, Kinds of pollution and their impact.

Pollution of Air- Pollutants and effects, Modalities of control, Conflicts of jurisdiction of different control, Agencies, Critique of the existing legal framework.

UNIT-II : Pollution of Water

Definition, Ground water pollution, Sources, Critique of existing laws, Machinery, Powers, Functions, Offences and penalties.

UNIT-III :

Noise Pollution- Sources and effects, Different legal controls, Need for specific law.

Disposal of Waste- Kinds of wastes, Disposal agencies: local bodies and other agencies, Disposal and recycling of wastes.

UNIT-IV : Sanctions Against Pollution

Efficacy of criminal and civil sanctions, Corporate liability, civil and criminal- Should penalties be prohibitive?, Civil liability, compensatory and penal, Administrative compensation system. Incentives to pollution control.

Suggested Readings :

1. C.M.Abraham - Environmental Jurisprudence in India, Kluwer
2. Fredoric R. Anderson, et al - Environmental Improvement Through Economic Incentives
3. Kailash Thakur - Environmental Protection - Law and Policy, Deep & Deep, N.Delhi
4. P.Leelakrishnan - Law and Environment, Eastern
5. P.Leelakrishnan - The Environmental Law in India , Butterworths- India
6. Daniel R.Mandekar - Environmental Law and Land Controls Registration, Bobbs Merrill ,New York
7. Indian Law Institute- Mass Dissasters and Multinational Liability : The Bhopal Case
8. Dwivedi - India's Environmental Policies, Programmes and Stewardship, Mc.Millan
9. John F.Mc Eldownery and Sharron Mc Eldownery- Environmental Law and Regulation, Blackstone Press
10. David Hughes - Environmental Law, Butterworths, London
11. Armin Rozencranz, et al.(eds)- Environmental Policy and Law in India, Butterworths

H.N.B. Garhwal University (A Central University) Srinagar, Garhwal, Uttarakhand
School of Law/Department of Law
PROPOSED COURSE STRUCTURE- LL.M. (TWO YEAR)
(Course of Study, w.e.f. 2022-2023)

CONSTITUTIONAL LAW GROUP

Ist Semester

Course Code	Course Name	Credit	Category
101161	Legal Theory	4	Mandatory
101162	Law and Social Transformation-I	4	Mandatory
101163	Judicial Process-I	4	Mandatory
101164	Legal Education	4	Mandatory
101165	Communication and Computer Skills	2	Skill Paper
101166	Research Writing and Ethics	2	Mandatory

IInd Semester

Course Code	Course Name	Credit	Category
102161	Legal Concepts	4	Mandatory
102162	Law and Social Transformation-II	4	Mandatory
102163	Judicial Process-II	4	Mandatory
102164	Law and Justice in a Globalizing World	4	Mandatory
102165	Alternate Dispute Resolution	2	Skill Paper
102166	Basic Research Methods	2	Mandatory

IIIrd Semester

Course Code	Course Name	Credit	Category
103161	Comparative Public Law	4	Mandatory
103162	Mass Media Law	4	Mandatory
103163	National Security, Public Order and Rule of Law	4	Specialization/ Group
103164	Administrative Process and Judicial Control	4	Specialization/ Group
103165	Seminar Paper-I	4	Presentation Skill

IVth Semester

Course Code	Course Name	Credit	Category
104161	Indian Constitutional Law-The New Challenges	4	Mandatory
104162	Civil and Political Rights	4	Mandatory
104163	Constitutionalism: Pluralism & Federalism	4	Specialization/ Group
104164	Union State Relations and Constitutional Governance	4	Specialization/ Group
104165	Dissertation and Viva-Voce	4	Mandatory

LL.M.-I

SEMESTER

LL.M. SEMESTER - I

Paper-I

Course Name: Legal Theory

Maximum marks: 100

Course Code: 101161

Semester Examination:60

Credit:4

Sessional Examination: 40

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 acquaint students with the theories, attitude and insights of various jurists.
4. To make them understand the importance of the course as a foundation upon which the supra structure of the legal regime is constructed.

Outcomes of the Course

Students will be able:

1. To understand, define and explain the jurisprudential understanding of the legal concepts.
2. To identify, explain, distinguish the diverse origins and conceptualizations of law and develop a keen sense of objectivity while dealing with various laws.
3. To critically analyse various legal theories and to distinguish them into broader history of thought.
4. To put in practice the acquired knowledge and will use logical, analytical and decision-making ability to deal with contemporary challenges.
- 5.

Contents of the Course

Unit-I: Law and Jurisprudence- A study in interrelationship, nature and scope of Jurisprudence and Legal theory, Importance of the study of Jurisprudence and legal theory

Natural Law: History, Characteristics, Classical Natural Law, Natural law during the medieval period, Decline and Revival of Natural Law

Philosophical School

Unit-II: Analytical Positivism: Reasons for emergence of Positive thoughts

Pure Theory of Law

Unit-III: Sociological School- The social origin of law and legal institution. Impact of law on society. The task of law in society. Social criterion of the validity of law. Social engineering

Realist School-American Realism and Scandinavian Realism

**Unit-IV: Marxist School of Thought
Feminist Jurisprudence**

Suggested Readings

1. B.N. Mani Tripathi, Jurisprudence (The Legal Theory), Allahabad Law Agency, 2012
2. N.V. Paranjape, Studies in Jurisprudence and Legal Theory, Central Law Agency, 2013
3. Nomita Aggarwal, Jurisprudence, Central Law Publication, 2010
4. S.N. Dhyani, Fundamentals of Jurisprudence (The Indian Approach), Central Law Agency, 2004
5. Michael Doherty, Jurisprudence: The Philosophy of Law, Old Balley Press, 2003
6. P.J. Fitzgerald, Salmond on Jurisprudence, Thomson Sweet & Maxwell Universal, 2008
7. R.W.M. Dias, Jurisprudence, Lexis Nexis (Indian Edition) 2013
8. Suri Ratnapala, Jurisprudence, Cambridge University Press (First South Asian Edition) 2009
9. W. Friedmann, Legal Theory, Universal Law Publishing Co., 2008
10. Bodenheimer, Jurisprudence-The Philosophy and Method of Law, Universal Delhi, 1996

LL.M. SEMESTER - I

Paper-II

Course Name- Law and Social Transformation in India-I

Maximum marks: 100

Course Code- 101162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the social change through law and legal system.
2. To understand the role of religion, language and caste as a divisive factor.
3. To explore the law and legal institutions as a means to achieve development within the framework of law.
4. To make students aware of the role law has played and has to play in the contemporary Indian society.

Outcomes of the Course

Student will be able:

1. To understand the concept of language, religion and its relationship with the law.
2. To critically analyse the Law as an instrument of social change and product of tradition and culture.
3. To gain an understanding about barriers of society and impact of law to mitigate these issues.
4. To analyse the different approaches of Law and Justice.

Contents of the Course

Unit-I: Law and social change

Law as an instrument of social change
Law as the product of traditions and culture
Sociological school and its applicability in India
Principles of social legislation

Unit -II: Religion and the law

Religion as a divisive factor
Secularism as a solution to the problem
Freedom of religion and non-discrimination on the basis of religion
Religious minorities and the law

Unit- III: Language and the law

Language as a divisive factor: formation of linguistic states
Constitutional guarantees to linguistic minorities
Language policy and the Constitution: Official language; multi-language system
Non-discrimination on the ground of language

Unit -IV: Community and the law

Caste as a divisive factor

Non-discrimination on the grounds of caste.

Acceptance of caste as a factor to undo past injustices.

Protective discrimination: Scheduled castes, tribes and backward classes

Reservation: Statutory Commissions, Statutory provisions

Suggested Readings

1. Malik and Raval, Law and social transformation, Allahabad Law Agency, 2014
2. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi, 1988
3. Marc Galanter (ed.), Law and Society in Modern India, Oxford University Press, 1977
4. Robert Lingat, The Classical Law of India, Oxford, 1998
5. U. Baxi, The Crisis of the Indian Legal System. Vikas, New Delhi, 1982
6. U. Baxi (ed.), Law and Poverty Critical Essays, Tripathi, Bombay, 1988
7. Duncan Derret, The State, Religion and Law in India, Oxford University Press, New Delhi, 1999
8. H.M. Seervai, Constitutional Law of India, 1996
9. D.D. Basu, Shorter Constitution of India Prentice Hall of India (P) Ltd., New Delhi, 1996
10. P. Ishwara Bhat., Law and Social Transformation, Eastern Book Company, 2012

LL.M. SEMESTER - I

Paper-III

Course Name- Judicial Process-I

Maximum marks: 100

Course Code- 101163

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the nature of judicial process with instrument of social ordering.
2. To understand the legal development and creativity through judicial process.
3. To understand the concept of justice with theories of justice.
4. To understand the relationship between law and justice.

Outcomes of the Course

Students will be able:

1. To exhibit analytical and conceptual understanding of Judicial Creativity.
2. To study the nature of judicial process as an instrument of social ordering.
3. To understand the new emerging trend in the judicial process and Independence of judiciary.
4. To appreciate the role of judges in the judicial activism and the tools and techniques applied by them.

Contents of the Course

Unit-I: Nature of Judicial Process

Judicial process as an instrument of social ordering. Judicial process and creativity in law- Legal reasoning and growth of law. The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified system

Unit-II: Special Dimensions of Judicial Process in Constitutional Adjudications

Notions of judicial review. Role in constitutional adjudication-various theories of judicial role. Tools and techniques in policy making and creativity in constitutional adjudication. Problems of accountability and judicial law making

Unit-III: The Concept of Justice

The concept of justice and Dharma in Indian thought. Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought. Various theoretical bases of justice- the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition

Unit-IV: Relation between Law and Justice

Equivalence theories- Justice as nothing more than the positive law of the stronger class. Dependency theories- justice depends on law, but justice is not as the law. The independence of justice theories - The relationship in the context of the Indian constitutional ordering

Suggested Readings

1. Julius Stone, Legal System and Lawyer's Reasonings, Universal, New Delhi, 1985
2. Cardozo, Nature of Judicial Process, Universal, New Delhi, 1995
3. Henry J. Abraham, The Judicial Processes, Oxford, 1998
4. W. Friedman, Legal Theory, Stevens, London, 1960
5. M.P. Jain, Indian Constitutional Law, Lexis-Nexis, Year, 2015
6. S.K. Chaturvedi, Judicial Process, Thompson Reuters, Year, 2021

LL.M. SEMESTER - I

Paper-IV

Course Name- Legal Education

Maximum marks: 100

Course Code- 101164

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To familiarize the students with the contours of legal education system.
2. To study the legal education system of England, US and India.
3. To study the evolution of Indian legal system.
4. To deliberate upon the various teaching methodologies in law.

Outcomes of the Course

Students will be able:

1. To understand the various aspects of legal education.
2. To appreciate different legal education systems introduced in India, U.S. and U.K.
3. To demonstrate different teaching methods used in the legal education.

Contents of the Course

Unit-I: Introduction to Legal Education

Foundation of legal education- Meaning, object and domain of legal education

Unit-II: Legal education system in India, USA and UK

History of Legal Education in India- Ancient Period, Muslim Period, British Period

Development of Legal Education in India

Legal Education System in U.S. & U.K.

Unit-III: Legal Education in India

Reforms in legal education, Report of Knowledge Commission

Restructuring of Legal education

Clinical Legal Education-Concept and concerns

Legal Aid, Legal Literacy, Legal Survey

Unit-IV: Law Teaching

Lecture Method

The Problem Method

Discussion Method and its suitability at post graduate level teaching

Seminar Method of teaching

Clinical method of teaching

Suggested Readings

1. Albert J.Harno, Legal Education in United States, The Law Book Exchange Ltd.33, Terminal Avenue, Clark, New Jercey,2004
2. Stacey Steel and Kathryn Taylor, Legal Education in Asia: Globalization, Change and Contexts-, New York, Routledge,2010
3. Paul Maharg, Transforming Legal Education: Learning and Teaching the Law in the early Twenty First Century,2007
4. G. Mohan Gopal, N.R. Madhava Menon's Reflection's on Legal and Judicial Education, Universal Law Publishing Co. Pvt. Ltd., Delhi, 2009
5. N.R. Madhava Menon, Clinical Legal Education, Eastern Book Co., Lucknow,2006
6. Sushma Gupta, History of Legal Education, Deep and Deep pub. New Delhi,2006
7. S.K. Agrawal, Legal Education in India, Tripathi, Bombay,1973

LL.M. SEMESTER - I

Paper-V

Course Name: Communication and Computer Skills

Maximum marks: 100

Course Code: 101165

Semester Examination:60

Credit:2

Sessional Examination: 40

Objectives of the Course

1. To create a basic understanding of computer, internet and ICT.
2. To understand the basic ethics of the use of internet and electronic communication.
3. To develop an understanding and application of MS-Word, MS-Excel and MS-Power Point.
4. To Understand the basics of communication, principles of communication and official communication.
5. To explore different aspects of non-verbal communication.
6. To understand and interpret the non-verbal codes of communication.

Outcomes of the Course

Students will be able:

1. To understand the basics of computers and computer networks as well as internet.
2. To apply the basics of internet and ICT for a better and effective use of internet.
3. To make use of the MS-Word, MS-Excel and MS-Power Point for creation of official and professional communications.
4. To understand the basics of communication by understanding the various principles of communication vis-à-vis official communications.
5. To gain an understanding of non-verbal codes and their effects on managing interaction, forming impressions, developing and maintain relationships.
6. To effectively apply the different concepts of non-verbal communication.

Contents of the Course

Unit- I: Basics of Computer and Internet

Computer-Meaning, Types and Importance

Basic Applications of Computers

Concept of Data, Computing and Information

ICT- Meaning, Uses, Advantages and Disadvantages

Basics of Internet and e-mailing- Computer Networks-LAN, WAN, PAN, Ethics of browsing and emailing

Word Processing

Basics of Word Processing, Text Creation and Formatting of Text, Table Handling, Spell Check, Language setting and Thesaurus

Spread Sheets

Basics of Spreadsheets, Manipulation of Cells, Formulas and Functions, Editing of Spreadsheets and Printing of spreadsheets

Presentation Software

Creating Presentation, Preparation and presentation of slides and slide shows

Unit-II: Fundamentals of Communication

Communication-Meaning, Nature, Characteristics, Types, Barriers and Effective classroom communication

Role and Importance of Communication- 7C's of Communication

Official Communication- Letters, Note taking, Memo, Notice, Circulars and Report Writing

Non-Verbal Communications

Para Language Communication

Place and Time Codes- Environment, artifacts and Chronemics

Contact Codes- Haptics and Proxemics

Visual and Auditory Codes-Kinesics, Physical Appearance and Vocalics

Object Language

Suggested Readings

1. Introduction to Computers, Peter Norton, Mc Graw Hill Education, 2017
2. Using Information Technology, Brian K Williams, Stacey Sawyer, McGraw- Hill Education, 2006
3. Learning MS-Word and MS-Excel, Rohit Khurana, APH Publishing Corporation, 2010
4. Microsoft Word, Excel and Power Point: Just for Beginners, Dorothy House, Outskirts Press, 2015
5. Business Communication, V.K. Jain and Omprakash Biyani, S. Chand Company Ltd., 2007
6. Non-verbal Communication, Judee K Burgoon, Valerie Manusov, Laura K. Guerrero, Routledge, 2021

LL.M. SEMESTER - I

Paper-VI

Course Name: Research Writing and Ethics

Maximum marks: 100

Course Code: 101166

Semester Examination:60

Credit:2

Sessional Examination: 40

Objectives of the Course

1. To provide students with the fundamental knowledge of basics of philosophy of science and ethics, research integrity, publication ethics.
2. To conduct sessions to furnish information to identify publication misconduct and predatory publications.
3. To understand Indexing and citation databases, open access publications, research metrics (citations, h index, Impact Factor etc).
4. To present plagiarism tools for a valid and ethical research report.

Outcomes of the Course

Students will be able :

1. To demonstrate fundamentals of research and publication ethics.
2. To identify publication misconduct and predatory journals.
3. To apply various tools available for plagiarism check.
4. To utilize various indexing and citation database.
5. To maintain academic integrity of the Institution.

Contents of the Course

Unit-I: Theory

Philosophy: definition, nature and scope, concept, branches.

Ethics: definition, moral philosophy, nature of moral judgments and reactions.

Scientific conduct: Ethics with respect to science and research,

Intellectual honesty and research integrity.

Scientific misconducts: Falsification, Fabrication, and Plagiarism (FFP).

Redundant publications: duplicate and overlapping publications, salami slicing.

Selective reporting and misrepresentation of data

Publication ethics: definition, introduction and importance

Unit-II: Practice

Open access publishing: SHERPA/ROMEO online resource to check publisher copyright & self-archiving policies

Software tool to identify predatory publications developed by SPPU

Journal finder / journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.

Publication misconduct: Definition, concept, problems that lead to unethical behaviour and vice versa, types, Violation of publication ethics, authorship and contributor ship, Identification of publication misconduct, complaints and appeals, Predatory publishers and journals, Use of plagiarism software like Turnitin, Urkund and other open-source software tools

Databases and Research metrics:

Databases- Indexing databases, Citation databases: Web of Science, Scopus, etc.

Research Metrics: Impact Factor of journal as per Journal Citation Report, SNIP, SJR, IPP, Cite Score.

Metrics: h-index, g index, i10 index, alter metrics

Suggested Readings

1. Miro Todorovich; Paul Kurtz; Sidney Hook The Ethics of Teaching and Scientific Research,
2. Barbara H. Stanley, Joan E. Sieber, Gary B. Melton, Research Ethics, A Psychological Approach
3. Jeffrey A. Gliner, George A. Morgan Lawrence Erlbaum Associates Research Methods in Applied Settings, An Integrated Approach to Design and Analysis, 2000
4. Joel Lefkowitz Lawrence Erlbaum Associates, Ethics and Values in Industrial-Organizational Psychology, 2003

LL.M.-II

SEMESTER

LL.M. SEMESTER – II

Paper-VII

Course Name: Legal Concepts

Maximum marks: 100

Course Code: 102161

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To provide understanding of a number of concepts which are important when considering the nature of law.
2. To demonstrate understanding of the relationship between particular concepts and the law.
3. To evaluate and analyse the key concepts relevant to law.
4. To apply the concepts in further learning context and to find out the potential areas of research.

Outcomes of the Course

Students will be able:

1. To develop an understanding of a number of concepts which are important when considering the nature of law.
2. To analyse and evaluate the key concepts relevant to law.
3. To develop a reasoned argument which demonstrates understanding of the relationship between particular concepts and the law.
4. To reflect and develop their learning to apply them in further learning contexts.

Contents of the Course

Unit- I: Sources of Law

Custom- Definition, Nature, Requisites of a valid custom, Relation between custom and prescription, Theories regarding transformation of custom into Law

Precedent- Precedent as a source of law, Nature of judicial precedent, Kinds of precedents, Ratio Decidendi Obiter Dicta, Doctrine of Stare Decisis, Prospective overruling, Merits and Demerits

Legislation- Supreme & Subordinate Legislation, Kinds of subordinate legislation, Delegated legislation, control of delegated legislation, Codification of laws

Unit- II: Rights and Duties-Theories of legal rights, Essential elements Classification and categorization of rights, Types of rights, Correlation of rights with duties, Generation of rights, The basis of rights. Obligation and duty.

Unit- III: Legal Personality- Origin & Concept, Definition, Kinds, Liability, Theories

Possession- Nature, Meaning, Roman law, English law, Elements, Kinds, Acquisition

Ownership- Definition, Characteristics, Acquisition, Kinds, Ownership & possession

Title - Definition and Nature, Classification

Unit-IV: The concept of justice- Meaning, nature and varieties of justice-Marx, Austin, Allen. The basis of justice- the liberal contractual tradition, the liberal utilitarian tradition, the liberal moral tradition, the socialist tradition
Law and morality

Suggested Readings

1. B.N. Mani Tripathi, Jurisprudence (The Legal Theory), Allahabad Law Agency,2012
2. N.V. Paranjape, Studies in Jurisprudence and Legal Theory, Central Law Agency, 2013
3. Nomita Aggarwal, Jurisprudence, Central Law Publication,2010
4. S.N. Dhyani, Fundamentals of Jurisprudence (The Indian Approach), Central Law Agency,2004
5. Michael Doherty, Jurisprudence: The Philosophy of Law, Old Balley Press,2003
6. P.J. Fitzgerald, Salmond on Jurisprudence, Thomson Sweet & Maxwell Universal, 2008
7. R.W.M. Dias, Jurisprudence, Lexis Nexis (Indian Edition)2013
8. Suri Ratnapala, Jurisprudence, Cambridge University Press (First South Asian Edition)2009
9. W. Friedmann, Legal Theory, Universal Law Publishing Co.,2008
10. Bodenheimer, Jurisprudence-The Philosophy and Method of Law, Universal Delhi,1996

LL.M. SEMESTER - II

Paper-VIII

Course Name: Law and Social Transformation in India-II

Maximum marks: 100

Course Code: 102162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand various crimes against women and children.
2. To understand gender injustice and its various forms.
3. To understand various Constitutional and other legal provisions for empowerment of women and children.
4. To develop thought process of the students regarding the modernization in laws so that positive changes in the society can be brought.
5. To equip the students with the basic concepts of Gandhi's *sarvodaya*, Marxists' view.
6. To trace the reason for development of Naxalite movement.

Outcomes of the Course

Student will be able:

1. To analyse various issues faced by women in our country and their constitutional guarantees.
2. To demonstrate the major contribution of Vinoba Bhave; Jayaprakash Narayan for movement of Sarvodaya; Fabien the importance of Gram *Nyayalayas*.
3. To exhibit modernization and its impact on the law.
4. To analyse different approaches of Law and Justice.
5. To evaluate the reason for the development of Naxalite movement.

Contents of the Course

Unit-I: Constitution and Social Transformation

Constitutional text as a mechanism for social change

The constitutional amendments and social transformation-Basic structure theory

The role of Governmental organs for social transformation

Constitutional interpretations as an effective tool for social transformation

Unit -II: Women, Children and the law

Crimes against women

Gender injustice and its various forms

Women's Commission

Empowerment of women: Constitutional and other legal provisions

Child abuses- Different forms of violence, Child labour, Sexual exploitation and Child trafficking

Children and education

Unit- III: Modernization and the law

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Modernization on family laws

Reform of court processes

- i. Criminal law: Plea bargaining; compounding and payment of compensation to victims
- ii. Civil law: (ADR) mediation and conciliation; *Lokadalats*
- iii. Democratic decentralization and local self-government

Unit -IV: Alternative approaches to law

The jurisprudence of *Sarvodaya*---Gandhiji, Vinoba Bhave; Jayaprakash Narayan--- Surrender of dacoits; concept of grama *nyayalayas*

Socialist thought on law and justice: An enquiry through constitutional debates on the right to property

Indian Marxist critique of law and justice

Naxalite movement: causes and cure

Suggested Readings

1. Malik and Raval, Law and Social Transformation, Allahabad Law Agency, 2014
2. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi, 1988
3. H.M. Seervai, Constitutional Law of India, 1996
4. P. Ishwara Bhat, Law and Social Transformation, Eastern Book Company, 2012
5. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour, Anmol Publications, Delhi, 2000
6. Savitri Gunase Khare, Children, Law and Justice, Sage, 1997
7. J.B. Kripalani, Gandhi: His Life and Thought, Ministry of Information and Broadcasting, Government of India, 1970
8. Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India, Oxford University Press, 1999
9. Manushi, A Journal About Women and Society
10. D. D. Basu, Shorter Constitution of India Prentice – Hall of India (P) Ltd., New Delhi, 1996

LL.M. SEMESTER - II

Paper-IX

Course Name: Judicial Process-II

Maximum marks: 100

Course Code: 102163

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

- 1.To understand the new norms of relationship between the nature of judicial process and Indian judiciary.
- 2.To make students aware of the various aspects of the judicial process including changing norms of the society.
3. To explore the importance of judicial review with judicial process.
- 4.To understand the role played by Supreme Court of India in justice delivery system.

Outcomes of the Course

Students will be able:

1. To Understand judicial process and new challenges before the Indian judiciary.
2. To appreciate the role of judges in the judicial activism and the tools and techniques applied by them.
3. To exhibit the origin of indigenous system of Uttarakhand and will be able to apply the learnings of the course in practice.

Contents of the Course

Unit-I: Judicial Process in India- Indian debate on the role of Judges and on the notion of judicial review. New challenges before the Indian judiciary

Unit-II: Independence of judiciary and the nature of judicial process. Attitude of judicial confrontation with the legislature and executive. Appointment and transfer of judges and its effect on independence of judiciary

Unit-III: Judicial activism. Reasons in defence of judicial activism. Constitution of India and Judicial activism. Role played by the Supreme Court of India. The tools and techniques of the judicial activism. Need for care and caution

Unit-IV: Decision making in the Supreme Court of India. Nature of participation- dissent, concurrence, unanimity and voted with majority. Indigenous legal system of Uttarakhand- concept, evolution, prospect and challenges

Suggested Readings

1. A. Lakshminath, Judicial Process and Precedent, EBC, Fourth Edition, 2016
2. Cardozo, Nature of Judicial Process, Universal, New Delhi,1996
3. Henry J Abraham, The Judicial Processes, Oxford,1998
4. W. Friedman, Legal Theory, Stevens, London,1960
5. M.P. Jain, Indian Constitutional Law, Lexis Nexis, Year 2015
6. John Rawls, A Theory of Justice, Universal, New Delhi,2000
7. S.K. Chaturvedi, Judicial Process, Thompson Reuters, Year 2022

LL.M. SEMESTER – II

Paper-X

Course Name- Law and Justice in a Globalizing World

Maximum marks: 100

Course Code- 102164

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To enable the students to understand the process of globalization and its impact on law and justice.
2. To enable the students to critically analyze the concept of global justice and the mechanisms designed to achieve it.
3. To enable the students to appreciate the demands for change raised by different groups to the international legal order and institutions in the light of globalization.

Outcomes of the Course

Students will be able:

1. To understand the process of globalization and its impact on international as well as municipal law.
2. To analyze the concept and emerging issues of Law and Justice in a globalizing world.
3. To evaluate the effect of globalization on law and justice nationally and internationally.
4. To suggest reforms in international law and working modalities of international institutions.

Contents of the Course

Unit- I: Introduction

Relationship of Law and Justice: Justice as Function and Purpose of Law

Globalization and different dimensions of Globalization: Social, Political, and Economic

Emergence of Transnational Law in a Globalizing World

Globalization and Sovereignty of States

Unit- II: Globalization and Justice

Concept of Global Justice

Global Poverty

Globalization and Social Justice/ Global Distributive Justice

Displacement for Development

Role of international institutions to control armed conflicts, environmental pollution and terrorism

Unit- III: Impact of Globalization and Free Market

Impact of globalization on welfare state

Impact on Natural Resources and Environment

Impact on Human rights

Impact on Trade and Investment law

Impact on Intellectual Property Rights

Unit- IV: Emerging Concepts of Justice in Globalization

Amartya Sen's Idea of Justice: Its relevance in the light of Justice and World.

Special Economic Zone (SEZ): Need of Law and Challenges

Environmental Jurisprudence and Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs)

Accountability and Transparency in Governance

Suggested Readings

1. John Rawls, Theory of Justice, Universal publications,2001
2. A. Anghie, Imperialism, sovereignty and the making of international law, Cambridge University Press,2007
3. T. Pogge, World poverty and human rights: Cosmopolitan responsibilities and reforms, Cambridge Polity,2002
4. B. Rajagopal, International law from below: Development, social movements and third world resistance, Cambridge University Press,2003
5. A. Sen, The idea of justice, Harvard University Press,2009
6. N. Fraser, Scales of justice: Reimagining political space in a globalizing world, Cambridge University Press,2010
7. A. Buchanan, Justice, legitimacy, and self-determination: Moral foundations for international law, Oxford University Press,2004
8. U. Baxi, The Future of Human Rights, Oxford University Press,2008
9. Anthony McGrew, David Held, Governing Globalization: Power, Authority and Global Governance, Polity Press, 2002.
10. Jean-Marc Coicaud, Michael W. Doyle, The Globalization of Human Rights, United Nations University Press, 2003
11. John Baylis, Steve Smith, The Globalization of World Politics: An Introduction to International Relations, Oxford University Press, 2008
12. Karl-Heinz Ladeur, Public Governance in the Age of Globalization,2004
13. Laura Valentini, Justice in a Globalizing World: A Normative Framework, Oxford University Press, 2011
14. Simon Coney, Justice Beyond Borders: A Global Political Theory, Oxford University Press, 2005

LL.M. SEMESTER - II

Paper-XI

Course Name- Alternate Dispute Resolution

Maximum marks: 100

Course Code- 102165

Semester Examination:60

Credit:2

Sessional Examination: 40

Objectives of the Course

1. To appreciate the importance of alternative dispute resolution mechanism as mode of dispute resolution.
2. To encourage students to play an active role in the construction of their own knowledge and in the design of their own learning strategies.
3. To inculcate the practical approaches through the case study on Domestic Arbitration and International Arbitration.
4. To 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 :

1. To understand various modes of ADR with procedure and practice.
2. To evaluate the sophisticated understanding of ethical and legal issues surrounding dispute resolution models and practice including case study.
3. To formulate the modalities and techniques of resolution of disputes through outside court settlement.

Contents of the Course

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

Unit -II: Other Modes of Alternative Dispute Resolution and Report Writing

Conciliation, Mediation, Negotiation, Section 89 of the Civil Procedure Code, 1908 and Plea Bargaining, Reports on participation in Legal Awareness Camps organized by department and/or with other institutions, Reports on participation in *Lok Adalats*

Suggested Readings

1. Avtar Singh, Law of Arbitration & Conciliation and Alternative Resolution Systems, Eastern Book company,2021
2. K.V. Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House,2021
3. Madsudan Sahary, Text book on Arbitration and Conciliation with Alternative Dispute Resolution, Universal Law Co.Pvt.Ltd.,2017
4. N.V. Paranjpe, Law relating to Arbitration & Conciliation in India, Central Law Agency,2016
5. Rohit M. Subramaniam, Eastern Book Co., 2021

6. Anirban Chakraborty, Law & Practice of Alternative Dispute Resolution in India, LexisNexis, 2016
7. S.M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow white Publications Pvt. Ltd., 2021
8. Shashank Garg, Alternative Dispute Resolution, Oxford,2018

LL.M. SEMESTER - II

Paper-XII

Course Name- Basic Research Methods

Maximum marks: 100

Course Code- 102166

Semester Examination:60

Credit:2

Sessional Examination: 40

Objectives of the Course

1. To make the students understand the fundamentals of research.
2. To help students identify legal research goals.
3. To make them familiar with problems being faced by researchers in India.
4. To help them understand mechanics of report writing.

Outcomes of the Course

Students will be able:

1. To conduct effective doctrinal as well as empirical legal research by using fundamental tools of legal research.
2. To learn the proper ways of citation.
3. To design and execute research problem.
4. To develop a research proposal to write dissertation.

Contents of the Course

Unit- I: Research

What is Research? Meaning and Objectives

Legal Research - Meaning, scope and purpose. Relation between law and society

Types/kinds:

- a. Doctrinal and Non-Doctrinal (empirical)
- b. Applied Research
- c. Fundamental Research
- d. Library Research
- e. Analytical Research
- f. Participatory and Non-Participatory
- g. Comparative and Historical
- h. Socio-legal Research
- i. Quasi disciplinary and Inter-disciplinary (multi- disciplinary) Research
- j. Quantitative and qualitative Research

k. Research for Legal Reform

Unit- II: Research Methods

Research Design

Various Steps in Research: Research Process

Research Problem: Identification and Formulation

Hypothesis

Use of Library

Use of Modern Technology/ Computer Assisted Research

Tools and Techniques for Collection of Data

a. Primary and Secondary Sources

b. Literature Review

c. Observation Method

d. Questionnaire

e. Interview

f. Case study

g. Sampling

h. Jurimetrics

Analysis and Interpretation of Data

a. Use of Deductive and Inductive Methods in Research

b. Preparation of Research Report and Writing of Research report

c. Budgeting of Research

d. Ethical and Legal Issues: Plagiarism and Copyright Violation

Suggested Readings

1. M.O. Price, H. Binter and Bysiewicz, Effective Legal Research,1978.
2. Pauline V. Young - Scientific Social Survey and Research,1962.
3. William J. Grade and Paul K. Hatt, Methods in Social Research, Graw-Hill Book Co.
- 4.H.M.Hyman, Interviewing in Social Research, 1965
5. Payne, The Art of Asking Questions,1965
6. Morris L. Cohan- Legal Research in Nutshell, West Publishing Co.,1996
7. Harvard Law Review Association- Uniform System of Citations
8. Indian Law Institute Publication- Legal Research and Methodology

LL.M.-III

SEMESTER

LL.M. SEMESTER - III

Paper-XIII

Course Name- Comparative Public Law

Maximum marks: 100

Course Code- 103161

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the term public law by contrasting with the realm of private law and the relationship between the two streams of law.
2. To identify the basic concepts of public law framework and the emerging concepts in administrative law and criminal law.
3. To provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

Outcomes of the Course

Students will be able:

1. To understand and appreciate a particular legal system in the wider socio-political context in which it operates.
2. To apply the concepts and laws appropriately in the course of professional performance.
3. To identify the potential areas of research.

Contents of the Course

Unit- I: Public Law and its Role in Governance

Nature of Public Law

Distinction between public and private law

Scope of Public law – Constitutional law, administrative law and Criminal law

Basic concepts of Public Law

Principles of Accountability and Public Law

Unit- II: Comparative Constitutional Law

Presidential and Parliamentary forms of Government

Federal and Unitary Governments

Forms of Governments

Federal and Unitary Forms

(a) Features, Advantages, and Disadvantages

(b) Model of Federalism and Concept of Quasi-Federalism

- (c) Role of Courts in Preserving Federalism
 - 1. Supremacy of Legislature in Law Making
 - 2. Rule of Law
- (a) Dicey's Concept of Rule of Law
- (b) Modern Concept of Rule of Law
- (c) Social and Economics Rights as Part of Rule of Law
- Separation of Powers
 - (a) Concept of Separation of Powers
 - (b) Checks and Balances
 - (c) Separation of Powers or Separation of Functions

Unit-III: Comparative Administrative Law

French concept of Separation of Powers and Administrative Courts

Droit Administratif

Administrative courts in France

Council d' etat

Scope of Judicial Review in UK

Scope of Judicial Review in US

Public Interest Litigation in India and US

Unit-IV: Comparative Criminal Law

Domestic Violations-International, National

Provisions relating to Rape

Plea Bargaining-USA, India

White Collar Crimes

Juvenile Justice

Suggested Readings

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance, Oxford University Press, 2010
2. D.D. Basu, Comparative Constitutional Law, 2nd ed., Wadhwa, Nagpur
3. David Strauss, The Living Constitution, Oxford University Press, 2010
4. Dr. Subhash C. Kashyap, Framing of Indian Constitution, Universal Law, 2004
5. Elizabeth Giussani, Constitutional and Administrative Law, Sweet and Maxwell, 2008
6. Erwin Chemerinsky, Constitutional Law, Principles and Policies, 3rd ed., Aspen, 2006
7. M.V. Pylee, Constitution of the World, Universal, 2006
8. Mahendra P. Singh, Comparative Constitutional Law, Eastern Book Company, 1989
9. Neal Devins and Louis Fisher, The Democratic Constitution, Oxford University Press, 2010
10. S.N. Ray, Judicial Review and Fundamental Rights, Eastern Law House, 1974

11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine*, Oxford University Press, 2009
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia*, Oxford University Press, 2013
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009
14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions*, Cambridge University Press, 2009

LL.M. SEMESTER - III
Paper-XIV

Course Name- Mass Media Law

Maximum marks: 100

Course Code- 103162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To equip the students with fundamental knowledge of Media law.
2. To understand constitutional and legal framework of media law.
3. To introduce students to the major legal, ethical and policy issues related to the mass media.
4. To explain in broad context, existing media law and policy and be able to critique and analyse future laws and policies.

Outcomes of the Course

Students will be able:

1. To critically analyze the legal and regulatory restrictions on freedom of speech and expression and their impact on freedom of press.
2. To explain and apply the legal principles in practice.
- 3 To develop the research-oriented understanding in the field of mass media law.

Contents of the Course

Unit-I: Media and the Constitution

History of Media Law in India, Constitutional Rights of Media & Limitations on Freedom of Speech and Expression

Media & Other Constitutional Estates

- Legislature: Breach of Privileges
- Judiciary: Contempt of Court
- Executive: Official Secrets Act, Central Civil Service Conduct Rules
- Issues relating to reporting Legislature and Judiciary

Unit-II: Media and the Law

Media & Criminal Law

- Defamation
- Sedition
- Obscenity

Media and Civil wrongs (Torts)

- Defamation
- Breach of privacy
- Negligence

Media & Copyright issues

Right to Information Act 2005: New tool for Press Freedom

Media and Journalists: Working Journalists Act and Press Council & Human Rights

Trial by Media: Influence on Adjudicators

Unit-III: Advertisement and the Law

Basis of Advertisement: Constitutional Freedom of Commercial Speech

Drug and Magic Remedies (Objectionable Advertisements) Act and other Laws regulating Advertisements

Content of Advertisements: Civil and Criminal liability

Unfair Practices through Advertisements and Consumers Rights

Advertising Standards Council of India: A Self- Regulatory Organization

Misleading Advertisements

Unit-IV: Electronic Media and Regulatory Law

Convergence of New Media in the Internet: Cinema, Social Media

Expansion of Electronic Media: Broadcast sector – TV and Radio

Autonomy of Public Sector Broadcaster: Prasar Bharti Law

Freedom of Private Broadcasting: Broadcasting Regulation Bill and Cable TV Network Regulation Act

Cinematography Act, Pre-censorship, Indecent Representation of Women (Prohibition) Act and Young Persons (Harmful Publications) Act

Information Technology Act 2000

Suggested Readings

1. H.M. Seervai, Constitutional Law of India, 1991
2. M.P. Jain, Constitutional Law of India, 1994
3. John B. Howard, The Social Accountability of Public Enterprises, 1980
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India, 1976
6. E.S. Venkaramiah, Freedom of Press: Some Recent Trends, 1984
7. D.D. Basu, The Law of Press of India, 1980
8. Rajeev Dhavan, Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

LL.M. SEMESTER - III

Paper-XV

Course Name-National Security, Public Order and Rule of Law **Maximum marks: 100**
Course Code- 103163 **Semester Examination:60**
Credit:4 **Sessional Examination: 40**

Objective of the Course:

1. To understand the importance of rule of law as the base of true democratic system.
2. To understand the grave threats faced by the state to its existence arising from extra ordinary circumstances created by war or external aggression or armed rebellion.
3. To analyze the different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

Outcomes of the Course

Students will be able:

1. To demonstrate the threats faced by the state to its existence arising from extra ordinary circumstances created by war or external aggression or armed rebellion.
2. To analyse the protection of national security and maintenance of public order that results into expansion of the powers of the state and its agencies.
3. To evaluate the maintenance of balance between national security, public order on the one hand with the rule of law on the other.

Contents of the Course

Unit-I: National Security, Public Orders and Rule of Law: Emergency Detention in England-Civil Liberties, Subjective satisfaction or objective assessment? Pre-Independence law.

Unit-II: Article 22 of the Constitution, Preventive Detention and Safeguards, Declaration of Emergency, 1962, 1965 and 1970 Emergencies, 1975 Emergency

Unit-III: Exceptional Legislations: COFEPOSA and other legislation to curb economic offenders, TADA -The Draconian Law, Comments of NHRC, Special courts and Tribunals, Due process and special legislation, Martial law, Provisions in English, Provisions in the Constitution.

Unit-IV: Civil Liberties and Emergency: Article 19, Meaning of 'Security of State', Meaning of 'Public Order', Suspension of Article 19 Rights on Declaration of Emergency, President's Right to suspend right to move any court, Article 21-Special importance-its non-suspend ability, Suspendability-44th Amendment.

Access to Courts and Emergency: Article 359-ups and downs of judicial review, Constitution (44th) Amendment Act, 1978, Constitution (59th) Amendment Act, 1988

Suggested Readings

1. G.O. Koppell, The Emergency, The Courts and Indian Democracy 8 JILI 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the Habeas Corpus, 1978
3. International Commission of Jurists, Status of Emergency and Human Rights, 1984
4. N.C. Chatterji and Parameshwar Rao, Emergency and the Law, 1966
5. M.P. Jain, Indian Constitutional Law, Lexis-Nexis, 2018

LL.M. SEMESTER - III

Paper-XVI

Course Name-Administrative Process and Judicial Control

Maximum marks: 100

Course Code- 103164

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the new norms of relationship between the administrative process and judicial control.
2. To explain the nature of administrative process and examine the judicial review of administrative action in India.
3. To demonstrate the importance of limits of judicial review, separation of power, and to control and check scope of the administrative actions.
4. To apprise of the legal framework governing public administration and the principles to control executive power to avoid arbitrariness and promote equity, justice and good conscience.

Outcomes of the Course

Students will be able:

1. To understand and interpret administrative processes to explore the various functional aspects of administrative body.
2. To explain various principles governing the judicial control over the administrative power.
3. To examine the new emerging trends in the administrative process and judicial regulation of the same.
4. To develop the enquiry of understanding the latent aspects of administrative process that imbibe in a power-liabilities dynamics, and its scope of judicial review on the administration action.

Contents of the Course

Unit-I: Administrative process: Nature and Meaning, the role of civil service, the role of administrative agencies, Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, Taxing power, Responsibility and accountability.

Unit -II: Judicial Review of Administrative action in India: Historical development, power of Supreme Court, Powers of High Courts, Role of Subordinate Courts. Jurisdiction: Finality Clause, Conclusive evidence Clauses, Law Fact distinction, Exclusionary Clause. Ground of

Judicial Review: Doctrine of Ultra vires, Unreasonable discretionary power: From Liversidge to Padfield, discretion and Justifiability, violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Mala fides and Bias, Lack of rationality and proportionality, oppressing decision.

Unit-III: Limits of Judicial Review: Locus standi and PIL, Laches, Res-judicata, alternative remedies, Remedies Writs, injunction and declaration.

Unit-IV: Tortuous and contractual liability, emerging liability-Personal accountability, compensatory jurisprudence and right to live, accountability under consumer protection law, Promissory Estoppels: Legitimate expectation and Constitutional dimensions.

Suggested Readings

1. I.P. Massey, Administrative Law, EBC, 2020
2. M.P. Jain, Administrative Law, Lexis Nexis ,2017
3. C.K. Takwani, Lectures on Administrative Law, EBC, 2021
4. S.P. Sathe, Administrative Law, Lexis Nexis, 2010
5. A. Lakshminath, Judicial Process & Precedent, EBC ,2009
6. Paul Craig, Administrative Law, Sweet & Maxwell, 2018
7. H.W.R. Wade& C.F. Forsyth, Administrative Law, Oxford, 2014
8. B. P. Banerjee, Judicial Control of Administrative Action, Lexis Nexis, 2012
9. Stephen P. Robbins, Administrative Process, Prentice Hall, 1976

LL.M. SEMESTER - III

Paper-XVII

Course Name-Seminar Paper

Maximum marks: 100

Course Code- 103165

Semester Examination:60

Credit:2

Sessional Examination: 40

Seminar papers are transacted in courses and are graded on the basis of the student's research paper, report, and presentation. At the postgraduate level, the seminar paper is an important part of developing research direction. Students will be exposed to work in a contemporary area of law through the Seminar paper at the postgraduate level, and they will be able to demonstrate their understanding through extensive written submissions and presentation. This will also allow students to voice their unique ideas, which will be backed up by solid background study, in order to develop alternative solutions to current legal concerns. Students will also be able to create research work worthy of publication in reputable journals or book chapters under the assistance of faculty mentors and this mandatory paper will also nurture and hone presentation skills of the students. Students are encouraged to follow the University's Academic Integrity Policy when working on projects or writing papers for publication. "Academic Integrity" refers to the activity of intellectual honesty that results in the development of intellectual property and involves a student.

LL.M.-IV

SEMESTER

LL.M. SEMESTER - IV

Paper-XVIII

Course Name-Indian Constitutional Law: The New Challenges

Maximum marks: 100

Course Code- 104161

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To explore Constitution as a living and composite document and to address the emerging issues and challenges.
2. To acquaint students that the Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

Outcomes of the Course

Students will be able:

1. To understand and interpret Constitution to address the emerging complex issues.
2. To explore the various Constitutional principles working in the backdrop and its interplay with the emerging issues.
3. To explore the potential area of research.

Contents of the Course

Unit -I: Indian Federalism

Creation of new states and need for widening the definition in the wake of liberalization

Allocation and share of resources - distribution of grants in aid

The inter-state disputes on resources

Rehabilitation of internally displaced persons

Centre's responsibility and internal disturbance within States

Directions of the Centre to the State under Article 356 and 365

Federal Comity: Relationship of trust and faith between Centre and State

Special status of certain States

Tribal Areas, Scheduled Areas

Unit-II: Emerging Regime of New Rights

Reading Directive Principles and Fundamental Duties as Fundamental Rights

Right to education; Commercialization of education and its impact; and Brain drain

by foreign education market

Religious freedom and right of minorities to establish and administer educational institutions of their choice

Implementation of International Obligation: Human Rights, Environmental protection and International trade
Empowerment of Women
Freedom of Press and Challenges of new scientific development
Rights of Third Gender

Unit-III: Institutional Dynamics

Overview of functioning of three organs of the State in post-independence era
Separation of powers and theory of checks and balance
Privileges and Immunities of legislature and their members
Judicial Activism and Judicial Accountability
Contempt of Courts
Political Morality and effect of Anti-Defection Law

Unit-IV: Democratic Process

Nexus of politics with criminals and the business
Election: Status of election commission, electoral reforms
Coalition government: stability, durability, and corrupt practice
Grass root democracy.

Suggested Readings

D.D. Basu, Introduction to the Constitution of India, Lexis Nexis, 2019
H.M. Seervai, Constitutional Law of India, Universal Book Traders 1996
M.P. Jain, Indian Constitutional Law, Wadhwa and Co., 2003
Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, 1999

LL.M. SEMESTER - IV

Paper-XIX

Course Name-Civil and Political Rights: Comparative Study

Maximum marks: 100

Course Code- 104162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To impart knowledge and understanding of the civil and political rights enshrined in the Constitution of India.
2. To understand the comparative study of Civil and Political Rights.
3. To have an insight into the working of American Constitutional System.
4. To analyse the Electoral Process and Laws of India and US.

Outcomes of the Course

Students will be able :

1. To develop a deep and comprehensive understanding of the civil and political rights enshrined in the constitution of India.
2. To understand and comprehend comparative analysis of civil and political rights.
3. To exhibit knowledge of the First Amendment of the American Constitution.
4. To explore the potential area of research.

Contents of the Course

Unit-I: Constitutional basis for protection of Individual rights

Balance between individual liberty and social needs

Availability and suspension of rights

Protective discrimination with special references to emerging judicial response to the problems of group inequalities

Unit-II: Right to Equality and Freedom of Speech and Expression

Right to Equality: General principles, Protective discrimination with special reference to emerging judicial response to the problems of group inequalities. Comparative study of the decisions of the Indian and American courts

Freedom of Speech and Expression: Liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution

Unit-III: Right to Life and Freedom of Religion

Expansive interpretation of Article 21

Nature, scope and meaning of terms “Personal Liberty”, and “Procedure established by law” in Indian Constitution, Nature, scope and meaning of terms “Liberty” and “Due Process” in American Constitution

Freedom of religion: profess, practice, propagation and administration of religious institutions

Freedom of religion: judicial interpretation of the freedom under the Constitution of India and of the United States

Unit-IV: Elections and the Emerging Electoral Rights

Adaptability of the Constitutional law to the changing needs of the society

Power and Procedure for amendments of these rights under the American and Indian constitution

Constitutional foundation of the right to vote

The voting rights Acts.

Judicial supervision of Elections

Role of Election commission

Suggested Readings

H.M. Seervai, Constitution of India, Universal Publication,2020

M.P. Jain; Indian Constitutional Law, LexisNexis, 2018

Jenny Schultz, Melissa Castan, and Sarah Joseph, The International Covenant on Civil and Political Rights, Cases, Materials, and Commentary, Oxford University Press,2014

LL.M. SEMESTER - IV

Paper-XX

Course Name-Constitutionalism: Pluralism & Federalism

Maximum marks: 100

Course Code- 104163

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To introduce students the various models of pluralism and forms of constitutional government and federal structures.
2. To study federal forms of government from various jurisdictions.
3. To understand the federal form of government prescribed under the constitutional scheme in India.

Outcomes of the Course

Students will be able:

1. To understand various contours of federal form of governance.
2. To analyse the ideas of pluralism and equality under the constitutional scheme.

Contents of the Course

Unit-I: Constitutionalism

What is Constitution? Limitation on Government parts
Democracy/Authoritarianism/ Dictatorship
Separation of Powers. Rule of Law-concept and new horizons
Conventions of constitutionalism - law and conventions
Fundamental rights, Human rights, Human rights-International conventions

Unit-II: Federalism

What is federal Government? Difference between confederation federation and unitary
Conditions required for federalism. Patterns of Federal Governments: USA, Australia, Canada, India
New trend in Federalism –Cooperative Federalism full faith and credit, Inter-State Council, Zonal Councils
India: Central control v. State Autonomy. Political factors influencing federalism.
Judicial review- for federal umpiring
Plural aspects of Indian federalism-Jammu &Kashmir, Punjab and Assam. Dynamics of federalism

Unit-III: Pluralism

What is pluralist society? Ethnic, Linguistic, cultural, Political Pluralism
Individual rights – Right to dissent. Right to self-determination
State intervention for protection of human rights
Rights of religious and linguistic minorities in India
Compensatory discrimination for backward classes
Freedom of association and Freedom of religion

Unit-IV: Equality in Plural Society

Right to equality and reasonable classification
Women-Right to equality and right to special protection in India
Abolition of untouchability and position of SC, ST and OBC in India
Tribal groups and equality
Prohibition of discrimination on ground of religion, caste, sex language
Secularism- Constitutional principles

Suggested Readings

1. U. Baxi, Law, Democracy and Human Rights, 5 Lokayan Bulletin 4,1987
2. V.M. Danekar, Unitary Elements in a Federal Constitution, 22 ,EPW
3. M.A. Fazal, Drafting a British Bill of Rights, 27 JILI 423(1985)
4. Rhett Ludwikowski, Judicial Review in the socialist Legal Systems-Current Development, 37 ICLD 89-108, (1988)
5. Jagat Narain, Judicial Law Making and the Place of the Directive Principles in the Indian Constitution, JILI198 (1985)
6. K.C. Wheare, Federal Government, Greenwood, 1980
7. D.D. Basu, Commentary on the Constitution of India, LexisNexi,s 2015
8. M.P Jain, Indian Constitutional Law, Lexis Nexis, 2018

LL.M. SEMESTER - IV

Paper-XXI

Course Name-Union State Relation & Constitutional Governance Maximum marks: 100

Course Code- 104165 Semester Examination:60

Credit:4 Sessional Examination: 40

Objectives of the Course

1. To analyze the origin and historic evolution of the concept of federalism in India.
2. To familiarize students with the relationship between union and state under the constitutional mechanism.
3. To develop an understanding among the students about the constitutional provisions with respect to the services under the Union and States.
4. To familiarize the students with the emergency provisions incorporated in the Constitution of India which regulates the relationship between the Centre and States during emergency.

Outcomes of the Course

Students will be able:

1. To develop an understanding of the constitutional governance under the scheme of our constitution.
2. To analyse the relationship between Centre and State with special reference to emergency provisions.
3. To demonstrate the federal and unitary features under the constitutional provisions.

Contents of the Course

Unit-I: Concept of Federalism

Financial System under the British Rule- Lord Mayo's Financial Reform, Lord Lytton's Provincial Contracts of 1877-78, Financial System under the Government of India Act 1919, Financial Relation under the Government of India Act 1935

Unit-II: Taxing powers

Taxing Powers of the Union, Taxing Powers of the States, Concurrent Taxing Powers, Residuary Taxing Power, Tax and fee, Restrictions on taxing powers
Distribution of Revenue: Exclusively Union Taxes, Central Taxes shared with States, Central taxes assignable to States

Unit-III: Directive Principles of State Policy

Significance of fundamental rights and fundamental duties vis-a-vis Directive Principles of State Policy

Fundamental Duties: Meaning, nature, scope, evolution and its relations with fundamental duties.

Nature, scope and justifiability of Directive Principles of State Policy

Economic Rights: Social security and welfare provisions

Unit-IV: Service under the Union and the States

Recruitment and regulations applicable on conditions of services

Doctrine of pleasure- Restrictions on Doctrine of Pleasure

Constitutional safeguards to civil servants

Public Service Commission- Appointment of member of Public Service Commission and functions of Public Service Commission

Suggested Readings

1. K.C. Wheare - Federal Government, Greenwood, 1980
2. Anirudh Prasad, Centre-State Relations in India, Deep Publishers, 1985
3. H.M. Seervai - Constitutional Law of India, Universal, 2015
4. D.T. Lakdawala - Union State Financial Relations, Anmol 2004
5. D.D. Basu - Commentary on the Constitution of India, LexisNexis 2015
6. Subhash C. Kashyap, Commentary on Constitution of India, Vitasta Publishers, 2019
7. Glanville Austin, The Indian Constitution: Cornerstone of a Nation, OUP 2021
8. M.P Jain, Indian Constitutional Law, LexisNexis, 2018
9. G.S Pande, Constitutional Law of India, University Book, 2019

LL.M. SEMESTER - IV

Paper-XXII

Course Name-Dissertation and Viva-Voce

Course Code- 104166

Credit:4

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Selecting the topic of the dissertation, prior permission of the Head of the Department will be essential and the topic will be related to the subjects / papers which are studied in any one of the semesters. The dissertation shall be supervised by the regular teacher. The dissertation shall be evaluated by external examiner. The viva-voce shall be conducted by an external and an internal examiner. The candidate must have secured 40 percent of marks separately in dissertation and viva-voce and 50% in aggregate. The candidate must be present in viva-voce, otherwise he will be declared fail in viva-voce and the candidate will have to reappear in the viva-voce examination and will have to deposit the fee as required by the university. The dissertation shall be submitted before the commencement of IVth semester examination.

Pre-Ph.D. Course

Paper Name- Core paperSOL/Ph.D./C-01**Legal Research Methodology**

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Meaning, importance and objectives of research.

Kinds of research.

Criteria of good research.

Problem of research scholar.

UNIT- II

Meaning, Nature and scope of Legal Research.

Importance and utility of Research.

Legal Research Methodology- meaning, characteristics and procedural perspective.

Selection and formulation of Research problem- essentials in formulation of research problem and difficulties.

UNIT-III

Objectivity in Legal research.

Legal research process.

Various kinds of Legal research.Hypothesis in Research.

UNIT-IV

Research Design, sampling, data collection, Interview, Questionnaire, Survey and observation.

Preparation of research report and its writing.

Use of computer & Internet in Legal research.

Pre-Ph.D. Course

Paper Name- Core paper SOL/Ph.D./C-02**Research and Publication Ethics**

Maximum Marks:

Credit: 02

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

Theory

UNIT- I: Philosophy and Ethics

Introduction to philosophy: definition, nature and scope, concept, branches

Ethics: definition, moral philosophy, nature of moral judgments and reactions

UNIT-II: Scientific Conduct

Ethics with respect to science and research

Intellectual honesty and research integrity

Scientific misconducts: Falsification, Fabrication, and Plagiarism (FFP)

Redundant publications: duplicate and overlapping publications, salami slicing

Selecting reporting and misrepresentation of data

UNIT-III: Publication Ethics

Publication ethics: definition, introduction and importance

Best practices / standards setting initiatives and guidelines: COPE, WAME, etc.

Conflicts of interest

Publication misconduct: definition, concept, problems that lead to unethical behavior and vice versa, types

Violation of publication ethics, authorship and contributoship

Identification of publication misconduct, complaints and appeals

Predatory publishers and journals

PRACTICE

UNIT-IV: Open access Publishing

Open access publications and initiatives

SHERPA/ROMEO online resource to check publisher copyright & self-archiving policies

Software tool to identify predatory publications developed by SPPU

Journal finder / journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.

UNIT-V: Publication Misconduct

Group Discussion

Subject specific ethical issues, FFP, authorship

Conflicts of interest

Complaints and appeals and appeals: examples and fraud from India and abroad

A. Software tools

B. Use of plagiarism software like Turnitin, Urkund and other open source software tools

UNIT-VI: Databases and Research Metrics

Databases

Indexing databases

Citation databases: Web of Science, Scopus, etc.

A. Research Metrics

B. Impact Factor of journal as Journal Citation Report, SNIP, SJR, IPP, Cite Score
Metrics: h-index, i10 index, altmetrics

Pre-Ph.D. Course

Paper Name: Core paper SOL/Ph.D./C-03 **Legal theories**

Maximum Marks:

Credit: 01

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Definition, nature and scope of jurisprudence and legal theory.

Importance of the study of jurisprudence and legal theory.

Analytical Positivism- Jermy Bentham and John Austin.

The Pure Theory- Hans Kelsen.

UNIT-II

Sociological School and Social engineering.

Historical School- Savigny.

Natural School.

Pre-Ph.D. Course

Paper Name- Elective paper- Group A-SOL/Ph.D./E-01A **Constitutional law of India.**

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Preamble, Nature of the Indian Constitution and Challenges before Indian constitution.

Meaning of the State and its expansion.

Fundamental Rights & Directive Principles of state policy and its importance.

UNIT-II

Parliament and Judiciary.

Relations between the Union and The States and new dimensions.

UNIT- III

Services under the Union and the States and changes.

Elections.

Special provisions relating to certain classes and States.

UNIT- IV

Emergencies and effects.

Amendment of the Constitution.

Pre-Ph.D. Course

Paper Name- Elective paper- Group A-SOL/Ph.D./E-02A**Administrative Law.**

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Evolution, need and significance of Administrative Law.

Doctrine of Separation of powers and Rule of Law- changing dimensions.

Delegated Legislation.

UNIT- II

Administrative Discretion and maladministration.

Administrative Tribunals, Writs and Judicial Review.

UNIT- III

Principle of Natural Justice.

Access to information and Right to information Act.

Lokpal and Lokayukt.

Commission of Inquiry and vigilance commission.

UNIT- IV

Liability of the State- Under contract and Tort.

Public Undertakings and privatization- Advantages & Disadvantages.

Constitutional protection to civil servants and Supreme Court.