

**PUNYASHLOK AHILYADEVII HOLKAR  
SOLAPUR UNIVERSITY, SOLAPUR**



**FACULTY OF HUMANITIES (LAW)**

**Syllabus for**

**Third & Fourth Semesters of LL.B II**

**Three Year Law Course**

**CHOICE BASED CREDIT SYSTEM (CBCS)**

**With effect from June: 2020-2021**

## FROM ACADEMIC YEAR 2020-2021

## LL.B – II SEMESTER –III

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Duration of Exam
11	CORE AND COMPULSORY -XI	Jurisprudence	6	4	80+20=100	3.00-Hrs
12	CORE AND COMPULSORY -XII	Property Law	6	4	80+20=100	3.00-Hrs
13	CORE AND COMPULSORY- XIII	Labour and Industrial Law -II	6	4	80+20=100	3.00-Hrs
14	DISCIPLINE SPECIFIC ELECTIVE-I	A ) Interpretation of Statutes and Principles of Legislation OR B) Banking Law	6	4	80+20=100	3.00-Hrs
15	DISCIPLINE SPECIFIC ELECTIVE-II	A) Penology & Victimology OR B) Gender Justice and Feminist Jurisprudence	6	4	80+20=100	3.00-Hrs

## LL.B – II SEMESTER –IV

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Duration of Exam
16	CORE AND COMPULSORY -XIV	Family Law –II	6	4	80+20=100	3.00-Hrs
17	CORE AND COMPULSORY -XV	Constitutional Law –II	6	4	80+20=100	3.00-Hrs
18	DISCIPLINE SPECIFIC ELECTIVE-III	A) Insurance Law OR B) Trade Mark & Design	6	4	80+20=100	3.00-Hrs
19	ABILITY ENHANCEMENT COURSE –I	Professional Ethics & Professional Accounting System (Clinical Course)	6	4	80+20=100	3.00-Hrs
20	ABILITY ENHANCEMENT COURSE –II	Alternative Dispute Resolutions ( Clinical Course)	6	4	80+20=100	3.00-Hrs

**P.A.H. SOLAPUR UNIVERSITY, SOLAPUR**  
**SYLLABUS FOR II YEAR OF LL.B DEGREE COURSE**  
**SEMESTER III**  
**CORE AND COMPULSORY -XI**  
**JURISPRUDENCE**  
**(Legal Method, Indian Legal System and Basic Theory of Law)**  
**Credits: 4**

**Objectives of the Course**

At the heart of the legal enterprise is the concept of Law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. The fact is that the basic nature and purpose of law should be clear to every student. A course in jurisprudence should, primarily, induct the students into realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answer for himself.

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

**Total Theory Lectures-80**

**Unit No:**

- |          |   |                   |
|----------|---|-------------------|
| <b>1</b> | <b>Introduction</b>   | <b>8 Lectures</b> |
|          | Meaning of the term 'Jurisprudence'   |                   |
|          | Norms and the normative system  |                   |
|          | Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practice |                   |
|          | Legal system as a normative order: similarities and differences of the legal systems with other normative systems         |                   |
|          | Nature and definition of law  |                   |
| <b>2</b> | <b>Schools of Jurisprudence and the basic theories of Law</b>   | <b>8 Lectures</b> |
|          | Analytical Positivism   |                   |
|          | Natural Law.  |                   |
|          | Historical School   |                   |
|          | Sociological School   |                   |
|          | Economic interpretation of Law  |                   |
|          | Realism   |                   |
| <b>3</b> | <b>Sources of Law and Methods of Law Making</b>   | <b>8 Lectures</b> |
|          | Customs   |                   |
|          | Precedents: Concepts of <i>Stare Decisis</i>  |                   |
|          | <i>Ratio Decidendi</i>  |                   |
|          | Methods of Determining of <i>Stare Decisis</i>  |                   |
|          | Legislation   |                   |
|          | Statutes by Legislation and Codes as Statutes   |                   |
|          | Juristic Writings   |                   |

<b>4 Indian Legal System</b>	<b>6 Lectures</b>
Ancient Legal System: Concept of Dharma	
The Modern Legal System: The Indian Constitution- a social document, Judiciary, Legal aid for poor, PIL Social Action groups, Compensatory Jurisprudence Social Justice	
<b>5 Purpose of Law</b>	<b>6 Lectures</b>
Justice, Meaning and kinds (Civil, Criminal)	
Power of Supreme Court of India to do Complete Justice in case of Article 142.	
<b>6. Legal Rights: the concept</b>	<b>6 Lectures</b>
Rights: Kinds	
Right and Duty correlation	
<b>7. Persons</b>	<b>5 Lectures</b>
Nature of personality	
Status of the unborn, minor, lunatic drunken and dead persons	
Corporate Personality	
Dimensions of the modern legal personality: Legal personality of non- human beings	
<b>8 Possession : the Concept</b>	<b>4 Lectures</b>
Kinds of Possession	
<b>9. Ownership: the Concept</b>	<b>4 Lectures</b>
Kinds of ownership	
Difference between Possession and Ownership	
<b>10. Title</b>	<b>4 Lectures</b>
<b>11. Liability</b>	<b>8 Lectures</b>
Condition for imposing Liability	
Wrongful act	
Damnum sine injuria	
Causation	
Mens rea	
Intention	
Malice	
Negligence and recklessness	
Strict liability	
Vicarious liability	
<b>12 Obligation: Nature and Kinds</b>	<b>5 Lectures</b>
Sources of obligation	
<b>13 Procedure</b>	<b>8 Lectures</b>
Substantive and procedural laws: Difference	
Evidence: Nature and Kinds	

**Select Bibliography:-**

1. Bodenheimer Jurisprudence: *The Philosophy and Method of law* [1996] Universal, Delhi.
2. Fitzgerald, (ed) *Salmond on Jurisprudence* [1999] Tripathi Bombay.
3. W. Friedman, *Legal Theory* [1999] Universal, Delhi.
4. V. D. Mahajan, *Jurisprudence and Legal Theory* [1996- re-print] Eastern Lucknow.
5. M.D.A. Freeman (ed.) *Lloyd's Introduction to Jurisprudence* [1994] Sweet and Maxwell.
6. Paton G.W. *Jurisprudence* [1972] Oxford ELBS
7. H.L.A. Hart *The concepts of Law* [1970] Oxford ELBS
8. Roscoe Pound, *Introduction to the Philosophy of Law* [1998-re-print] Universal Delhi.
9. Dias, *Jurisprudence* [1994 First Indian re-print] Adithya Books, New Delhi.
10. Dhyani S.N. *Jurisprudence: A Study of Indian Legal Theory* [1985], Metropolitan, New Delhi.
11. Dhyani S. N. *Fundamentals of Jurisprudence, The Indian Approach*
12. Dr. S. R. Myneni *Legal Research Methodology*

**CORE AND COMPULSORY-XII**  
**PROPERTY LAW**  
**Credits: 4**

**Objectives of the Course:-**

The Course on property conventionally deals with the Transfer of Property Act, 1882. More than a Century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. The syllabus includes aspects relating to intellectual property which are important in the context of development.

Consequent upon the shortage of lands in urban areas, the majority of citizens of urban areas of the State cannot think in terms of working houses on individual basis. Though there is an ever-growing tendency to construct multi storied flats, apartments and the like on ownership basis, persons purchasing flats, tenements, or apartments do not have a marketable title thereto and cannot obtain any loan by mortgaging such flats, tenements, etc.

Consequently, tenements constructed by Housing Boards for example cannot be sold to the tenants who cannot raise any loan on the security of such tenements, with the result that an enormous amount of capital is locked up, which can be utilized for new constructions to meet the increasing demand for housing. It was considered expedient that each apartment should for all purpose constitute a heritable and transferable immovable property and so The Maharashtra Apartment Ownership Act, 1970 was passed by the Maharashtra State Legislature.

**Total Theory Lectures-80**

**Unit No:**

- |   |                    |
|---|--------------------|
| <p><b>1 Jurisprudential Controls of Property</b></p> <p>Concept and meaning of property – new property – Government largesse<br/>           Kinds of Property - movable and immovable Property – tangible and intangible property – intellectual property - copyright – patents and designs - trademarks<br/>           The concept of common property resources<br/>           Possession and ownership as a man - property relationship, finder of lost goods</p> | <b>10 Lectures</b> |
| <p><b>2 Law relating to Transfer of Property</b></p> <p>General Principles of transfer of property<br/>           Sales<br/>               Mortgages<br/>               Under the provision of the Transfer of Property Act, 1882<br/>               To a land mortgage bank, land development bank, powers and functions<br/>           Charges<br/>           Leases<br/>           Exchanges<br/>           Gifts<br/>           Actionable claims</p>           | <b>30 Lectures</b> |
| <p><b>3 Law Relating to certain Intangible Properties</b></p> <p>Goodwill<br/>           Trade Marks<br/>           Patents and Designs<br/>           Copy Right<br/>           Video Piracy<br/>           Software</p>   | <b>10 Lectures</b> |
| <p><b>4. Easements</b></p> <p>Nature, Characteristics and Extinction<br/>           Creation of Easements<br/>           Riparian Rights<br/>           Licenses</p>  | <b>10 Lectures</b> |

**5. The Maharashtra Apartments Ownership Act, 1970****20 Lectures**

Status of Apartments  
 Ownership of Apartments  
 Common area and facilities  
 Prohibited Work in Apartment Property  
 Encumbrances against Apartments  
 Common Profits and Expenses  
 Contents of Declaration  
 Contents of Deeds of Apartments  
 Registration of Declarations, Deeds of Apartments and Copies of floor Plans  
 Removal of Property from Provisions of Act  
 Bye-Laws  
 Separate Movements for Tax Purposes  
 Joint and Several Liability of Vendor etc, for Unpaid Common Expenses  
 Insurance  
 Disposition of Property, Destruction or Damage  
 Action  
 Stamp Duty, Registration Fee and Court –Fees  
 The Maharashtra Apartment Ownership Rules, 1972

**Select Bibliography:-**

1. Mulla, *Transfer of Property Act*, [1999] Universal Delhi.
2. Subbarao, *Transfer of Property Act* [1994] C. Subbiah Chetty Madras.
3. Sivaramayya, *The equalities and the Law* [1997] Eastern Book Co. Lucknow.
4. P.C. Sen, *The General Principles of Hindu Jurisprudence* [1984 re-print] Allahabad Law Agency.
5. V.P. Sarathy, *Transfer of Property* [1995] Eastern Lucknow.
6. S.D.Dighe, *Law and Practice of Ownership Flats and Apartments in Maharashtra* [1995] Hind Law Publication Pune
7. Amin B.K., and Shastri C.J. V.M. Shukla – *The Law of Easement*, Eastern Book Company Lucknow.
8. C.B. Upadhyaya, *Law of Easements*, Malhotra Publishing House Allahabad.

**CORE AND COMPULSORY-XIII  
LABOUR AND INDUSTRIAL LAW- II**

**Credits: 4**

**Objectives of the Course:-**

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

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

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

**Total Theory Lectures-80**

**Unit No:**

**1 Industrial Jurisprudence**

**5 Lectures**

Labour Policy in India  
Industrial Revolution in India  
Labour problems and role of trade union  
Industrial Peace and Industrial Harmony through collective bargaining  
Industrial Relations  
Principles of Labour Legislation  
Social Justice  
Social Equity  
Social Security  
Growth of Labour Legislation in India  
Principles of Industrial Adjudication

**2 The Industrial Disputes Act, 1947**

**20 Lectures**

Scope and object  
Definitions  
Appropriate Government  
Award-Workman-Wages  
Industry, Amended Definition of Industry  
Industrial Dispute  
Lay-off  
Lock out  
Public Utility Service  
Retrenchment  
Strike  
Dismissal etc. of an individual workman when to be deemed to be an industrial dispute  
Redressal Machinery  
Works Committee  
Conciliation officer  
Labour Court  
Tribunals

National Tribunals  
 Qualifications and Disqualifications for the presiding officers of labour courts, tribunals and National Tribunals  
 Notice of Change  
 Notice of change and Schedule IV  
 Power of Government to exempt  
 Reference of Disputes to Courts or Tribunals  
 Reference of Disputes to Courts or Tribunals  
 Scope of reference under section 10  
 Tribunal's Jurisdiction  
 Procedure, Power and Duties of Authorities  
 Procedure in conciliation proceeding, Labour Courts and Tribunals  
 Powers of Labour courts, Tribunals and National Tribunals to give appropriate relief  
 Award and its publication  
 Payment of full wages to workman for pending proceeding in Higher Courts  
 Validity of Settlements  
 Strikes and Lock-out  
 Prohibition of Strikes and Lock-outs in public utility services  
 General prohibition of Strikes and Lock-outs  
 Illegal strikes and Lock-outs  
 Lay-off Retrenchment and Closure  
 Application of section 25C to 25E  
 Definition of continuous service  
 Right of workman for Lay-off Compensation  
 Workmen not entitled for compensation in certain cases  
 Procedure for retrenchment  
 Conditions precedent for retrenchment  
 Re-employment of retrenchment workmen  
 Transfer of undertaking  
 Compensation in case of closure of undertaking  
 Special Provisions relating to Lay-off Retrenchment and Closure  
 Application of Chapter V-B  
 Penalties for Lay-off, retrenchment, and closure without permission  
 Penalties  
 Penalty for Illegal strike and Lock-out  
 Penalty for breach of Settlement or award  
 Miscellaneous  
 Protected workman  
 Recovery of money due from an employer  
 Condition of service etc. to remain unchanged

### **3 The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971** **5 Lectures**

Authorities under the Act  
 Recognition of Unions  
 Obligations and Rights of Recognized Unions  
 Rights of Unrecognized Unions  
 Illegal Strikes and Lock-outs  
 Unfair Labour Practices  
 Power of Court



**4. Employees' Compensation Act, 1923****10 Lectures**

Definitions  
 Commissioner, Compensation. Dependent employer, Managing Agent, Partial Disablement, Total disablement Wages, Employee  
 When Employer is liable to pay Compensation  
 When Employer is not liable to pay Compensation  
 Arising out of and in the course of employment  
 Notional Extension of employer's premises  
 Amount of Compensation  
 Method of calculating wages  
 Distribution of compensation  
 Notice and Claims of the accidents  
 Medical examination  
 Contracting  
 Contracting out

**5. Minimum Wages Act, 1948****10 Lectures**

Object of the Act  
 Constitutional Validity  
 Definitions-Appropriate government, Employer, scheduled employment, wages, employee  
 Minimum wages, fair wages, living wages.  
 Fixation of minimum rates of wages-procedure  
 Advisory Board  
 Central Advisory Board  
 Composition of Committees  
 Fixing hours of normal working day  
 Overtime  
 Minimum time rate wages of piece work  
 Maintenance of Registers and records  
 Claims  
 Single application in respect of number of employees  
 Power of central government and appropriate government to make rules

**6. The Factories Act, 1948****15 Lectures**

Interpretation-Hazardous process. Manufacturing process. Worker, Factory, Occupier  
 Powers of Inspectors  
 Health  
 Cleanliness  
 Disposal of waste and effluents  
 Ventilation and temperature  
 Dust and Fume  
 Artificial humidification  
 Over-crowding  
 Lighting  
 Drinking water  
 Latrines and Urinals  
 Spittoons  
**SAFETY**  
 Fencing of Machinery  
 Employment of Young Persons on Dangerous Machines  
 Prohibition of Employment of Women and Children near Cotton Openers

Excessive Weights  
 Protection to Eye  
 Precautions against Dangerous Fumes, Gases, in Case of Fire  
 Safety of Building and Machinery-Maintenance of Buildings  
 Safety Officers

### **Provisions Relating to Hazardous Process**

Specific responsibility of the occupier  
 Workers participation in safety management

### **Welfare**

Facilities for washing, storing and drying clothing, seating  
 Canteens  
 Rest rooms, Shelters and Lunch Rooms  
 Cretches

### **Working Hours of Adults**

Weekly hours, Daily hours,  
 Weekly Holidays  
 Compensatory Holidays  
 Intervals for Rest  
 Night Shifts  
 Extra wages for over time and restriction on double employment  
 Notice of period of work for adults  
 Register of adult workers

### **Employment of Young persons**

Prohibition of employment of young children  
 Non-adults workers to carry tokens  
 Certificate of fitness  
 Working hours for children  
 Notice of periods of work for children  
 Register of Child workers

### **Annual leave with wages**

Wages during leave period  
 Mode of recovery of unpaid wages

## **7. The Employees State insurance Act, 1948**

**15 Lectures**

Definitions  
 Dependent, employment injury, employee, employment, Factories, Immediate employer,  
 Disablement (permanent partial, permanent total disablement) Principal employer, Temporary  
 disablement, wages  
 Contributions  
 All employees to be insured  
 Principal employer to pay contribution in the first instance recovery of contribution from  
 immediate employer  
 Method of payment of contribution  
 Function and duties of inspectors  
 Benefits  
 Sickness benefit

Maternity Benefit  
 Disablement Benefit  
 Dependents Benefit  
 Medical Benefit  
 Occupational disease  
 Determination of question of disablement  
 Employer not to dismiss or punish employee during period of sickness  
 Power of State and Central government to make rules

### Select Bibliography

1. John Bowers and Simon Honeyball. *Text book on Labour Law (1996)*, Blackstone, London
2. Srivastava K.D., *Commentaries on Payment of Wages Act 1936 (1998)*, Eastern, Lucknow
3. Srivastava K.D., *Commentaries on Minimum Wages Act 1948 (1995)*. Eastern, Lucknow
4. Rao. S.B... *Law and Practice on Minimum Wages (1999)*, Law Publishing House, Allahabad
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9. V. V. Giri *Labour Problems in Indian Industry Chs. 1 and 15, (1972)*
10. Indian Law Institute, *Labour law and labour Relations (1987)* (1982) Cochin University Law' Review-, vol.6 pp. 153-210 *Report of the National Commission on Labour. Ch. 14-17, 22, 23 and 24*
11. O.P. Malhotra. *The Law of Industrial Disputes (1998)*, Universal, Delhi
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14. S.N. Mishra., *Labour and Industrial Laws*, Central Law Agency, Allahabad
15. Madhavan Pillai. *Labour and Industrial Laws*, Central Law Agency. Allahabad
16. Goswami V.G. *Labour and Industrial Laws*, Central Law Agency, Allahabad

**DISCIPLINE SPECIFIC ELECTIVE-I****A) INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION****Credits: 4****Objectives of the Course**

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

**Total Theory Lectures-80****Unit No:**

- |   |                    |
|---|--------------------|
| <p><b>1.Principles of Legislation</b><br/>         Law –making –the legislature, executive and the judiciary<br/>         Principle of utility<br/>         Relevance of John Rawls and Robert Nozick- individual interest to community interest<br/>         Operation of these principles upon legislation<br/>         Distinction between morals and legislation</p>  | <b>6 Lectures</b>  |
| <p><b>2. Interpretation of statutes</b><br/>         Meaning of the term ‘Statutes’<br/>         Commencement, operation and repeal of statutes<br/>         Purpose of the interpretation of statutes</p>  | <b>6 Lectures</b>  |
| <p><b>3.Aids to Interpretation</b><br/>         Internal aids<br/>         Title<br/>         Preamble<br/>         Headings and marginal notes<br/>         Sections and sub-sections<br/>         Punctuation marks<br/>         Illustrations, exception, provisions and saving clauses<br/>         Schedules<br/> <i>Non –obstante</i> clause<br/>         External aids<br/>         Dictionaries<br/>         Translations<br/> <i>Travaux Preparatoires</i><br/>         Statutes in <i>pari materia</i><br/> <i>Contemporanea Exposito</i><br/>         Debates, inquiry commission reports and Law commission reports</p> | <b>10 Lectures</b> |
| <p><b>4. Rules of statutory Interpretation</b><br/>         Primary rules<br/>         Literal rule<br/>         Golden Rule<br/>         Mischief rule [Rule in the Heydon’s Case]<br/>         Rule of Harmonious construction<br/>         Secondary rules<br/> <i>Noscitur a sociis</i><br/> <i>Ejusdem generis</i><br/> <i>Reddendo singula singuli</i></p>  | <b>12 Lectures</b> |

- 5. Presumptions in Statutory interpretation** **10 Lectures**  
 Statutes are valid  
 Statutes are territorial in operation  
 Presumption as to jurisdiction  
 Presumption against what is inconvenient or absurd  
 Presumption against intending injustice  
 Presumption against impairing obligations or permitting advantage from one's own wrong  
 Prospective operation of statutes
- 6. Maxims of Statutory Interpretation** **12 Lectures**  
*Delegatus non potest delegare*  
*Expressio unius exclusio alterius*  
*Generalia specialibus non derogant*  
*In pari delicto potior est conditio possidentis*  
*Utres valet potior quam pareat*  
*Expressum facit cessare tacitum*  
*In bonam partem*
- 7. Interpretation with reference to the subject matter and purpose** **12 Lectures**  
 Restrictive and beneficial construction  
 Taxing statutes  
 Penal statutes  
 Welfare legislation  
 Interpretation of substantive and adjectival statutes  
 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
- 8 Principles of Constitutional Interpretation** **12 Lectures**  
 Harmonious construction  
 Doctrine of pith and substance  
 Colourable legislation  
 Ancillary powers  
 Occupied field"  
 Residuary power  
 Doctrine of repugnancy

### Select Bibliography

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

**B) BANKING LAW**  
**(DISCIPLINE SPECIFIC ELECTIVE-I)**  
**Credits: 4**

The modern society functions, contrary to the old barter system, on monetary transaction. In a developing country like India, the banking system takes off and becomes quite common even among the common people. The services banks render to the general public do have a significant contribution to the development of the economy. *Pari passu*, the security to the assets, money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the banks. The variety of assistance tended by the banks to the common people and business community cannot be overemphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

**Total Theory Lectures-80**

**Unit No:**

**1. Introduction**

**8 Lectures**

Nature Definition of Banking  
 Evolution of Banking in India- Different Kinds of Banks  
 Commercial banks: Functions  
 Essential Functions  
 Agency Services  
 General Utility services  
 International trading service  
 Information services  
 Emergence of multifunctional dimensions  
 Systems of Banking: Unit banking, Branch Banking, Group Banking and Chain Banking

**2. Law relating to Banking Companies in India**

**8 Lectures**

Control by government and its agencies  
 Need for – elimination of systematic risk, avoidance money laundering, consumer protection, promotion of fair competition on management  
 On account and audit  
 On money lending  
 Re-organization and re-construction  
 On suspension and winding-up  
 Control by Ombudsman  
 Reserve Bank of India

**3. Contract between Banker and Customer: Their Rights and Duties**

**8 Lectures**

Customers : Meaning  
 Legal Character of Banker –Customer relationship  
 Rights and obligations of Banks  
 Right of Set-off  
 Banker's Lien  
 Right to charge interest and commission  
 Obligation to honour Customers' cheques  
 Duty of confidentiality  
 Garnishee Orders  
 Accounts of customers  
 Current Accounts

Deposit Accounts  
 Joint Accounts  
 Trust Accounts  
 Special Types of customers: Lunatics, Minors, Agents, administrators and Executors,  
 partnership firms and companies  
 Consumer protection: Banking as Service

- |  |                    |
|--|--------------------|
| <b>4. Control over Banking</b>   | <b>6 Lectures</b>  |
| Nationalization  |                    |
| Evolution of Central Banks   |                    |
| Characteristics and Functions of Central Banks                                 |                    |
| Central bank as banker and adviser of the state                                |                    |
| Central bank as banker's bank  |                    |
| <b>5. The Reserve Bank of India as Central Bank in India</b>                   | <b>12 Lectures</b> |
| Objective and organizational structures  |                    |
| Functions  |                    |
| Regulations of the monetary system   |                    |
| Monopoly of note issue   |                    |
| Credit control   |                    |
| Determination of Bank rate policy  |                    |
| Open market operations   |                    |
| Banker to Government   |                    |
| Control over non-banking financial institutions                                |                    |
| Economic and statistical research  |                    |
| Staff training   |                    |
| Control and supervision of other banks   |                    |
| <b>6. Deposit insurance</b>  | <b>6 Lectures</b>  |
| The Deposit Insurance Corporation Act, 1961: objects and reasons               |                    |
| Establishment of Capital of DIC  |                    |
| Registration of banking companies insured banks liability of DIC to depositors |                    |
| Relations between insured banks, DIC and Reserve Bank of India                 |                    |
| <b>7. Negotiable Instruments</b>   | <b>8 Lectures</b>  |
| Meaning and kinds  |                    |
| Transfer and negotiations  |                    |
| Holder and holder in due course  |                    |
| Presentment and payment  |                    |
| Liabilities of parties   |                    |
| <b>8. Lending by banks</b>   | <b>8 Lectures</b>  |
| Principles of good lending   |                    |
| Securities of bank advances  |                    |
| Pledge, Mortgage, Charge   |                    |
| Goods or Documents of title to goods   |                    |
| Life Insurance policies as security  |                    |
| Debentures as security   |                    |
| Repayment.- Interest : Rule against penalties                                  |                    |
| Default and Recovery   |                    |
| Recovery of debts due to Banks and Financial Institutions Act, 1993            |                    |
| Establishment of debt recovery tribunals -constitution and functioning         |                    |
| <b>9. Recent Trends of banking system in India</b>                             | <b>8 Lectures</b>  |
| New Technology   |                    |
| Information Technology   |                    |
| Automatic Teller Machine and Use of Internet                                   |                    |

Automation and Legal Aspects  
 Smart Card  
 Credit Cards

**10. Reforms in Indian Banking Law**

**8 Lectures**

Recommendations of committees: a review

,Janakiraman Committee Report on Securities Operation of Banks and Financial Institution(1993)

Narasimham Committee report on the Financial system(1991 & 1999)

**Select Bibliography:**

1. Basu, of *A Review Current Banking Theory and Practice (1998)* MACMillan.
2. Ross Cranston, *Principles of Banking Law (1997)* Oxford
3. M.L.Goyale, *The Law of Banking and Bankers (1995)* Eastern Law.
4. M.L.Tannen, *Tannen's Banking Law And Practice In India,(2000)*, India Law House New Delhi.
5. S.N.Gupta, *The Banking Law in Theory and Practice(1999)* Universal, New Delhi.
6. G.S.N.Tripathi (ed),*Sethi's Commentaries On Banking Regulation Act-1949 and Allied Banking Laws (2000)* Law Publishers Allahabad.
7. S.N.Gupta,*Banks and the Consumer Protection Law,(2000)* Universal New Delhi.
8. Mukharjee T.K. *Banking Law and Practice,(1999)*, Universal, New Delhi.
9. *Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)*
- 10.*Narasimham Committee report on the Financial system (1991) and Second report (1999)*
11. K.C.Shekhar, *Banking Theory and practice (1998)* UBS Publisher Distributors Ltd., New Delhi.
12. K.Subrahmanyam, *Banking Reforms In India (1997)* Tata Macgraw Hill, New Delhi.
13. M.A.Mir, *The Law Relating to Bank Guarantee in India (1992)* Metropolitan Book.New Delhi.
14. R.S.Narayana, *The recovery of Debts due to Banks and Financial Institutions Act,1993(51of 1993)*, Asia Law House Hyderabad.



**DISCIPLINE SPECIFIC ELECTIVE-II**  
**PENOLOGY AND VICTIMOLOGY**  
**Credits: 4**

Penology comprises the processes devised and adopted for the punishment, prevention of crime and the treatment of the criminals. Punishment is to be inflicted on the criminals so as to reform them and to make their integration into society easier. This Course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and discretion in the sentencing process.

Interest in victims has increased today. The newly developed interest in the criminal - victim relationship indicates that the understanding of crime is reaching a new phase. It also shows the decline of the sole responsibility of the criminal. There is growing recognition that criminal justice should consider the dynamics of crime and treat the criminals and victim in the same light. The part played by the victim in the origin of crime is the central issue in Victimology. Criminal justice has many dimensions beyond conviction and sentence. The victim must not be forgotten but must be restored to the extent possible.

**Total Theory Lectures-80**

**Unit No:**

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|-----------|--|--------------------|
| <b>1</b>  | <b>Introductory</b><br>Definition of Penology<br>Scope of Penology   | <b>5 Lectures</b>  |
| <b>2.</b> | <b>General Approaches to Crime Control</b>   | <b>5 Lectures</b>  |
| <b>3.</b> | <b>Punishment of Offenders</b><br>Definition of Punishment<br>Theories of Punishment<br>Some discarded mode of Punishment<br>Types of Sentences<br>Search for the substitute of punishment   | <b>5 Lectures</b>  |
| <b>4.</b> | <b>Capital Punishment</b><br>Constitutional validity of Capital Punishment<br>Arguments in favour of Capital Punishment<br>Arguments in favour of abolishing Capital Punishment<br>Modes of Execution<br>Delay in Execution of Capital Punishment                        | <b>5 Lectures</b>  |
| <b>5.</b> | <b>The Sentencing Process</b><br>Mitigating factors; Aggravating factors<br>Hearing the accused on question of sentence<br>Minimum Sentence<br>Exemption – Whether a sentence?<br>Innovations in sentencing the offender's e.g. indeterminate sentence etc.              | <b>10 Lectures</b> |
| <b>6.</b> | <b>Prison System</b><br>History of Prison System<br>Indian Prison System<br>Classification of Prisoners<br>Constitutional imperatives and prison reforms<br>Open Prisons<br>Prison Labour<br>Rights of the Prisoner<br>Appraisal of Imprisonment as a mode of Punishment | <b>10 Lectures</b> |

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| <b>7. Probation</b>  | <b>5 Lectures</b>  |
| Origin, Development and Scope of Probation   |                    |
| Principles of Probation  |                    |
| The place of Probation in the Penal Policy   |                    |
| The Judicial attitude  |                    |
| <b>8. Parole</b>   | <b>5 Lectures</b>  |
| Nature of Parole   |                    |
| Historical background of Parole  |                    |
| Principles of Parole   |                    |
| Parole and Probation compared  |                    |
| <b>9. Juvenile Justice</b>   | <b>10 Lectures</b> |
| Meaning of Juvenile Delinquency  |                    |
| Prevention of Juvenile Delinquency   |                    |
| Treatment of Juvenile Delinquency  |                    |
| Distinctive characteristics of Juvenile Court  |                    |
| <b>10. Police and the Criminal Justice</b>   | <b>10 Lectures</b> |
| The Police system in India   |                    |
| Methods of Police Investigation  |                    |
| Third Degree method  |                    |
| Corruption in Police   |                    |
| Liability of Police for custodial violence   |                    |
| Modernization and reforms in police system   |                    |
| <b>11. Victimology</b>   | <b>10 Lectures</b> |
| Concept of Victimology   |                    |
| Role and responsibility of victim in crime causation   |                    |
| Compensation to victim   |                    |
| Restitution, Reparation and Rehabilitation of victim   |                    |
| ‘Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power’                       |                    |
| United Nations Charter of 1985   |                    |
| Criminals as victims   |                    |
| Women and Children as victims  |                    |
| <b>Select Bibliography</b>   |                    |
| 1 Katherine S. Williams, <i>Text Book of Criminology</i> [1997], Blackstone, London                        |                    |
| 2 Loveland, <i>The Frontiers of Criminality</i> [1995], Sweet and Maxwell                                  |                    |
| 3 Martin Wasik, <i>Emmins on Sentencing</i> [1998], Blackstone, London                                     |                    |
| 4 Hall, J. <i>Law, Social Science &amp; Criminal Theory</i> [1982]   |                    |
| 5 Manheim, H. <i>Comparative Criminology : A Text Book</i> [1965]  |                    |
| 6 Ross H. [Lawrence ed.] <i>Law and Deviance</i> [1981]  |                    |
| 7 Sutherland E. and Cressay, <i>Principles of Criminology</i> [1978]                                       |                    |
| 8 Walker N. <i>Crime and Criminology a Critical Introduction</i> [1987]                                    |                    |
| 9 S. Rao <i>Crime in our Society</i> , [1983]  |                    |
| 10 J.M. Sethna, <i>Society and the criminal</i> [1980]   |                    |
| 11 A. Siddique, <i>Criminology: Problems and Perspectives</i> [1997]                                       |                    |
| 12 E. Sutherland, <i>White Collar Crime</i> [1949]   |                    |
| 13 S. Kaldate, <i>Society, Delinquent and juvenile courts</i> [1982]                                       |                    |
| 14 W.C. Reckless, <i>The Prevention of Juvenile Delinquency</i> [1972]                                     |                    |
| 15 D.C. Pandey, <i>Habitual Offenders and the law</i> [1983]   |                    |
| 16 D. Abrahansen, David : <i>Crime and the Human Mind</i> [1979]   |                    |
| 17 Concord John P. : <i>Crime and its correction : An international survey of attitudes and practices.</i> |                    |
| 18 Krishna Iyer Report on Female Prisoners [1986]  |                    |
| 19 Mulla Committee Report [1983]   |                    |
| 20 P. Rajgopal, <i>Violence and Response : A Critique of Indian Criminal justice system</i> [1983]         |                    |
| 21 N.V. Paranjape- <i>Criminology and penology</i> [2000]  |                    |
| 22 J.P.S. Sirohi- <i>Criminology and penology</i> [1999].  |                    |

**(DISCIPLINE SPECIFIC ELECTIVE-II)****A) GENDER JUSTICE AND FEMINIST JURISPRUDENCE****Credits: 4****OBJECTIVES OF THE COURSE.**

The need to study gender justice as a special subject is because the constitutional guarantees have not achieved the necessary results. The Constitution guarantees equality of status and opportunity and no discrimination *inter alia* on ground of sex. These fundamental rights did not preclude having special provisions for women.

The Planners and the policy makers therefore treated women only as beneficiaries of welfare measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them in to the mainstream.

Reality after all these years showed that the trickle down theory of development had not affected the large majority of women.

Equal opportunity guaranteed under the Constitution had in the unorganized sector and who were deprived of all the benefits given to women workers under the various labour laws. No discrimination had meant that only 994 women held senior management/administrative posts as against 15,993 in similar jobs. In all India Services women constituted only 5.8% .

By the 6<sup>th</sup> plan it had been realized that special efforts needed to be made to integrate the women into the development process. The Plan therefore for the first time had a chapter devoted to women and development.

The course will concentrate on gender perspectives and study how the legal provisions continue the considerable bias and help in the continuance of the patriarchal values, which have been a part of our society.

The following syllabus prepared with this perspective will be spread over a period of two semesters.

**Total Theory Lectures-80****Unit No:**

- |  |                    |
|--|--------------------|
| <b>1. Women in Pre-Independence India</b>  | <b>5 Lectures</b>  |
| Social and legal inequality.   |                    |
| Social Reform movement in India.   |                    |
| Karachi Congress- Fundamental Rights Resolution, Equality of sexes.  |                    |
| <b>2. International Conventions</b>  | <b>10 Lectures</b> |
| Article of Universal Declaration of Human Rights.  |                    |
| The 1952 Convention on Political Rights of Women.  |                    |
| The 1979 Convention on the abolition of all Forms of Discrimination against women.                                 |                    |
| <b>3. Women in Post-Independence India</b>   | <b>9 Lectures</b>  |
| Preamble of the Constitution – Equality provisions in Fundamental Rights and Directive Principles of State Policy. |                    |
| Negative Aspects of the Constitution- Exploitation of Sex not mentioned in Article -23.                            |                    |
| Different personal laws-unequal position of Women.   |                    |
| Uniform Civil Code towards gender justice.   |                    |
| Indian tradition and family ideology: growth of feminism.  |                    |
| <b>4. Sex Inequality in Inheritance Rights</b>   | <b>10 Lectures</b> |
| Continuance of Feudal Institution of Joint family-women's inheritance position.                                    |                    |
| Hindu Law- Right of inheritance by birth for sons/not for daughter.  |                    |
| Muslim Law.  |                    |
| Matrimonial Property.  |                    |
| Movement towards uniform Civil Code.   |                    |
| <b>5. Guardianship</b>   | <b>5 Lectures</b>  |
| Right of women to adopt a child.   |                    |
| Problems of women in guardianship.   |                    |

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|---|-------------------|
| <b>6. Divorce</b><br>Christian Law-discriminatory provision.<br>Muslim Law –Inheritance and divorce.  | <b>5 Lectures</b> |
| <b>7. Criminal Law</b><br>Adultery.<br>Rape and Custodial Rape.<br>Dowry Death.<br>Cruelty to married women.<br>Domestic Violence.<br>Female Infanticide.   | <b>9 Lectures</b> |
| <b>8. Social Legislation</b><br>Dowry Prohibition.<br>Preventions of Immoral Traffic.<br>Marriage Registration.   | <b>9 Lectures</b> |
| <b>9. Women and Employment</b><br>Labour force.<br>Laws to protect women.<br>Non-implementation of protective labour legislation<br>Maternity Benefits Act.<br>Factories Act.<br>Equal Remuneration Act<br>Exploitation and harassment in workplaces. | <b>9 Lectures</b> |
| <b>10. Protection and enforcement agencies</b><br>Courts.<br>Family Courts.<br>Human Rights Commission<br>Commission for women.<br>Non-Governmental Organization.   | <b>9 Lectures</b> |

### **SUGGESTED READINGS**

1. Sivaramayya, B, Matrimonial property Law in India(1998),Oxford.
2. Prtricia Smith(Ed), Feminist Jurisprudence (1993) Oxford.
3. 42<sup>nd</sup> Report Law Commission Dissenting Note Anna Chandy on provision of adultery p-366.
4. Towards Equility – Report of the committee on the Status of Women. (Govt. of India ) Chapters IV & Section IV: General Conclusions & Recommendations
5. Lotika Sarkar, The Law Commission of India(1988)
6. Sathe, S.P.Towards Gender Justice (1993), Research Centre for Women’s studies.
7. Flavia Agnes,State,Gender and the Rhetric of Law reform (1985)  
Research Centre of Women’s Studies,SNDDT Women’s University Bombay.
8. Law Commission of India, One Hundred and fifty –Fifth Report on the Indian penal Code,1860(1997)
9. G.B.Reddy’s Women and The Law.(2001) Gogia Law Agency. Hyderabad.
10. Dr.S.R.Myneni.Women and Law (2005) Asia Law Hyderabad.
11. S.K.Kuba’s work status of Women in International Law.
12. Archan Chaturvedi (Ed) Muslim Women and Law. (2004) Commonwealth Publishers. New Delhi.
13. Bhatnagars Muslim Women & Their Rights (2002) Ashoka Law House, New Delhi.
14. Manjula Batra. Women and Law.(2001) Allahabad Law Agency.

**SEMESTER-IV**  
**CORE AND COMPULSORY-XIV**  
**FAMILY LAW-II**  
**Credits: 4**

**Objectives of the Course**

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

**Total Theory Lectures-80**

**Unit No:**

**1 Alimony and Maintenance**

**20 Lectures**

Maintenance of neglected wives, divorced wives, minor children, disabled children and parents who are unable to support themselves: Provisions under the Code of Criminal Procedure, 1973  
 Alimony and maintenance as an independent remedy: a review under different personal laws- need for reforming the law  
 Maintenance of divorced Muslim women under the Muslim Women [Protection of Rights on Divorce] Act 1986: a critical review

**2. Child and the Family**

**15 Lectures**

Legitimacy  
 Adoption  
 Custody, Maintenance and education  
 Guardianship and parental rights- welfare of the child principle

**3. Family and its changing patterns**

**15 Lectures**

New emerging trends  
 Attenuation of family ties  
 Working women and their impact on spousal relationship: composition of family, status and role of women.  
 Processes of Social changes in India: Westernization, Secularization, Universalization, Modernization, Industrialization and Urbanization

**4. Establishment of Family Courts**

**15 Lectures**

Constitution, Power and functions  
 Administration of gender justice

**5. Uniform Civil Code- need for**

**15 Lectures**

Religious Pluralism and its implications  
 Connotations of the directive contained in Article 44 of the Constitution  
 Impediments to the formulation of the Uniform Civil Code  
 The idea of Optional Uniform Civil Code

**Select Bibliography:-**

1. Paras Diwan, *Law of Intestate and Testamentary Succession* [1998] Universal Delhi.
2. Basu N.D. *Law of Succession* [2000] Universal Delhi.
3. Kusum, *Marriage and Divorce Law Manual* [2000]
4. Machanda S.C. *Law and Practice of Divorce in India* [2000]
5. P.V. Kane, *History of Dharmasastras* Vol. 2 pt. 1 at 624-632 [1974]
6. A.Sivaramayyas, *Inequalities and the Law*[1985]

7. K.C. Daiya “*Population Control through family Planning in India*” *Indian Journal of Legal Studies*, 85 [1979]
8. J.D.M. Derrett, *Hindu Law: Past and Present*.
9. J. D. M Derrett, *Death of Marriage Law*.
10. A.A. Fyzee, *Outline of Muhammadan Law*, [1998]
11. Alladi Kuppaswami,[ed.] *Mayne’s Hindu Law and Usage*, [1986]
12. J.D.M. Derrett, *A Critique of Modern Hindu Law*. [1970]
13. Paras Diwan, *Hindu Law* [1985]
14. S.T. Desai [ed.] *Mulla’s Principles of Hindu Law*, [1998] Butterworth’s India.
15. Paras Diwan, *Family Law: Law of Marriage and Divorce in India*, [1984]
16. A.M. Bhattacharjee, *Muslim Law and the Constitution* [1994] Eastern Law House, Kolkata.
17. A.M. Bhattacharjee, *Hindu Law and the Constitution* [1994] Eastern Law House, Kolkata
18. Paras Diwan, *Law of Adoption, Ministry, Guardianship and Custody* [2000] Universal

**CORE AND COMPULSORY-XV****CONSTITUTIONAL LAW – II****Credits: 4****Objectives of the Course:-**

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

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

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

**Total Theory Lectures-80****Unit No:****1. The Parliament****5 Lectures**

Functions of Parliament

Composition

Duration of Houses

Sessions of Parliament

Qualification and Disqualification for Members

Speaker and Deputy Speaker; Chairman and Deputy Chairman

Powers, Privileges and Immunities of Parliament and its Members

Legislative Procedure

Ordinary Bill

Money Bill

Financial Bill

Joint Sitting of Both Houses

Financial Legislation

Position of the Council of States as compared to the House of the People

**2. The State Legislature** **4 Lectures**

Creation and abolition of the Legislative Council

Legislative Assembly and Legislative Council

Composition, Duration

Qualification and Disqualification for Membership

Legislative Procedure

Legislative Council compared with Council of States

**3. The Supreme Court** **5 Lectures**

Constitution of the Supreme Court

Judges

Appointment, Qualification

Tenure, Impeachment

Independence of the Judges

Multifarious Role of the Supreme Court

Jurisdiction

Original

Appellate

Special Leave to Appeal

Advisory

Writ

**4. High Court** **4 Lectures**

Constitution of the High Court

Judges

Appointment, Qualification and Removal

Independence of the Judges

Transfer

Jurisdiction

Original

Appellate

Writ



Power of Superintendence	
<b>5. Subordinate Courts</b>	<b>3 Lectures</b>
<b>6. Comptroller and Auditor General of India</b>	<b>3 Lectures</b>
Appointment, Removal	
Duties and Powers	
Conditions of Service	
<b>7. The Union Territories</b>	<b>3 Lectures</b>
<b>8. The Panchayats</b>	<b>3 Lectures</b>
<b>9. The Municipalities</b>	<b>3 Lectures</b>
<b>10. Nature of the Federal System</b>	<b>4 Lectures</b>
Essential Features of Federal Polity	
Indian Federalism: Peculiar Features	
<b>11. Relations between the Union and the States</b>	<b>10 Lectures</b>
Distribution of Legislative Powers	
Administrative Relations	
Distribution of Revenues between Union and the States, other Financial provisions and Borrowing by Government of India and States	
<b>12. Emergency Provisions</b>	<b>4 Lectures</b>
National Emergency under Article 352	
Failure of Constitutional Machinery in States	
Financial Emergency	
Effects of proclamations of various kinds of Emergencies	
<b>13. Amendment of the Constitution</b>	<b>5 Lectures</b>
Procedure for Amendment	
Amendability of Fundamental Rights	
‘Basic Structure’ doctrine	
<b>14. Freedom of Trade, Commerce and Intercourse</b>	<b>5 Lectures</b>
Parliament’s Power to regulate trade and commerce	
State’s Power to regulate trade and commerce	
<b>15. Services under the Union and the States</b>	<b>6 Lectures</b>
Recruitment and conditions of service of persons serving the Union or a State	
Tenure of office of persons serving the Union or a State	
Dismissal, Removal and reduction in rank of civil servants	
All India Services	
Public Service Commission	
Public Service Commissions for the Union and the States	
Appointment and Terms of Office of Members	
Independence of Public Service Commissions	

Functions of Public Service Commissions

Report of Public Service Commissions

**16. Elections** **4 Lectures**

Election Commission

Functions of Election Commission

Adult Suffrage

Bar to interfere by Courts in electoral matters

**17. Special Provisions relating to certain classes** **4 Lectures**

Scheduled Castes and Scheduled Tribes

Anglo-Indians

Backward Classes

**18. Miscellaneous** **5 Lectures**

Right to Property

Tribunals

Suits and Proceedings by or against the Government of India and the Government of the State

**SELECT BIBLIOGRAPHY:**

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

**DISCIPLINE SPECIFIC ELECTIVE-III****A) INSURANCE LAW****Credits: 4****Objectives of the Course**

The insurance idea is an old institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures.

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

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

**Total Theory Lectures-80****Unit No:**

- |   |                    |
|---|--------------------|
| <b>1. Introduction</b>  | <b>10 Lectures</b> |
| Definition, nature and history of insurance   |                    |
| Concept of Insurance and law of contract and law of torts future of insurance in globalized economy   |                    |
| History and development of insurance in India   |                    |
| Insurance Regulation Authority - role and functions   |                    |
| <b>2. General Principles of law of Insurance</b>  | <b>10 Lectures</b> |
| Contract of Insurance - classification of contract of insurance nature of various insurance contracts, parties thereto  |                    |
| Principle of good faith non-disclosure - misrepresentation in insurance contract  |                    |
| Insurable interest  |                    |
| The risk  |                    |
| The policy, classification of policies its form and contents, its commencement duration, cancellation, alteration, rectification, renewal, assignment, construction |                    |
| Conditions of the policy  |                    |
| Alteration of the risk  |                    |
| Assignment of the subject matter  |                    |
| <b>3. Life Insurance</b>  | <b>12 Lectures</b> |
| Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract                                      |                    |
| Event insured against life insurance contract   |                    |
| Circumstances affecting the risk  |                    |
| Amounts recoverable under life policy   |                    |
| Persons entitled to payment   |                    |
| Settlement of claim and payment of money  |                    |
| <b>4. Marine Insurance</b>  | <b>12 Lectures</b> |
| Nature and scope  |                    |
| Classification of marine policies   |                    |
| The marine Insurance Act, 1963  |                    |
| Insurable interest, insurable value   |                    |
| Marine insurance policy – condition - express warranties construction of terms of policy  |                    |

Voyage – deviation

Perils of the sea

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

Measure of indemnity, total valuation, liability to third parties

### **5 Insurance Against Third party Risks**

**12 Lectures**

The Motor Vehicles Act, 1988 (Chapter VIII)

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

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

Condition to be satisfied

Claims tribunal, constitution, functions, application for compensation - who can apply?

- Procedure and powers of claims tribunal- its award.

Co-operative insurance (Motor Vehicle Rules)

### **6 Social Insurance in India**

**12 Lectures**

Important elements in social insurance, its need

Commercial Insurance and social insurance

Workmen’s compensation - Scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule

Sickness insurance, *Adarkar* scheme, *Stack and Rao* scheme for wage earners and others, risks covered, maturity and other benefits

Old age, premature death and invalidity insurance or pension insurance, public provident fund, *Jeevandhara* policy

Unemployment insurance

Social insurance for people like seamen, circus workers and agricultural workers

### **7 Public Liability Insurance**

**6 Lectures**

The scheme

Authorities

### **8 The emerging legislative trends**

**6 Lectures**

#### **Select Bibliography**

1. Singh, Brij Anand, *New Insurance Law* (2000) Union Book Publishers, Allahabad.
2. Ivamy, *Case Book on Insurance Law* (1984), Butterworth’s
3. Ivamy, *General Principles of Insurance Laws* (1993), Butterworth’s
4. John Birds, *Modern Insurance Law* (1988), Sweet and Maxwell
5. Sreenivasan. M.N. *Principles of Insurance Law* (1997), Ramaniya Publishers, Bangalore.

**B) TRADE MARK AND DESIGN  
DISCIPLINE SPECIFIC ELECTIVE-III  
Credits: 4**

**Objectives of the course**

In early times, in the absence of an effective media, the ownership of goods was announced by a visible mark. It was considered as proprietary or Possessive mark. A trademark is understood as a symbol or label to enable to sell their goods or services. The essential worth of a Trade Marks is ascribed to as vehicle for the creation and retention of custom by its use as it indicates the origin of goods and services. The Trade mark was formally designated as an Industrial Property. In view of the emergence of International Law on Trade Marks the Indian Government enacted a comprehensive Statute. The Trade Marks Act, 1999 dealing with Registration and imposing of penalties for any falsely applying Trade Marks.

In modern times at the time of purchase of goods or articles many people are attracted and influenced by a design, which has an artistic merit and sense. The Producers of an article are also hunt for attractive design, which is likely to increase the sales. The designs Act, 2000 in India Governs the Copy rights in Industrial Designs. The Study of both Acts helps exploring new perspectives in the realm of Intellectual Property Right in India.

**Total Theory Lectures-80**

**Unit No:**

- |   |                    |
|---|--------------------|
| <p><b>1. International Law of Trade Marks</b><br/>TRIPS Agreement of the WTO and Trade Marks<br/>Paris Convention for the Protection of Industrial Property 1967<br/>Madrid Agreement Concerning the International Registration of Marks 1979</p>   | <b>10 Lectures</b> |
| <p><b>2. National Law of Trade Marks</b><br/>History and origin of Trade Marks<br/>Object, Evolution and meaning of Trade Marks<br/>Functioning of Trade Marks</p>  | <b>10 Lectures</b> |
| <p><b>3. The Trade Marks Act, 1999</b><br/>Statutory definition<br/>Trade Marks<br/>Associated Trade Marks<br/>Certification Trade Marks<br/>Collective Marks<br/>Well Known Trade Marks<br/><b>Registration of Trade Marks</b><br/>Condition for Registration<br/>Procedure and Duration<br/>Restoration of Registration<br/>Powers and functions of Registrar<br/>Effects of Registration<br/><b>Assignment and Transmission</b><br/><b>Use of Trade Marks and Register uses</b><br/><b>Rectification and correction of the Register</b><br/><b>Offences, Penalties and Procedure</b></p> | <b>24 Lectures</b> |
| <p><b>4. Law of Passing off</b><br/>Classification of Formation of Passing off<br/>Modern Classification of Passing off<br/>Distinction between infringement and Passing off</p>  | <b>12 Lectures</b> |

Defences in Passing off actions	
Relief available in Passing off actions	
<b>5. Industrial Designs</b>	<b>12 Lectures</b>
International Law of Industrial Designs	
TRIPS Agreement of the WTO	
Paris Convention for the Protection of Industrial Designs 1967	
Hague agreement of Industrial Deposit of Industrial Designs 1960	
Lacarno Agreement Establishing an International Classification for Industrial Designs 1968	
<b>6. The Designs Act, 2000</b>	<b>12 Lectures</b>
Definition of Designs	
Registration of Designs	
Infringement of Copy right in a Design	
Industrial Designs and International Exhibition	
Powers and Duties of Controller	
Evidence and Agency	
Powers of Central Government	

### **Bibliography**

1. Morris and Quest : *Design- the Modern Law and Practice* 1987 Butter worth
2. Russel-Clarke *on Copy Rights in Industrial Designs* 1974 Sweet and Maxwell
3. P. Narayana *Law of Copyrights and Industrial Designs* 2002 Eastern Law House
4. P. Narayanan *Law of Trade Marks and Passing off* 200, Eastern Law House
5. Kerly *on Trade Marks and Trade Names* 2001 Sweet and Maxwell
6. Christopher Wadlow : *The law of passing off* 1995 Sweet and Maxwell
7. Drysdale and Silverleaf: *Passing off* 1995 Butter worth

**ABILITY ENHANCEMENT COURSE –II**  
**PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**  
**(CLINICAL COURSE)**

**Credits: 4**

**Total Theory Lectures-80**

### **Unit No:**

<b>1 Nature of Legal Profession and salient features of Advocates Act, 1961</b>	<b>10 Lectures</b>
<b>2 Lawyers Duties to</b>	<b>10 Lectures</b>
2.1.1His Client	
2.1.2The Court	
2.1.3The Opponent Counsel	
2.1.4The Colleagues	
2.1.5The Public	
<b>3. Contempt Law and Practice</b>	<b>10 Lectures</b>
<b>4. Bar Council Code of Ethics</b>	<b>10 Lectures</b>
<b>5. 10 Selected Opinions of Disciplinary Committee of B.C.I., New Delhi</b>	<b>20 Lectures</b>

### **10 SELECTED OPINIONS:**

1. B.C.I. TR Case No.27/1988, Vol.16 (3 & 4) 1989, I.B.R., Y.V.R.  
(Complainant) V/s.M.K.N. (Respondent)
2. B.C.I. TR Case No.24/1986, Vol.16 (3 & 4) 1989, I.B.R.C.L.  
(Complainant) V/s.N.T.S. (Respondent)

3. D.C.Appeal No.6/1988, Vol.16 (3 & 4) 1989, I.B.R., J.E. (Appellant)  
V/s.Smt. A. (Respondent)
4. D.C.Appeal No.28/1986, Vol.15 (3 & 4) 1988, I.B.R., J. (Appellant)  
V/s.Smt. A. (Respondent)
5. D.C.Appeal No.35/1987, Vol.16 (3 & 4) 1989, I.B.R., N.M. (Appellant)  
V/s. V.D. (Respondent)
6. D.C.Appeal No.13/1975 (Mah.) Vol.5 (1-3) 1976, Journal of Bar Council  
of India, A (Appellant) V/s. Bar Council of Maharashtra, (Respondent)
7. B.C.I., TR. Case No.17/86 Vol.15 (3 & 4), 1988, I.B.R., M. (Petitioner/  
Complainant) V/s Bar Council of Maharashtra, (Respondent)
8. B.C.I., TR Case No.63/1983, Vol.15 (3 & 4), 1988, I.B.R., B (Complainant)  
V/s. R. (Respondent)
9. D.C.Appeal No.21 of 1985, Vol.15 (3 & 4), 1988, I.B.R., G. (Appellant)  
V/s. T. (Respondent)
10. B.C.I., TR. Case No.61/1983 Vol.14 (2), 1987, I.B.R., D. (Complainant)  
V/s B. (Respondent)

**6. Major Judgments of Supreme Court on the subject:**

**20 Lectures**

**MAJOR JUDGMENTS**

- 1 Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997,SC, 1338
- 2 Hikmat Ali Khan V/s Ishwar Prasad, AIR, 1997,SC, 864
- 3 V.P. Kumarvelu V/s B.C.I., A.I.R. 1997, SC 1014
- 4 P.D. Gupta V/s Ram Murthy, AIR, 1988, SC, 283
- 5 In Re.V.C. Mishra, AIR 1995, SC 2348
- 6 Supreme Court Bar Association V/s Union of India, AIR, 1988 SC 1895
- 7 U.P.Sales Tax Service Association V/s Taxation Bar Association, Agra AIR 1996, SC 98
- 8 John D'souza V/s Edward Ani, AIR, 1994, SC 975
- 9 Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ, 1478
- 10 Mr. Roma Banerji V/s Ushapati Banerji, AIR 1958, CRLJ, 1478

The above course will be taught in association with practicing lawyers. The senior member of Bar may be invited to give lectures on professional ethics.

**The paper will comprise of**

- 1) **Written Examination:** 70 marks.
- 2) Extensive Program and Viva Voce: 30 Marks
  - a) Student has to prepare and submit record relating to selected opinions and major judgments in the subject: 20 Marks.
  - b) **Viva Voce:** 10 Marks

**Bibliography-**

1. *Professional Ethics of the Bar* by C.L.Anand.
2. *General Principles of Legal Ethics* by C.L.Anand
3. *Law of Contempt* by Narayana P.S. Asia Law House Hyderabad.

**ABILITY ENHANCEMENT COURSE –II  
ALTERNATE DISPUTE RESOLUTION:  
CLINICAL COURSE)**

**Credits: 4**

**Objectives of the Course:-**

Traditional justice delivery system is gradually losing its efficacy due to ever increasing pendency of Cases requiring other mechanism. The settlement of disputes through the Alternate Dispute Resolution is considered as one of the effective, cheap and time saving method in modern 21<sup>st</sup> century. The system of settlement of disputes through Arbitration has been in existence in India since 1940. However the Indian Government enacted the Arbitration and Conciliation Act 1996 on the basis of UNCITRAL model on Arbitration. This Act provides Alternate Dispute Resolution including Arbitration, Conciliation and International Commercial Arbitration. This paper will be taught through the class instruction, Simulation exercises and case studies conducted by senior Legal Practitioners.

This paper consists of two parts. Part-A & Part- B. Each part will carry 50 marks and treated as separate head of passing. Part-A consists of theoretical (written) examination. Part-B consists of Simulation exercises dealing with Arbitration and Conciliation with its procedure and practice.

**Part-A**

**Total Theory Lectures-8**

**Unit No:****1.Arbitration**

**15 Lectures**

Meaning and Historical Perspective



- General Principles governing Arbitration  
Types of Arbitration  
Rules of Guidance in Arbitration  
Practice and Procedure  
Arbitration agreement, Tribunal and Award  
Appeal and Revision
- 2. Negotiation** **5 Lectures**  
Meaning and Importance  
Practice and Procedure  
Principles governing Negotiation  
Bipartite Negotiation
- 3. Conciliation** **10 Lectures**  
Meaning and Importance of Conciliation  
Appointment of Conciliator  
Conciliator to act as a facilitator  
Independence and Impartiality  
Procedural Techniques  
Comparison of Arbitration and Conciliation  
UNCITRAL Conciliation Rules
- 4. International Arbitration** **15 Lectures**  
Meaning of International Commercial Arbitration  
Foreign Arbitral Awards  
New York Convention awards  
Geneva Convention awards  
Procedure for enforcement of foreign Arbitral Awards
- 5. Lok Adalat** **15 Lectures**  
History and Importance of Lok-adalat  
Cases taken up under Lok-adalat  
Legal Services Authorities Act, 1987  
Permanent Lok Adalat
- PART B**
- 6. Extensive Programme- Simulation Exercises & Viva Voce 30 Marks** **20 Lectures**  
a) Arbitration and Negotiation Skills: 10 Marks.  
Each student has to attend at least two simulation exercises and should  
Maintain record of the same  
b) Conciliation and International arbitration Skills: 10 Marks  
Each student has to attend at least two simulation exercises and should maintain  
record of the same  
c) 10 marks will be for *VIVA-VOCE* examination
- Select Bibliography**
1. Markanda. P.C. *Law relation to Arbitration and Conciliation (1998)* Universal B.P. Saraf and M. Jhunjhunuwala, *Law of Arbitration and Conciliation (2000)*, Snow white, Mumbai
  2. Gerald R. William (ed.), *The New Arbitration and Conciliation Law of India Council of Arbitration (1998)*, New Delhi
  3. A.K. Bansal, *Law of International Commercial Arbitration (1999)*, Universal, Delhi
  4. P.C. Rao & William Sheffield, *Alternative Disputes Resolution- What it is and How it works? (1997)* Universal, Delhi
  5. G.K. Kwatra, *The Arbitration and Conciliation Law of India (2000)*, Universal, Delhi
  6. Basu. N.D. *Law of Arbitration and Conciliation (9<sup>th</sup> edition reprint 2000)*, Universal, Delhi
  7. Johari, *Commentary on Arbitration and Conciliation Act 1996 (1999)* Universal, Delhi
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