

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

(Ist) 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 (Bhartiya Nyaya Sanhitha 2023)- 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 (Bhartiya Sakshya Adhiniyam, 2023) - DSC	105111	100	4
2.	Law of Crimes - II (The Bharatiya Nagarik Suraksha Sanhita, 2023) - 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

संविदा विवि एं विविदि स्तअितुष अविवियम – एक परिचय by Avtar

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

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

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

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

Reference Books

Law of Contract – Anson, LexisNexis Butterworths, 2017

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

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

Paper-III

LL.B. Semester-I

M.M:100

Code-101113

Theory:70

Credit-4

Sessional:30

Law of crimes-I (Bhartiya Nyaya Sanhitha2023)

Course Objective

1. To provide a comprehensive understanding of the Bharatiya Nyaya Sanhita, 2023.
2. To analyse the fundamental principles and concepts of criminal laws of India.
3. To develop skills for interpreting and applying provisions of the Bharatiya Nyaya Sanhita, 2023.
4. To critically evaluate the reforms and updates in the Bharatiya Nyaya Sanhita, 2023.
5. To enable the students to apply the knowledge in legal practice.

Learning outcomes

Students will be able to:

1. Understand the key provisions and principles of the B.N.S.2023
2. Apply the legal provisions to hypothetical and real-world scenario.
3. Analyse case laws and judicial interpretations related to B.NS.
4. Critically assess the effectiveness of 2023 reforms in BNS.

Outline of the course

Unit: I

Introduction

- Crime- meaning, elements and stages of Crime.
- Principles of criminal liability -actus reus and Mens rea and other Maxims.
- Preliminary (Sec. 1) and various definitions Sec. 2(1) to (39), Punishments including community services (Sec. 4 to 13), General explanations and expressions (Sec. 3) common intention Sec. 3(5), Principle of joint and constructive liability, Repeal and saving clause (Sec. 358)
- **General exceptions**- Mistake of fact (Sec. 14, 17), Judicial Act (Sec. 15, 16), accident (Sec. 18), act done without criminal intention and to prevent more harm (Sec. 19), act of a child (Sec. 20, 21), act of person of unsound mind (Sec. 22), act under intoxication (Sec. 23, 24), acts with consent (Sec. 25 to 28), trivial acts (Sec. 33), Right of private defence of body and property (Sec. 34 to 44).
- **Abetment** (Sec. 45 to 60), **criminal conspiracy** (Sec. 61), **attempt to commit offences** (Sec. 62).

Unit: II

Offences against women and children:

Rape (Sec. 63 to 66), Marital rape (Sec. 67), custodial rape (Sec. 68), sexual intercourse by employing deceitful means etc (Sec. 69), Gang rape (Sec. 70), Assault to women with intent to outrage her modesty (Sec. 74), sexual harassment (Sec. 75), to disrobe (Sec. 76), voyeurism (Sec. 77), stalking (Sec. 78), To insult modesty of women (Sec. 79), Dowry death (Sec. 80), Bigamy (Sec. 82), Cruelty by husband (Sec. 85, 86), Miscarriage (Sec. 88 to 92), Hiring, employing or engaging a child to commit an

offence(Sec. 95), procurement of child(Sec. 96, 97),selling and buying of child for prostitution(Sec. 98, 99).

- **Offences against human body:**

Culpable homicide(Sec. 100, 102, 105, 107),Murder(Sec. 101, 103, 104),Mob-lynchingSec. 103(2),causing death by negligence(Sec. 106),Abetment of suicide of child of unsound mind(Sec. 107),Abetment of suicide(Sec. 108),Attempt to murder(Sec. 109),Organised crime(Sec. 111),Petty organised crime(Sec. 112),Terrorist act(Sec. 113),Hurt(Sec. 114, 115),Grievous hurt(Sec. 116 to 123),Acid attack(Sec. 124),wrongful restraint(Sec. 126), wrongful confinement(Sec. 127), criminal force(Sec. 128 to 129), assault(Sec. 130 to 136),Kidnapping(Sec. 137),Abduction(Sec. 138 to 142), trafficking (Sec. 143, 144).

Unit: III

- **Offences against state**

Waging war against government & its conspiracy(Sec. 147 to 158), acts endangering sovereignty, unity and integrity of India(Sec. 152).

- Of offences relating to elections(Sec. 169 to 177),
- Of offences relating to coin, currency note, government stamps(Sec. 177 to 188).
- Of offences against public tranquillity (unlawful assembly Sec. 189, Rioting 191, Affray 194, common object Sec. 190).
- Contempt of the lawful authority of public servant(Sec. 206 to 226).
- False evidence and offences against public justice(Sec. 227 to 269),Offence affecting public health,safety,convenience etc(Sec. 270 to 297).
- Offences relating to religion(Sec. 298 to 302).

Unit: IV

- **Offences against property**

Theft(Sec. 303 to 307), Snatching(Sec. 304),Extortion(Sec. 308),Robbery(Sec. 309),Dacoity(Sec. 310 to 313),Dishonest misappropriation of property(Sec. 314, 315), criminal breach of trust (Sec. 316),stolen property(Sec. 317), Cheating(Sec. 318, 319),Mischief(Sec. 324 to 327), Criminal trespass and house trespass (Sec. 329), house trespass and house breaking (Sec. 330 to 333), Criminal offences relating to document and property marks(Sec. 335 to 350).

- Criminal intimidation(Sec. 351), insult,annoyance(Sec. 352 to 355),defamation(Sec. 356).

Bare Act:

- The Bhartiya Nyay Sanhitha 2023

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

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
- 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 loquitur

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'être, Res Integra, Res Nullius, Sine Qua Non, Intra- Vires, Ultra Vires

b. Actus non facit reum nisi mens 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 loquitur, 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

Doctrine of Territorial Nexus

Doctrine of Harmonious Construction

Doctrine of Pith and Substance

Doctrine of Repugnancy

Doctrine 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, Lexis Nexis Butterworths Wadhwa, 2008
S.C. Tripathi and Vibha Arora, Law Relating to Women and Children, Central Law Publications, 2010
Syed Khalid Rashid's, Muslim Law, Eastern Book Company, 2008

LL.B. Semester-II

Paper IX

M.M.: 100

Code: 102114

Theory: 70

Credit: 4

Sessional: 30

Public International Law

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

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

Definition, Nature & Basis of International Law

Codification of International Law

Subjects of International Law

Relationship between International and Municipal Law

Third World and International Law

Unit-II: Recognition of State

Nature of State

Recognition (De facto and De jure recognition)

Succession

Acquisition and Loss of Territory

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

Nationality

Extradition

Asylum

Diplomatic Agents

Treaties

Unit-IV: International Organizations

International Organizations

United Nations Organizations

Security Council

International Court of Justice

International Criminal Court

Regional Organizations (EU, SAARC and ASEAN)

Text books

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

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

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

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

Reference books

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

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

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

LL.B. Semester-II

Paper X

M.M.: 100

Code: 102115

Theory: 70

Credit: 4

Sessional: 30

Company Law

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

Unit- I: Formation, Registration and Incorporation of Company

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

Unit-II: Memorandum of Association and Prospectus

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

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

Unit- III: Shares/Debentures and Meetings

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

Unit -IV: Winding Up and Adjudicatory Bodies

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

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

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

Text Books

Avtar Singh, Indian Company Law, EBC, 2018

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

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

Reference Books

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

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

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

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

LL.B. Semester-III

Paper XI

M.M.: 100

Code: 103111

Theory: 70

Credit: 4

Sessional: 30

Jurisprudence

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

Unit-I: Meaning and Importance of Jurisprudence

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

Unit-II: Sources of Law and Administration of Justice

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

Unit-III: Schools of Jurisprudence

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

Unit-IV: Concepts of the Law

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

Text Books

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

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

Nomita Aggarwal, Jurisprudence, Central Law Publication, 2010

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

Reference Books

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

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

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

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

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

LL.B. Semester-III

Paper XII

M.M.: 100

Code: 103112

Theory: 70

Credit: 4

Sessional: 30

Property Law (Transfer of Property Act & Easement Act)

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

Unit- I: Introduction

Definitions

Essentials of valid transfer

Condition restraining alienation

Transfer for benefit of unborn person

Rule against perpetuity

Vested & Contingent interest
Conditional Transfer

Unit-II: General Principles

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

Unit-III: Specific Transfers

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

Unit-IV: Lease and Easement Lease

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

Text Books

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

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

Reference Books

G.C. Bharuka ,Mulla's Transfer of Property Act 1882 , Lexis Nexis Buttherworths, 2006, New Delhi.
Vepa P. Sarthi, Transfer of Property, Eastern Book Publication,5th Ed, Lucknow, 2012
Subbarao, Transfer of Property, Eastern Book Publication,2012
Hari Singh Gour and A.R. Lakshmanan, Commentary on Transfer of Property Act, Delhi Law House ,2011, Delhi.
M.R. Mallick, Goyle's A Commentary on the Transfer of Property Act, Delhi Eastern Law House,200, Delhi.
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, Ejusdem 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, Complaint, 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

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

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 Fardunzi 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 Intercompany

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 Sahay, 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

Paper XXI

LL.B. Semester-V
Code: 105111
Credit-4

M. M: 100
Theory: 70
Sessional : 30

Law of Evidence **(Bhartiya SakshyaAdhiniyam, 2023)**

Course Objectives:

1. To make the students understand nature and functions of the law of evidence.
2. To demonstrate to students the quality and type of proof needed to prevail in litigation.
3. To inculcate in them the skills of an Advocate by exposing them to the techniques of cross examination.
4. Students will be able to exhibit skills in practices and procedures of law.
5. To explore the latest developments and grey areas of evidence law.

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.

Outline of the Course

Unit-I

Introduction and Interpretation Clause

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

Principles of rules of Best Evidence

Evidence (Sec.2(1)(e), Document (Sec.2(1)(d), Proved(Sec.2(1)(j),Disproved(Sec.2(1)(c), Not proved(Sec.2(1)(i),

Relevant Facts{(Section 2(1) (k)} and Fact in Issue{(Section 2 (1)(g)}

May Presume{(Section 2(1)(h)}, Shall Presume{(Section 2(1)(l)} and Conclusive Proof{(Section 2(1)(b)}

Relevancy of Facts

Res Gestae (Section 4)
Occasion, Cause & Effect (Section 5)
Motive, Preparation, Conduct & Introductory Facts (Sections 6 & 7)
Relevancy of facts constituting Conspiracy (Section 8)
Alibi (Section 9)

Unit-II

Definition of Admission and Relevancy

Admission Defined & Persons who can make Admissions (Sections 15 -18)
Proof of Admissions against the Persons making them (Sections 19- 20)
Admissions in Civil cases (Section 21)

Definition of Confession and Relevancy of Confessions, Dying declaration

Confession (Section 22)
Confession to Police, Confession in the presence of Magistrate &
Discovery Statement (Section 23)
Confession by Co-accused & Evidentiary value of Retracted Confession (Section 24)
Dying Declaration (Section 26)
Relevancy of Previous Judgements (Sections 34- 38)
Relevancy of Opinion of Experts (Sections 39- 45)
Relevancy of Character (Sections 46-50)

Unit-III

Documentary Evidence

Facts Which Need Not be Proved (Sections 51-53)
Oral and Documentary Evidence (Sections 54-77)
Exclusion of Oral by Documentary Evidence (Sections 94-99)

Production and Effect of Evidence

Burden of Proof (Sections 104-114)
Presumptions (116-120)
Estoppel (121-123)
Competence of Witnesses (Sections 124-127)
Privileged Communications (Sections 128 -137)
Accomplice as a Witness (Section 138)
Hostile Witness (Section 157)

Unit-IV

Examination of Witnesses

Types of Examinations (Section 142)
Leading Questions {(146 (1)(2)(3) & (4)}
Questions which can be asked during different type of Examinations (Section 168)
Impeaching the Credit of Witnesses (Section 158)
Refreshing Memory (Section 162)
Improper Trial or Rejection of Evidence (Section 169)

Digital Signatures & Digital Certificates (Sections 61-66)
Recent Developments – Introduction to Electronic and Forensic Evidence

Bare Act-

- The Bhartiya Sakshya Adhiniyam, 2023

Text Books

- Batuk Lal, Law of Evidence, Central Law Agency, 2023
- Ratan Lal Dhiraj Lal, The Law of Evidence, Lexis Nexis, 2019
- Dr. Avtar Singh, Principles of the Law of Evidence, Central Law Publications, 2022
- Chief Justice M. Monir, 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
- Chief Justice 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

Paper: XXII

LL.B. Semester-V

Code: 105112

Credit-4

M. M: 100

Theory : 70

Sessional: 30

Law of Crimes- II (The Bharatiya Nagarik Suraksha Sanhita,2023)

Course objectives:

1. To understand the criminal Justice system in India.
2. The course will acquaint the student with organization of the functionaries under the Sanhita, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised.
3. To understand how procedural law will promote and protect the interests of a common man, especially during police investigation.
4. 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 law with commitment towards learning.
2. Identify the stages of Investigation, Inquiry and Trial.
3. Research, analyze, rationalize and present effectively.
4. Apply the legal principles and procedures in practice.

Outline of the course

Unit – I

Objects, Scope and extent of the Act, Definitions(Section 2), Constitution of Criminal Courts and Offices(Sections 6-20), Powers of Courts(Sections 21-29), Powers of superior officers of police and aid to the Magistrates and the Police (Sections 30-34).

Unit – II

Arrest of Persons(Sections 35- 62), Processes to Compel Appearance (Section 63-93) ,Process to compel the production of things(Section 94-110) , Reciprocal arrangements for assistance in certain matters and procedure for attachment and Forfeiture of property(Sections 111-124), Security for keeping the peace and for good behavior(Sections 125-143) , Order for Maintenance of Wives, Children and Parents(Sections 144-147), Maintenance of Public order and Tranquility (Sections 148-167), Preventive Action of the Police(Sections 168-172), Information to the Police and their Powers to Investigate (Sections 173-196), Jurisdiction of the Criminal Courts in Inquiries and Trials(Sections 197-209).

Unit – III

Conditions requisite for initiation for proceedings (Sections 210-222), Complaint to Magistrate (Sections 223-226), Commencement of proceedings before Magistrates (Sections 227-233), Limitations for taking Cognizance for certain offences (Sections 513-519), The

charge (Sections 234-247), ,Types of Trial (Session, Warrant, Summon and Summary trial , Sections 248-288), Plea bargaining(Sections 289-300), Attendance of persons confined or detained in person (Sections 301-306), Evidence in Inquiries and trials(Sections 307-336) ,General Provisions as to Inquiries and trials(Sections 337-366).

Unit – IV

The Judgment (Sections 392-406), Submission of Death Sentences for Confirmation (Sections 407-412), Appeals (Sections 413-435) , Reference and Revision (Sections 436-445), Transfer of criminal cases (Sections 446-452), Execution, Suspension, Remission and Commutation of Sentences (Sections 453-477), Provision as to Bail and Bonds (Sections 478-496), Irregular proceedings (Sections 506-512), Inherent powers of High Court (Section 528), Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2015 with latest Amendment, Salient features of the Probation of Offenders Act, 1958.

Bare Acts:

- The Bharatiya Nagarik Suraksha Sanhita, 2023
- Probation of Offenders Act, 1958
- Juvenile Justice (Care & Protection of Children) Act, 2015

Text Books:

- J.K. Verma, Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure) : A Commentary, EBC, 1st Edition, 2024.
- 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,

Reference Books:

- P. S. A. Pillai, Criminal Law, Lexis Nexis, 2017
- S.C. Sarkar, Code of Criminal Procedure (Volume –I &II), Lexis Nexis, 2018
- S.R. Myneni, Criminal Procedure Code Law of Juvenile Justice & Probation Of Offenders, ALA, 2022

LL.B. Semester–V

Paper: XXIII

M.M:100

Code:105113

Theory:70

Credit:4

Sessional:30

Labour Law and Industrial Laws-I

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

Unit-I: Trade Union Act, 1926

Trade Unionism in India

Definition of trade union and trade dispute

Registration of trade unions

Legal status of registered trade union

Mode of registration

Powers and duties of Registrar

Cancellation and dissolution of trade union

Procedure for change of name

Amalgamation and dissolution of trade union

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

General and Political funds of trade union

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

Unit-II: The Industrial Dispute Act, 1947

Resolution of Industrial Dispute

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

Unit-III: The Industrial Dispute Act, 1947

Instrument of Economic Coercion

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

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

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

General Rules concerning benefits
Authorities under the Act

Bare Acts

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

Text Books

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

Reference Books

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

LL.B. Semester–V

Paper: XXIV (A)

M.M:100

Code: 105411

Theory:70

Credit-4

Sessional:30

Offences Against Children and Juvenile Offences

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

Unit-I: Constitutional and International Legal Status of Child

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

International concern and endeavour for the welfare of children:

Minimum Age conventions

Child rights conventions

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

Contributions – UNESCO, UNICEF, CEDAW

Unit-II: Legal Control of Child Labor

International conventions and recommendations of the ILO

The Factories Act, 1948

The Child Labor (Prohibition and Regulation) Act, 1986

Unit-III: Child and Criminal Liability: Statutory provisions

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

Section 27 of the Cr.P.C.

The Prohibition of Child Marriage

Act, 2006

The Children Act, 1960

The Child Abuse Prevention and Treatment Act, 1974

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

Concept of Juvenile Delinquency

Legal Position in India

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

General Principles of Care and Protection of children

Juvenile Justice Board: Procedure, Powers and functions

Procedure in relation to children in conflict with law

Children's Court and its Powers

Child welfare committee: Procedure, Powers and functions

Procedure in relation to children in need of Care and Protection

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

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

Sexual Abuse of Children

Meaning, Definition, Nature and different types of Sexual Abuses

Protection of Children from Sexual Offences Act, 2013

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

Sexual Assault and Aggravated Sexual Assault (7 to 10)

Sexual Harassment (11, 12)

Using Child for Pornographic Purpose (13 to 15)

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

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

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

Text Books

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

R.N. Choudhary, Law relating to Juvenile Justice in India, Orient Publishing House, 2015

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

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

Reference Books

K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., 2012

K.I. Vibhuti, PSA Pillai's Criminal Law, LexisNexis, Butterworths Wadhwa, 2012

S.R. Myneni, Offences against Child and juvenile Offences, New Era Law Publication, 2018

S.K. Chatterjee, Offences against Child and Juvenile Offences, Central Law Publication, Allahabad, 2012

Ved Kumari, The Juvenile Justice System in India: From Welfare to Rights, Oxford University Press India, 2010

M.S. Sabnis, Juvenile Justice and Juvenile Correction, Somaiya Publications Pvt. Ltd., 1996 edition, 1996

N.K. Chakrabarty, Juvenile Justice in the Administration of Criminal Justice, Deep & Deep Publications, N 2000

LL.B. Semester–V

Paper: XXIV (B)

M.M:100

Code: 105412

Theory:70

Credit:4

Sessional:30

Women and Law

Objectives of the Course

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

Outcomes of the Course

Students will be able to:

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

Course Content

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

Women Rights as Human Rights

Universal Declaration of Human Rights, 1948

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

Declaration on the Elimination of Violence against Women, 1993

Gender Equality and Constitution

Preamble

Political Rights, Economic Rights and Social Justice

Fundamental Rights

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

Directive Principles of State Policy

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

Maternity Relief, Uniform Civil Code

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

Women's Representation in Local Bodies

Unit-II: Personal Laws and Women

Marriage

Divorce

Adoption

Maintenance

Succession

Guardianship

Unit-III: Criminal Laws and Women

Adultery

Rape (Custodial Rape, Gang Rape, Marital Rape)

Outraging Modesty

Domestic Violence

Dowry Deaths

Sexual Harassment

Unit-IV: Women Welfare Laws

The Dowry Prohibition Act, 1961

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

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

Protection of Women against Sexual Harassment at Workplace Act, 2013

Protection of Women Against Domestic Violence Act, 2005

Labour Welfare Legislations:

Maternity Benefit Act, 1961

Factories Act, 1948

Equal Remuneration Act, 1976

Text Books

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

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

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

Reference Books

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

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

Dalbiri 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

Paper: XXIX (B)

M.M:100

Code:106412

Theory:70

Credit:4

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.
Depecage

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.