

**PUNYASHLOK AHILYADEVII HOLKAR
SOLAPUR UNIVERSITY, SOLAPUR**



Name of the Faculty : Humanities

**Syllabus & Name
of the Course: Five Years Integrated
Course in B.A.L.L.B.
Part-IV**

With effect from : June 2022

FROM ACADEMIC YEAR 2022-2023

B.A., LL.B – IV SEMESTER – VII

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Duration of Exam
29	CORE AND COMPULSORY-XXVII	Jurisprudence	6	4	80+20=100	3.00-Hrs
30	CORE AND COMPULSORY-XXVIII	Property Law	6	4	80+20=100	3.00-Hrs
31	CORE AND COMPULSORY-XXIX	Labour and Industrial Law -II	6	4	80+20=100	3.00-Hrs
32	DISCIPLINE SPECIFIC ELECTIVE-I	A) Interpretation of Statutes and Principles of Legislation OR B) Banking Law	6	4	80+20=100	3.00-Hrs
33	DISCIPLINE SPECIFIC ELECTIVE-II	A) Penology & Victimology OR B) Gender Justice and Feminist Jurisprudence	6	4	80+20=100	3.00-Hrs

B.A.,LL.B – IV SEMESTER – VIII

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Duration of Exam
34	CORE AND COMPULSORY-XXX	Family Law –II	6	4	80+20=100	3.00-Hrs
35	CORE AND COMPULSORY-XXXI	Constitutional Law –II	6	4	80+20=100	3.00-Hrs
36	DISCIPLINE SPECIFIC ELECTIVE-III	A) Insurance Law OR B) Trade Mark & Design	6	4	80+20=100	3.00-Hrs
37	ABILITY ENHANCEMENT COURSE –I	Professional Ethics & Professional Accounting System (Clinical Course)	6	4	80+20=100	3.00-Hrs
38	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
IV YEAR OF B.A., LL.B DEGREE COURSE
SEMESTER VII
CORE AND COMPULSORY – XXVII
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:

- | | |
|---|-------------------|
| 1 Introduction | 8 Lectures |
| <ul style="list-style-type: none"> 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 | |
| 2 Schools of Jurisprudence and the basic theories of Law | 8 Lectures |
| <ul style="list-style-type: none"> Analytical Positivism Natural Law. Historical School Sociological School Economic interpretation of Law Realism | |
| 3 Sources of Law and Methods of Law Making | 8 Lectures |
| <ul style="list-style-type: none"> 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 | |

- 4 Indian Legal System** **6 Lectures**
 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
- 5 Purpose of Law** **6 Lectures**
 Justice, Meaning and kinds (Civil, Criminal)
 Power of Supreme Court of India to do Complete Justice in case of Article 142.
- 6. Legal Rights: the concept** **6 Lectures**
 Rights: Kinds
 Right and Duty correlation
- 7. Persons** **5 Lectures**
 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
- 8 Possession : the Concept** **4 Lectures**
 Kinds of Possession
- 9. Ownership: the Concept** **4 Lectures**
 Kinds of ownership
 Difference between Possession and Ownership
- 10. Title** **4 Lectures**
- 11. Liability** **8 Lectures**
 Condition for imposing Liability
 Wrongful act
 Damnum sine injuria
 Causation
 Mens rea
 Intention
 Malice
 Negligence and recklessness
 Strict liability
 Vicarious liability
- 12 Obligation: Nature and Kinds** **5 Lectures**
 Sources of obligation
- 13 Procedure** **8 Lectures**
 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- XXVIII**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:**

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

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-XXIX
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

Tribunals 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 accident's medical examination
 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
 Crèches

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 youngchildren
 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
5. Seth. D.D. *Commentaries on Industrial Disputes Act 1947 (1998)*, Law Publishing House, Allahabad.
6. Srivastava K.D. *Disciplinary; Action against Industrial Employees and its Remedies (1990)* Eastern, Lucknow.
7. Srivastava K.D., *Commentaries on Factories Act 1948 (2000)*. Eastern, Lucknow
8. R.C. Saxena. *Labour Problems and Social Welfare Chapters 1, 5 and 6.* (1974)
9. V. V. Giri *Labour Problems in Indian Industry Chs. 1 and 15, (1972)*
10. Indian Law Institute, *Labour law and labour Relations (1987)* (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
12. S.C. Srivastava. *Social Security and Labour Laws Pts 5 and 6 (1985)*. Universal Delhi
13. S.C. Srivastava. *Commentary on the Factories Act 1948 (1999)*, Universal, Delhi
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>1. Principles of Legislation
 Law making -the legislature, executive and the judiciary
 Principle of utility
 Relevance of John Rawls and Robert Nozick- individual interest to community interest
 Operation of these principles upon legislation
 Distinction between morals and legislation</p> | 6 Lectures |
| <p>2. Interpretation of statutes
 Meaning of the term Statutes
 Commencement, operation and repeal of statutes
 Purpose of the interpretation of statutes</p> | 6 Lectures |
| <p>3. Aids to Interpretation
 Internal aids
 Title
 Preamble
 Headings and marginal notes
 Sections and sub-sections
 Punctuation marks
 Illustrations, exception, provisions and saving clauses
 Schedules
 <i>Non –obstante</i> clause
 External aids
 Dictionaries
 Translations
 <i>Travaux Preparatoires</i>
 Statutes in <i>pari materia</i>
 <i>Contemporanea Exposito</i>
 Debates, inquiry commission reports and Law commission reports</p> | 10 Lectures |
| <p>4. Rules of statutory Interpretation
 Primary rules
 Literal rule
 Golden Rule
 Mischief rule [Rule in the Heydon’s Case]
 Rule of Harmonious construction
 Secondary rules
 <i>Noscitur a sociis</i>
 <i>Ejusdem generis</i>
 <i>Reddendo singula singuli</i></p> | 12 Lectures |

- 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*, (7th 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 large extents 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:

- | | |
|--|-------------------|
| <p>1. Introduction
 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</p> | 8 Lectures |
| <p>2. Law relating to Banking Companies in India
 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</p> | 8 Lectures |
| <p>3. Contract between Banker and Customer: Their Rights and Duties
 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</p> | 8 Lectures |

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

- | | |
|--|---------------------------|
| <p>4. Control over Banking</p> <p>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</p> | <p>6 Lectures</p> |
| <p>5. The Reserve Bank of India as Central Bank in India</p> <p>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</p> | <p>12 Lectures</p> |
| <p>6. Deposit insurance</p> <p>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</p> | <p>6 Lectures</p> |
| <p>7. Negotiable Instruments</p> <p>Meaning and kinds
Transfer and negotiations
Holder and holder in due course
Presentment and payment
Liabilities of parties</p> | <p>8 Lectures</p> |
| <p>8. Lending by banks</p> <p>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</p> | <p>8 Lectures</p> |
| <p>9. Recent Trends of banking system in India</p> <p>New Technology</p> | <p>8 Lectures</p> |

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
A. 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:

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

- 7. Probation** **5 Lectures**
 Origin, Development and Scope of Probation
 Principles of Probation
 The place of Probation in the Penal Policy
 The Judicial attitude
- 8. Parole** **5 Lectures**
 Nature of Parole
 Historical background of Parole
 Principles of Parole
 Parole and Probation compared
- 9. Juvenile Justice** **10 Lectures**
 Meaning of Juvenile Delinquency
 Prevention of Juvenile Delinquency
 Treatment of Juvenile Delinquency
 Distinctive characteristics of Juvenile Court
- 10. Police and the Criminal Justice** **10 Lectures**
 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
- 11. Victimology** **10 Lectures**
 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

Select Bibliography

- 1 Katherine S. Williams, *Text Book of Criminology* [1997], Blackstone, London
- 2 Loveland, *The Frontiers of Criminality* [1995], Sweet and Maxwell
- 3 Martin Wasik, *Emmins on Sentencing* [1998], Blackstone, London
- 4 Hall, J. *Law, Social Science & Criminal Theory* [1982]
- 5 Manheim, H. *Comparative Criminology : A Text Book* [1965]
- 6 Ross H. [Lawrence ed.] *Law and Deviance* [1981]
- 7 Sutherland E. and Cressay, *Principles of Criminology* [1978]
- 8 Walker N. *Crime and Criminology a Critical Introduction* [1987]
- 9 S. Rao *Crime in our Society*, [1983]
- 10 J.M. Sethna, *Society and the criminal* [1980]
- 11 A. Siddique, *Criminology: Problems and Perspectives* [1997]
- 12 E. Sutherland, *White Collar Crime* [1949]
- 13 S. Kaldate, *Society, Delinquent and juvenile courts* [1982]
- 14 W.C. Reckless, *The Prevention of Juvenile Delinquency* [1972]
- 15 D.C. Pandey, *Habitual Offenders and the law* [1983]
- 16 D. Abrahansen, David : *Crime and the Human Mind* [1979]
- 17 Concord John P. : *Crime and its correction : An international survey of attitudes and practices.*
- 18 Krishna Iyer Report on Female Prisoners [1986]
- 19 Mulla Committee Report [1983]
- 20 P. Rajgopal, *Violence and Response : A Critique of Indian Criminal justice system* [1983]
- 21 N.V. Paranjape- *Criminology and penology* [2000]
- 22 J.P.S. Sirohi- *Criminology and penology* [1999]

(DISCIPLINE SPECIFIC ELECTIVE-II)**B. 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 6th 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:**

- | | |
|--|--------------------|
| 1. Women in Pre-Independence India | 5 Lectures |
| Social and legal inequality | |
| Social Reform movement in India | |
| Karachi Congress- Fundamental Rights Resolution, Equality of sexes | |
| 2. International Conventions | 10 Lectures |
| 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 | |
| 3. Women in Post-Independence India | 9 Lectures |
| 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. | |
| 4. Sex Inequality in Inheritance Rights | 10 Lectures |
| 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 | |
| 5. Guardianship | 5 Lectures |
| Right of women to adopt a child | |
| Problems of women in guardianship. | |

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

SUGGESTED READINGS

1. Sivaramayya, B, Matrimonial property Law in India(1998),Oxford.
2. Patricia Smith(Ed), Feminist Jurisprudence (1993) Oxford.
3. 42nd 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,SNDT 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.

CORE AND COMPULSORY-XXX
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-XXXI
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	
5. Subordinate Courts	3 Lectures
6. Comptroller and Auditor General of India	3 Lectures
Appointment, Removal	
Duties and Powers	
Conditions of Service	
7. The Union Territories	3 Lectures
8. The Panchayats	3 Lectures
9. The Municipalities	3 Lectures
10. Nature of the Federal System	4 Lectures
Essential Features of Federal Polity	
Indian Federalism: Peculiar Features	
11. Relations between the Union and the States	10 Lectures
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	
12. Emergency Provisions	4 Lectures
National Emergency under Article 352	
Failure of Constitutional Machinery in States	
Financial Emergency	
Effects of proclamations of various kinds of Emergencies	
13. Amendment of the Constitution	5 Lectures
Procedure for Amendment	
Amendability of Fundamental Rights	
„Basic Structure“ doctrine	
14. Freedom of Trade, Commerce and Intercourse	5 Lectures
Parliament“s Power to regulate trade and commerce	
States Power to regulate trade and commerce	
15. Services under the Union and the States	6 Lectures
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:**

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

Defences in Passing off actions
Relief available in Passing off actions

5. Industrial Designs **12 Lectures**

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
Locarno Agreement Establishing an International Classification for Industrial Designs 1968

6. The Designs Act, 2000 **12 Lectures**

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 –I
PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM
(CLINICAL COURSE)
Credits: 4

Objective of the course:

To inculcate a sense of social responsibility and to develop a firm ethical base of students. To make the students realize the significance of ethics in Professional Environment

Total Theory Lectures-80

Unit No:

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

9 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: 80 marks.

2) Extensive Program and Viva Voce: 20 Marks

a) Student has to prepare and submit record relating to selected opinions
and major judgments in the subject: 10 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 21st 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. Part A will carry 80 marks and treated as separate head of passing. Part-A consists of theoretical (written) examination. Part-B will carry 20 marks consisting of Simulation exercises dealing with Arbitration and Conciliation with its procedure and practice.

Part-A

Unit No:	Total Theory Lectures-80
1. Arbitration 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	15 Lectures
2. Negotiation Meaning and Importance Practice and Procedure Principles governing Negotiation Bipartite Negotiation	5 Lectures
3. Conciliation 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	10 Lectures
4. International Arbitration Meaning of International Commercial Arbitration Foreign Arbitral Awards New York Convention awards Geneva Convention awards Procedure for enforcement of foreign Arbitral Awards	15 Lectures
5. Lok Adalat History and Importance of Lok-adalat Cases taken up under Lok-adalat Legal Services Authorities Act, 1987 Permanent Lok Adalat	15 Lectures

PART B**6. Extensive Programme- Simulation Exercises & VivaVoce 20 Marks 20 Lectures****a. Arbitration and Negotiation Skills: 5 Marks.**

Each student has to attend at least two simulation exercises and should maintain record of the same

b. Conciliation and International arbitration Skills: 5 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. Jhunjhunwala, 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 (9th edition reprint 2000), Universal, Delhi**
 - 7. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi**
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Punyasholk Ahilyadevi Holkar Solapur University, Solapur

EQUIVALENT SUBJECT FOR OLD SYLLABUS

B.A., LL.B- IV, Semester VII & VIII

W.E.F July 2022-2023

S. No	Old Paper No.	Name Of the Old Paper	New Paper No.	Name Of the New Paper
1.	FOUNDATION-VII	Jurisprudence	CORE AND COMPULSORY-XXVII	Jurisprudence
2.	CORE AND COMPULSORY -XVII	Property Law	CORE AND COMPULSORY-XXVIII	Property Law
3.	CORE AND COMPULSORY -XVIII	Labour & Industrial Law II	CORE AND COMPULSORY-XXIX	Labour & Industrial Law II
4.	ELECTIVE-I	A) Interpretation Of Statutes and Principles of Legislation. OR B) Banking Law	DISCIPLINE SPECIFIC ELECTIVE-I	A) Interpretation Of Statutes and Principles of Legislation. OR B) Banking Law
5.	ELECTIVE-II	A) Penology And Victimology OR B) Gender Justice And Feminist Jurisprudence.	DISCIPLINE SPECIFIC ELECTIVE-II	A) Penology And Victimology OR B) Gender Justice And Feminist Jurisprudence.
6.	CORE AND COMPULSORY -XIX	Family Law II	CORE AND COMPULSORY-XXX	Family Law II
7.	CORE AND COMPULSORY -XX	Constitutional Law II	CORE AND COMPULSORY-XXXI	Constitutional Law II
8.	ELECTIVE-III	A) Insurance Law OR B) Trade Mark and Design	DISCIPLINE SPECIFIC ELECTIVE-III	A) Insurance Law OR B) Trade Mark and Design
9.	FOUNDATION VIII	Professional Ethics and Professional Accounting System (Clinical Course)	ABILITY ENHANCEMENT COURSE –I	Professional Ethics and Professional Accounting System (Clinical Course)
10.	CORE AND COMPULSORY -XXI	Alternative Dispute Resolution (Clinical Course)	ABILITY ENHANCEMENT COURSE –II	Alternative Dispute Resolution (Clinical Course)