



# THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

(State University Established by Act No.43 of 1997)

"Poompozhi", 5, Dr. D.G.S. Dhinakaran Salai, Chennai - 600 028.

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**Dr. Ranjit Oommen Abraham**

**Registrar i/c**

Syllabus copy for all Courses offered by the  
Institution for the Year

2019-2020 - 426

  
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THE TAMIL NADU DR. AMBEDKAR  
LAW UNIVERSITY, "POOMPOZHIL"  
No.5, DR. D.G.S. DINAKARAN SALAI  
CHENNAI - 600 028

**ENGLISH - I**

**CHA1A**

**Objectives of the Course**

*The objective of the course is to train the student to upgrade English language skills for effective communication. Linguistics and Phonetics help in good articulation, intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Giving meaning to words and idiomatic phrases and using those in sentences go a long way for betterment of language skills. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction**

English Language and Linguistics: Tracing the Historical Development of English Language-Indo - European Language Tree - Eastern and Western Language Groups - Germanic Groups- Old English - Middle English - Modern English.

Vocabulary: Development of Vocabulary in English Language - Influence of other Languages on English Vocabulary - Etymology - Semantics.

**UNIT- II**

**Phonetics; Transcription Exercises**

Phonetics: R.P. Phonemes - Identification and Classification - Vowels, Diphthongs and Consonants.

Transcription Exercises: Accent - Rhythm in Connected Speech - Kinds of Accent Intonation- Falling Tone and Rising Tone.

### UNIT- III

#### Prose Section

Gettysburg Address - Abraham Lincoln  
Advice to a Young Man Interested in Going into Law -  
Felix Frank Further  
Methods of Study - Glanville Williams.  
Court Scene - Merchant of Venice - William Shakespeare.  
The Law is a Jealous Mistress - A Popular Fallacy -  
Joseph W. Plank.

### UNIT- IV

The Hypotheses of Failure - O. Henry  
Civil Disobedience - Henry David Thoreau  
On Truth - Francis Bacon  
On Liberty Chapter I - John Stuart Mill  
Aringnar Anna's Maiden Speech in Rajya Sabha - 1962

### UNIT- V

#### Grammar

Words often confused (I Semester)  
Idioms and Phrases  
Synonyms and Antonyms  
Phrases and Clauses  
Reported Speech.

#### Books Prescribed

- Bhat Nagar -Law and Language
- Glanville Williams - Learning the Law

#### Books for Reference

- Essays of Francis Bacon
- William Shakespeare -Merchant of Venice
- David Green -Contemporary English Grammar  
Structure and Composition
- J.C. Nesfield - English Grammar Composition and  
Usage

### APPENDIX I

#### Expressions and Phrases - English (Paper - II)

1. To make both ends meet - to live within one's income
2. To eat one's word - to retract one's statements
3. To set one's face against - to sternly oppose
4. To play fast and loose - say something and do another
5. To win one's spurs - to make one's reputation
6. To make one to test - to rebuke
7. To turn a deaf ear to - to disregard
8. By hook or by crook - by fair or foul means
9. Without reserve - fully
10. To take exception to - to object to
11. To pay off old scores - to wreck revenge
12. On and off - at intervals
13. Off and on - now and then
14. In good part - without offence
15. To put a spoke in the wheel - to thwart the execution  
of one's designs.
16. To make one's mark - to distinguish oneself
17. To put one's foot down - to take a resolute stand.
18. To make up one's mind - to resolve
19. To turn over a new leaf - to change for the better
20. No love lost (between them) - not on good terms
21. To throw cold water - to discourage
22. Hands in glove - connive with
23. To turn one's errors to account - to profit by errors
24. To sit on the fence - to remain undecided
25. At issue - in dispute
26. To bring to light - to disclose
27. To burn one's fingers - to get into trouble
28. To live by one's wits - to earn one's livelihood by  
ingenuity
29. To bid fair - fairly to
30. To strain every nerve - to put forth one's utmost  
efforts
31. Beside himself - out of his mind
32. At sixes and sevens - In disorder or confusion
33. To put on airs - to behave arrogantly

34. To be on alert - ready to act
35. Order of the day - Prevailing state of things
36. To get into hot water - to get into trouble
37. To get the better of one - to overcome
38. To get of easily - to get a light sentence
39. Washing dirty linen in public - to talk about one's short comings in public.
40. To have a finger in the pie - to meddle with all affairs
41. To hit the nail on the head - to say or do exactly the right thing.
42. To have an axe to grind - to have personal interest in the matter
43. To have the gift of the gab - to have talent for speaking
44. To throw out of gear - to disturb the working of
45. Gall and wormwood - Hateful, unacceptable
46. To be in the good books of - to enjoy the patronage of
47. To stand in one's own light - to act against one's own interest
48. To put one's foot in - to involve
49. To fight tooth and nail - to fight bitterly
50. To make clean breast of - to confess without reserve
51. To stand one's ground - to maintain one's position
52. Where the shoe pinches - where the difficulty or trouble exist.
53. To take to one's heels - to run away
54. To the letter - to adhere to every detail
55. To keep in the dark - to keep one in ignorance
56. To die in harness - to die while in office
57. To have too many irons in the fire - to be engaged in too many enterprises
58. To be at one's wit's end - puzzled, completely at a loss to act
59. To fall foul of - to quarrel with
60. To go back on - to fail to keep
61. To lend ear to - to listen to
62. To read between the lines - to read a hidden meaning not apparent

63. Thorn in one's side - to be a constant source of annoyance
64. To smell a rat - to suspect
65. To nip in the bud - to put an end to in the beginning itself
66. The long and short of it - the whole matter in a few words
67. To take stock of - to assess
68. To keep one's own counsel - to preserve a discrete silence
69. To be born with silver spoon in one's mouth - to be born in wealth and luxury
70. To stand to reason - to be logical
71. To stand in good stead - to be of good service
72. To take wind out of one's sail - to render one's work or action ineffectively.
73. To pay back in one's coin - to treat one in the same way
74. To take one's life in one's hands - to undergo great risks
75. To fight shy of - to avoid due to a feeling of mistrust
76. To end in smoke - to come to nothing
77. To leave no stone unturned - to use all available means
78. To harp on the same string - to swell tediously on same subject
79. To give a piece of one's mind - to scold one
80. To make good the loss - to compensate for the loss
81. To kick up a row - to make great noise or fuse
82. To be ill at ease - to be uneasy
83. To rise to the occasion - to show oneself equal to deal with the emergency
84. To do the handsome thing by one - to behave towards one in a magnanimous manner.
85. To take the edge of one's argument - to make or argument ineffective
86. To hang in the balance - to remain in suspense
87. To put in the market - to offer for sale

88. To fall short of one's expectations - to disappoint
89. On the spur of the moment - instantly
90. To burn the candle at both the ends - to overtax one's energy.
91. To bury the hatchet - to cease fighting, to make peace
92. To feather one's own nest - to make money unfairly
93. To blow one's own trumpet - to praise oneself
94. To keep one's head above water - to keep out of debt
95. To have two strings to one's bow - to have two sources income to rely upon
96. To make a pile - to save a fortune
97. To be beside the man - to be irrelevant
98. To be under the water of - to be completely under control of
99. To be on tender roof - to be in a state of suspense anxiety
100. To move heaven and earth - to make every possible event

## APPENDIX II

### Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous

17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate - Extenuate
49. Artful - Artificial



**HISTORY**

**CHA1B**

**Objectives of the Course**

*This course traces the social, cultural and economic history of India from the ancient past to the present. An understanding of our past is essential for understanding the problems particular to India and also to comprehend our laws in a better manner.*

**COURSE OUTLINE**

**UNIT- I**

Indus Civilization: Age -Important Cities -Town Planning - Urbanization –Social and Political Conditions -Economic Life.

The Vedic Age: The Vedic Literature -Geographical Area - Vedic Polity –Social Life -Religion- Economic Conditions - Political Administration- Dharma.

The Sangam Age: The Sangam Literature -Social Life - Economic Conditions-Polity and Administration.

Religious Movements: Heterodox Sets -Causes For The Emergence of Jainism and Buddhism- Sects of Jainism - Percepts and Philosophy of Jainism -Sects of Buddhism - Percepts and Philosophy of Buddhism -Impact of Jainism and Buddhism on Indian Culture and Society.

Mahajanapadas: Names and their Geographical Extent - Types of Political Systems Including Republics.

**UNIT- II**

The Mauryan Empire: Sources -Arthashastra -Indica -Rock -Cut Edicts -Political Administration Including the King, the Central Government, Provincial Governments, City

Administration, Military Administration -Doctrine of Dhamma -Dhamma Mahamatras -Public Works.

Trade and Commerce in the Pre-Gupta and Gupta Period: Trade and Commerce -Commodity Structure of Trade - Export and Import -Socio -Economic and Political Conditions -Feudalism- Guild System - Revival of Hinduism - Administration of Justice -Dharmashastras.

Age of the Pallavas: Socio -Economic and Political Conditions -Contribution to Arts and Architecture.

Age of the Imperial Cholas: Extent of the Empire Socio - Economic and Religious Conditions- Trade and Commerce - Political Administration Including Village Administration- Contributions to Art and Architecture.

Bhakthi Movement: Alvars and Nayanmars -Adi Sankara - Ramanuja and Madhava -Sufism- Sufistic Orders -Impact on Indian Culture and Society.

**UNIT- III**

The Advent of Islam: Interaction between the Ancient Indian Cultural and Islamic Culture and the Emergence of a Synthetic Culture.

Delhi Sultanate: The Dynastic History -The Idea of Kingship -Nobility -The Central and Provincial Governments - Military Organizations -The Agrarian Conditions -The Revenue System -Market Economy

The Mughal Empire: Nature of Mughal Administration - Provincial Government -Fiscal System - Army -Mansabdari System -The Jagirda System -The Zamindars -Agrarian Relations -Art, Architecture and Culture under the Mughals.

**UNIT- IV**

Decline of the Mughal Empire and the Emergence of the East India Company: Causes for the Decline of the Mughals

-The Autonomous States -British Conquest of India -The Puppet Nawabs of Bengal -The Dual Government of Bengal.

Economic Impact of British Rule: Indian Economy during the First Half of the 18<sup>th</sup> Century -Transformation of Indian Economy into the Colonial Economy -British Economic Policies -The Economic Movements -Impact of British Rule on Indian Economy. Revolt of 1857: Causes for the Revolt - Causes for its Failure -Aftermath of the Revolt.

#### **UNIT- V**

Socio -Religious Reform Movements: Beginning and Growth of other Socio -Religions Reform Movements -Brahmo Samaj -Manav Dharma Sabha -Prarthana Samaj -Arya Samaj - Ramakrishna Mission -Theosophical Society -Young Bengali Movement -Muslim Reform Movement -Satyagraha -Indian National Movement- Backward Class Movements: Justice Party -Self Respect Movement- The Freedom Struggle in India.

#### **Books Prescribed**

- R.C. Majumdar - An Advanced History of India
- Ray Chaudhary -Social, Cultural and Economic History of India.
- R.S.Sharma - Ancient India
- Satish Chandra- Medieval India
- Bipan Chandra -Modern India
- V.D.Mahajan -History of India in 3 Volumes

#### **Books for Reference**

- A.L.Basham - The Wonder that was India
- Ishwari Prasad- A Short History of Muslim Rule in India
- Grover and Grover- Modern India
- D.N.Jha - Ancient India
- K.A.Nilkanta Sastri - A History of South India
- N. Subramanian -History of Tamil Nadu



**B.A.LL.B. (Hons.)**

**FIRST YEAR - 1<sup>st</sup> SEMESTER**

## **SOCIOLOGY – I**

### **CHA1C**

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

*The prime objective of this course is to introduce the students to the basic concepts involved in various social situations. The course also analyzes the functioning of various social institutions in societies and developments evidenced by social institutions in contemporary society and the challenges in the society.*

#### **COURSE OUTLINE**

##### **UNIT - I**

##### **The Emergence of Sociology**

Definition of Sociology - Origin, Development and Scope of Sociology - Sociology and its Relationship with other Social Sciences - Basic Concepts - Theoretical Perspectives in Sociology.

##### **UNIT - II**

##### **Socialization and Culture**

Socialization: Importance - Process - Stages - Agencies - Theories of Socialisation.

Culture: Characteristics and Functions - Material and Non-Material Culture - Cultural Lag - Role of Culture in Socialization - Westernization.

##### **UNIT - III**

##### **Social Groups and Social Institutions**

Social Groups: Types of Groups - Characteristics - Functions - Differences - Reference Group.

Social Institutions: Marriage - Family - Kinship - Types - Importance and its Functions.

## UNIT - IV

### Social Stratification and Social Mobility

Social Stratification: Characteristics and Functions - Forms of Social Stratification - Estate System - Caste System - Class System.

Social Mobility: Definition and Types - Horizontal Mobility - Vertical Mobility - Intra and Intergenerational Mobility - Consequences of Social Mobility.

## UNIT - V

### Social Control and Social Deviance

Social Control: Definition - Nature of Social Control - Types of Social Control - Agencies of Social Control.

Social Deviance: Definition and Types of Deviance - Factors Facilitating Deviance - Social Significance of Deviant Behaviour - Contemporary Development in Deviance.

### Books Prescribed

- Shankar Rao, C.N. - Sociology.
- Vidhya Bhushan and Sachdeva, D.R. - Introduction to Sociology.
- Francis Abraham, M.-Studies in Sociology, An Introduction to Concepts and Theories.

### Books for Reference

- Kuppaswamy, B. - Social Change in India.
- Gisbert Pasual- Fundamentals of Sociology.
- Davis Kinsley- Human Society.
- Bottomore, T.B - Introduction to Sociology
- Giddens, A - Sociology.
- Uberoi, Patricia- Family, Kinship and Marriage in India.
- Oomen, T.K and Venugopal C. N - Sociology for Law Students.
- Merton, R. K. - Social Theory and Social Structure.
- Ginsberg, Morris - Studies in Sociology.



## LAW OF TORTS

### CHA1D

### Objectives of the Course

*In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses. Torts can be intentional torts, negligent torts, or strict liability torts. Employers must be aware that in many circumstances, their employees may create liability in tort. This chapter explains the different kind of torts, as well as available defences to tort claims.*

### COURSE OUTLINE

#### UNIT- I

##### General Principles

Nature and Scope- Definition- Distinction between Tort and Crime - Tort and Contract- Foundation of Tortious Liability - Elements of Torts - General Defences.

#### UNIT- II

##### Liability for the Wrong Committed by other Person

Vicarious Liability - Joint Tortfeasors- Capacity to Sue and be Sued - Remedies.

#### UNIT- III

##### Specific Torts

Negligence- Contributory Negligence- Nuisance- Remoteness of Damage- Nervous Shock.

#### UNIT- IV

##### Torts against Human Being and Property

Assault- Battery- Distress- Malicious Prosecution- Conspiracy- False Imprisonment- Defamation- Trespass: To Land- To Goods- Passing Off.



## UNIT- V

### No Fault Liability

No Fault Liability - Strict Liability- Absolute Liability - Motor Vehicles Act- 1988.

### Book Prescribed

- B. M. Gandhi -Law of Torts
- P. S. A. Pillai - The Law of Torts
- Ratanlal and Dhiraj Lal -The Law of Torts
- R. K. Bangia - Law of Torts including Motor Vehicles Act

### Books for Reference

- Ramaswamy Iyer - Law of Tort
- Winfield - Law of Tort
- Salmond - Law of Tort



**B.A.LL.B. (Hons.)**

**FIRST YEAR - 1<sup>st</sup> SEMESTER**

## CONTRACTS – I

### CHA1E

### Objectives of the Course

*Contract law plays a pivotal role in the society as almost all exchanges between persons and Enterprises alike come within the ambit and are regulated by Law of Contracts. This is the basis of all commercial interactions and all legislations relating to trade and commerce. But for the existence of statutory provisions pertaining to Contract Law, many a private, voluntarily made agreements wouldn't be enforceable due to lack of legal force. Also, it is appropriate to state that Contract Law is quintessential to transactions relating to goods and services.*

### **The following are the board objectives of this course:**

- a) An understanding of the Legal dimensions of the law relating to the formation of contracts.*
- b) An insight into the legal provisions, which buttress the operative performance of contracts.*
- c) To comprehend & appreciate the significance of the various modes in which contracts may be discharged.*
- d) To familiarize with the redressal mechanisms available to the aggrieved parties.*

## COURSE OUTLINE

### UNIT – I

Basic Nature of Contract – Formation of Contract – Offer- Acceptance- Revocation- Lapse of Offers and Acceptance – Intention to Create Legal Relationship –Terms of Contract and Standard Form Contracts.

### UNIT – II

Consideration – Past- Present- Future Considerations – Privity as to Consideration - Value and Adequacy of

Consideration- Rule in Pinnel's Case – Exceptions To Consideration – Capacity to Contract – Free Consent – Factors Which Vitiates Free Consent – Objects of a Contract – Unlawful and Illegal Objects or Considerations – Valid-Voidable- Void Agreements.

### **UNIT – III**

Performance of Contract – Privity of Contract – Tender of Performance - Time as Essence to Performance – Law Relating to Time- Place and Order of Performance – Performance of Reciprocal Promises- Contingent Contracts- Joint Promises – Appropriation of Payments.

### **UNIT – IV**

Discharge of Contracts by Impossibility of Performance – Discharge by Agreement-Novation- Rescission- Alteration – Discharge by Breach - Waiver – Accord and Satisfaction – Material Alteration – Damages-Types and Measures.

### **UNIT – V**

Quasi Contracts – Quantum Meruit – Specific Relief Act-1963-Recovery of Possession-Specific Performance of Contracts-Rectification- Cancellation of Instruments- Rescission-Declaratory Decrees-Injunctions.

### **Statutory Material**

- Indian Contract Act- 1872
- Specific Relief Act- 1963

### **Books Prescribed**

- Dr. Avatar Singh – Law of Contract and Specific Relief.
- Anson's Law of Contract.
- Venkatesh Iyer – Indian Contract Law
- M. Krishnan Nair – Indian Contract Law.

### **Books for Reference**

- Cheshire and Fifoot – Law of Contracts.
- Mulla – Indian Contract Act.
- Sarkar – Specific Relief Act.
- Basu – Specific Relief Act.
- Smith and Thomas – A Casebook on Contract.



**ENGLISH-II**

**CHA2A**

**Objectives of the Course**

*The course objective is to train the students to acquire effective communication skills including legal jargon. The four skills of language acquisition, the laws that help in acquiring it properly along with figures of speech and legal terms lead towards that goal. Logic is introduced since its understanding hones a lawyer's thought process. The prescribed prose lessons relate to legal practice like advocacy skills, cross-examination skills and interpretation skills. This legal literature helps the students to use legal language properly.*

**COURSE OUTLINE**

**UNIT-I**

**Prose Section**

Moots and Mock Trials-Glanville Williams

The Divisions of the Law-Glanville Williams

In the Court-Anton Chekov

The Five Functions of the Lawyer-Arthur T. Vanderbilt

The Language of the Law-Urban A. Lavery

**UNIT - II**

Cross-Examination of Pigott before the Parnell

Commission-Sir Charles Russel

A Plea for the Severest Penalty upon his Conviction for Sedition-M.K. Gandhi

Educating Lawyers for A Changing World-Erwin N. Griswold

Due Process of Law-Part I-Lord Denning

Ethics-On virtues & vices-Aristotle

**UNIT-III**

**Language Acquisition and Use of Language**

Four Skills of Language Learning-Understanding Spoken Language and Speaking-Understanding Written Language and Writing-Stages of Acquisition of Languages-Laws of Language Learning-Factors Influencing Results in Language Learning-Place of Mother Tongue in Language Learning.

Figures of Speech: Simile- Metaphor- Hyperbole- Allegory- Personification- Metonymy- Synecdoche- Euphemism- Climax- Bathos- Epigram- Pun- Irony- Alliteration- Assonance and Tautology-Examples.

**UNIT-IV**

**Logic**

The scope of Logic-Definition of Logic-Logic and Psychology and Ethics-The Principles of Thinking and Syllogism.

Proposition and its Parts-Classification of Propositions-Distribution of Terms-The Opposition of Propositions.

Syllogism-Kinds and Rules of Syllogisms.

Fallacies-deductive Fallacies-Formal and Material Fallacies-Inductive Fallacies.

Composition: Essay writing on topics of Legal Interest, Precise Writing and Letter Writing.

**UNIT-V**

**Legal terms** (Copy attached)

**Books Prescribed**

- Bhatnagar - Law and Language
- Glanville Williams - Learning the Law

**Books for Reference**

- Lord Dennings - Due Process of Law
- David Annousamy - The Language Riddle

## List of Legal Terms

Accomplice	Homicide	Proviso
Ad-Idem	In Camera	Quid Pro quo
Adjudication	In-forma Pauperis	Receiver
Adjournment	In-Limine	Redemption
Admission	Injunction	Remand
Advalorem	Insolvency	Remedy
Affidavit	Insurance	Rent
Amendment	Issue	Resjudicata
Amicus Curiae	Judgement	Settlement
Approver	Jurisdiction	Sine-die
Bona-fide	Liability	Specific performance
Breach of Contract	Licence	Stamp duty
Capital Punishment	Magna Carta	Stay of execution
Coercion	Maintenance	Summons
Compromise	Malafides	Surety
Consent	Minor	Taxation
Counter claim	Mortgage	Tenant
Cur.advelt	Murder	Title
Damages	Natural Justice	Tort
Defamation	Necessaries	Trademark
Defence	Negligence	Transfer
De-facto	Negotiable Instrument	Treason
De-jure	Oath	Trespass
Deposit	Obscene	Trial
Detinue	Partition	Trust
Distress	Persona designate	Ultra-vires
Earnest-Money	Perjury	Usage
Equity	Plaintiff	Vakalat
Estoppel	Power of attorney	Verdict

Evidence	Pre-emption	Vis-Major
Execution	Prescription	Void
Ex-parte	Presumption	Voidable
Fraud	Privity	Waiver
Habeas Corpus	Promissory note	
Hearsay	Proof	



**POLITICAL SCIENCE – I**

**CHA2B**

**Objectives of the Course**

*Political Science has a very close link with legal studies. This course enables the students to learn basic principles connected with political science such as State- Origin of States- Elements of State- Citizenship- Liberty- Equality and Justice and also Classical Political Theory and Contemporary Political Thought.*

**COURSE OUTLINE**

**UNIT – I**

**Introduction to Political Science and Approaches to Political Analysis**

Meaning- Nature and Scope of Political Science Methodology- Political Science and allied studies like and History- Political Science - Economics- Political Science - Sociology Political Science - Geography- Political Science - Anthropology- Political Science- Jurisprudence- Political Science and Ethics.

Traditional approach - Modern Approach - Post-Modern Approach - Behavioralism - Post-Behavioralism - Systems Approach - Structural Functional Analysis - Marxist Approach.

**UNIT – II**

**Origin of State and Elements of State**

Theories of origin of State- Divine Right theory- Patriarchal and Matriarchal theories

Social Contract Theory - Evolutionary Theory- Evolution of Modern State and the Postmodern State- State and Nation - State and Sovereignty- Is sovereignty a waning concept?-

Characteristics of Sovereignty- Classification of Sovereignty- Legal and Political- Austin's Theory of Sovereignty- Sovereignty and Constitutional Law - Sovereignty in International Law.

**UNIT – III**

**Meaning- Nature and Scope of Citizenship and Liberty- Equality and Justice**

Global Citizenship- Methods of Acquiring and Losing Citizenship- Rights and Duties of Citizens- Classification of Rights- Theories of Rights- Human Rights and Rights and Duties- Philosophical Foundations- Constitutional Protection and Limitations Marxist view on Freedom- Liberalism- Idealism- Individualism- Socialism- Facism- Imperialism and Marxism.

**UNIT – IV**

**Classical Political Theory and Contemporary Political Thought**

Political Theory of Classical Greece; Republicanism- Political Theory and Political Economy- Political Theory and Social Theory- Modernity and its Critics- Marxian Thought- Critical Theory beyond Habermas- Liberal Pragmatist Political Theory- Feminism and Canon of Political Thought- Pluralist Construct- Regionalization and its challenges- Interpretations in Contemporary Islamic Thought.

**UNIT – V**

**Evolution of Government and Forms of Government**

Classification of Government - Aristotle's Classification – Modern Classification - Merits and Demerits of Democracy- Merits and Demerits of Monarchy- Merits and Demerits of Dictatorship - Role of Law in Governance - Laissez-Faire and Welfare Governments- Parliamentary and Presidential - Unitary and Federal - SOP and Checks and Balances - Unicameral and Bicameral Legislatures - Cabinet form of Government - Role of Political Parties - Public Opinion - Limits of Governments - Revolution.

### Books Prescribed

- Amal Ray & Mohit Bhattacharya- Political Theory: Ideas and Institutions
- Appadurai- The Substance of Politics
- O. P. Gauba- An Introduction to Political Theory
- A. C. Kapoor- Principles of Political Science

### Books for Reference

- Ernest Barker- Principles of Social and Political Theory
- Sabine - History of Political Theory.



**B.A.LL.B. (Hons.)**

**FIRST YEAR - 2nd SEMESTER**

## **LEGAL AND CONSTITUTIONAL HISTORY**

**CHA2C**

### **Objectives of the Course**

*The course is a foundation course for Constitutional Law paper. It traces the development of the legal system and judiciary from 1600 till the time British left India in 1947. The changing structure of governance and legal system, the charters and the Acts are given in detail, an understanding of which is of vital importance to a Law student.*

### **COURSE OUTLINE**

#### **UNIT -I**

Administration of Justice in the Presidency Towns of Madras, Bombay and Calcutta from 1600 -1726 and the Development of Courts and Judicial Institutions - Mayor's Court and The Charter Of 1726 - Warren Hasting's Plans of 1772, 1774 And 1780 - Supreme Court at Calcutta, its Composition, Powers and Functions -The Settlement Act of 1781 -Judicial Measures of Cornwallis 1787, 1790 and 1793.

#### **UNIT -II**

Dual System of Administration of Justice -Amalgamation of the Two Systems of Courts -The High Court's Act 1861 - Federal Court -High Court Act under The Constitution - Development of the Rule of Law - Separation of Powers and the Independence of Judiciary - Privy Council as a Court of Appeal and its Jurisdiction -Abolition of the Jurisdiction of the Privy Council - History of Law Reporting in India.

#### **UNIT -III**

Legislative Authority of the East India Company under The Charters Of 1600, 1661 and 1726-Regulating Act, 1773, The Pitts India Act of 1784 -Powers and Functions of The Governor -General and Council - Charter Acts of 1793, 1813, 1833 and 1853 - The Government of India Act 1858, The Indian Councils Acts of 1861 and 1892.

#### UNIT -IV

The Minto -Morley Reforms of 1909 - The Mont -Ford Reforms of 1919 -Dyarchy -Bicameral Legislature -Powers and Functioning of Dyarchy - The Government of India Act 1935 -Federal Assembly and The Council of States -Provincial Autonomy -Governor -State Legislature -Council of Ministers in The Provinces and their Powers and Functions.

#### UNIT -V

Development of Legal Profession Till 1724 -Legal Profession under The Supreme Court -Provision for Enrolment of Advocates under The Legal Practitioners Act -Provision for Enrolment of The Advocates under The Courts Act 1861 - Bar Committee of 1923 and Bar Council of 1926 -The Committee, 1951 - The Advocates Act 1961, The All India Bar Council and State Provisions Relating to Enrolment-Maintenance of Discipline - Development of Legal Education.

#### Books Prescribed

- M.P.Jain- Outlines of Indian Legal History.
- V.D.Kulshreshtha- Landmarks in Indian Legal and Constitution.

#### Books for Reference

- V.D.Mahajan- Constitutional History of India.
- M.Rama Jois- The Constitutional History of India.



### **LAW OF CRIMES – I (Indian Penal Code)**

#### **CHA2D**

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

*It is fact that both Crime and Criminal are looked upon with greatest hatred by all the section of the people in the society. Whenever people organized themselves into group- there is a need for some sort of rules to regulate the behaviour of that member. The State has to impose certain penalties upon the wrong doer with the object of prescribing peace in the society at large. Crime and Law are so closely connected with each other that it is very difficult to understand one without knowing the other.*

#### **COURSE OUTLINE**

##### **UNIT-I**

##### **Nature and Scope of Criminal Law**

Definition-Essentials Elements-Strict Responsibility-Mens Rea-Intention and Negligence-Recklessness and Knowledge-Offences Without Conduct - Punishment : Objectives-Basis and Types-Theories of Punishment-Justification of Punishment - General Defences - Excusable Defences-Justifiable Defences-Private Defence - Joint and Constructive Liability-Abetment-Conspiracy-Attempt-Corporate Liability - Jurisdiction-Territorial-Extra Territorial-Personal and Admiralty.

##### **UNIT-II**

##### **General Offences**

Offences Against State - Offences Against Public Peace-Unlawful Assembly-Riot -Affray - Offences Against Election-Bribery-Personation-Offences Relating to Religion - Offences Against Public Justice- Administration of Justice-Giving and Fabricating the False Evidence-Disappearance of Evidence.

### UNIT-III

#### Offences against Human Body

Culpable Homicide and Murder-Suicide-Causing Miscarriage-Hurt-Wrongful Restrain and Wrongful Confinement-Assault-Kidnapping and Abduction-Rape.

### UNIT-IV

#### Offences against Property

Theft- Extortion- Robbery and Dacoity-Criminal Misappropriation of Property and Trust- Cheating- Mischief- Offences Relating to Documents.

### UNIT-V

#### Offences Relating to Marriage and Reputation

Mock or Deceitful Marriage-Bigamy-Adultery-Cruelty by Husband or Relatives- Defamation-Intimidation-Attempt to Commit Offences-Thug.

#### Statutory Material

- The Indian Penal Code

#### Books Prescribed

- Kenny - Outlines of Criminal Law (Chapters relating to general principles)
- Ratan Lal - The Indian Penal Code
- M.K.D. Gour - Criminal Law
- Atchuthan Pillai - Criminal Law
- B.M. Gandhi - Indian Penal Code

#### Books for Reference

- Glanville William - Criminal Law
- Russel - Criminal Law
- Ejaz's - Law of Crimes
- Nigam - Law of Crimes (Volume I)
- Dr.H.S. Gour - Penal Law of India
- Raghavan V.V. - Law of Crimes



### CONTRACTS-II

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)

### CHA2E

#### Objectives of the Course

*The subject of Special Contract is developing in all spheres after the impact of Liberalisation, Privatisation and Globalisation (LPG). Many contractual disputes have been reported in specific areas of contract based on the interpretation of the provisions of Contract Act and other related Laws. The growing demands make it imperative to study the various special natures of contractual dealings.*

### COURSE OUTLINE

#### UNIT-I

##### Indemnity and Guarantee

Definition - English and Indian -Distinction between Indemnity and Guarantee-Rights of the Indemnity Holder-Rights of the Indemnifier-Implied Indemnity -Codification not exhaustive-Principles of Equity applicable-Definition - English and Indian Definitions-Essentials and nature of Guarantee-Distinction between Guarantee and Indemnity -Guarantee and Insurance- Elements of Consideration in a Contract of Guarantee-Nature and Quantum of Surety's Liability- Kinds of Guarantee -Surety ship arises on Contract and not on Notice-Position in English Law- Duty of Disclosure in Guarantee-Rights of Surety -Difference in English Law- Discharge of Surety.

#### UNIT-II

##### Bailment

Definition - Indian and English Definitions-Essentials of Bailment and classification of Bailment- Distinction



between Bailment and Pledge-Deposit-Sale-Agency-Rights and Duties of the Bailor and Bailee-Difference in English Law-Pledge-Definition-Rights of the Pawner and Pawnee-Pledge by Non-Pawners-Lien-kinds of Lien-Their nature and incidents - How lost.

### **UNIT-III**

#### **Sale of Goods**

Definition of Sale and Agreement to Sell - Distinction between Sale and Agreement to Sell - Contract of Work and Layout. Hire Purchase Agreement - Bailment - Exchange-Gift-Definition-Goods-Specific Goods-Future Goods-Mercantile Agent-Documents of Title of Goods-How is Sale made-Rules for Fixing Price and effect of goods getting Damaged or Perished in a Contract of Sale-Stipulation as to time and other stipulation-Conditions and Warranties-Effect of Breach-Ex-Post Facto Warranty –When condition is treated as Warranty-Implied conditions and Warranties in a Contract of Sale-Exemption clauses effect

Of Fundamental Breach-Rule as to Passing Off property-Sale by Non-Owners, Exception to *Nemo Dat Quod Non Habet*-Rules as to Delivery-Unpaid Vendor-His rights or Lien and stoppage in transit-Remedies available to seller and buyer-Auction Sale.

### **UNIT-IV**

#### **Agency**

Definition of Contract of Agency-Creation of Agency-kinds of Agency-Distinction between Agent and Servant and Independent Contractor-Who may be an Agent-Kinds of Agent-Authority of the different kinds of Agent-Authority of Agents-Ostensible and Emergency Authority –Delegation of Authority-Delegates Non Protest Delegate-Sub Agent – Substituted Agent-Essential of Ratification and its effect-Effect of Notice to Agent-Necessary conditions to bind Principal-Principal and Third Parties-The doctrine of Undisclosed Principal and Concealed Principal-Termination of Agency and when it becomes irrevocable.

### **UNIT-V**

#### **Partnership**

Definition of 'Partnership–Essential of Partnership–Joint Hindu– Partnership-Distinction between Partnership and Co-Ownership-Joint Hindu Family –Incorporation Companies-Contract of Service-Legal Notion and Mercantile Notion-Kinds of Partners and Duration of Partnership-Mutual Rights and Duties of Partners-Minor as a Partner-Difference in English Law-Rights of Legal Representative and Surviving Partners-Authority of Partners-Implied and Emergency-Liability of the Partners of the Acts of the Firm and for the Wrongful Acts of other Partner-Nature of Liability-Principle of Agency in Partnership-Partnership Property-Tests-Settlement of Accounts-Goodwill and its Disposal-Distribution of Assets-Retirement of Partners-Dissolution of Firm and Modes and Circumstances-Effect Of Non-Registration of Firm.

#### **Statutory Material**

- Indian Contract Act,1872
- Sale of Goods Act,1930
- Indian Partnership Act,1932

#### **Books Prescribed**

- Dr. Avatar Singh -The Law of Contracts
- Mulla - Sale of Goods Act
- Krishna Nair -Law of Contracts
- Anson - Law of Contracts

#### **Books for Reference**

- Cheshire & Fifoot - Law of Contracts.
- Mulla - Indian Contract Act.
- Sarkar - Specific Relief Act.
- Basu - Specific Relief Act.
- Smith & Thomas - A Casebook on Contract.



**SOCIOLOGY - II**

**CHA3A**

**Objectives of the Course**

*The course seeks to introduce students to the study of human society in Indian context. The continuity between the present and past is an evident feature of Indian society. Hence the focus is on contemporary Indian society which will enable the students to gain a better understanding of their own society and enhance legal solutions to social issues.*

**COURSE OUTLINE**

**UNIT - I**

**Historical Structure of the Indian Society**

A Brief Historical Sketch of the Indian Civilization - Village Communities - Joint Family System - Society in Contemporary India - Nature of Diversities in India - Unity and National Integration.

**UNIT - II**

**Caste System in India**

Meaning and Definition of Caste System - Characteristics - Factors Facilitating Growth of Caste System - Theories - Changing Trends - Caste System in Contemporary India.

**UNIT - III**

**Women in India**

The Status of Women - Ancient Age - Medieval India - Modern Period - Problems Faced by Women in Modern India - The Development and Changing Status of Women.

**UNIT - IV**

**Social Change and Social Problems**

Nature and Characteristics of Social Change - Sources of Change - Factors Affecting Social Change - Social Problems

- Dowry - Divorce - Corruption - Prostitution and its Legislative Measures - Juvenile Delinquency - Bonded Labour- Honour Killing - Social Unrest.

**UNIT - V**

**Sociology of Law in India**

Law and Disadvantaged Group - Issue of Reservation to Caste and Women's Empowerment - Law and Social Change - Social Perception of Law in the global era - Social Role of Judiciary and Legal Profession in Indian Society.

**Books Prescribed**

- Shankar Rao - Sociology of Indian Society.
- Vidhya Bhushan and Sachdeva - An Introduction to Sociology.
- Francis Abraham.M - Studies in Sociology, An Introduction to Concepts and Theories.

**Books for Reference**

- Kuppaswamy, B. Social Change in India.
- Gisbert Pasual- Fundamentals of Sociology.
- Davis Kinsley- Human Society.
- Bottomore T.B. - Introduction to Sociology.
- Giddens, A- Sociology.
- Uberoi, Patricia - Family, Kinship and Marriage in India.
- Oomen, T.K and Venugopal C. N.- Sociology for Law Students.
- Merton, R. K. - Social Theory and Social Structure.
- Ginsberg, Morris - Studies in Sociology.



**POLITICAL SCIENCE - II**

**CHA3B**

**Objectives of the Course**

*The course Political obligations are closely linked with philosophy of law. Students will learn the concept and theories, dimensions and ideas of political obligation, consent and political obligation. The course also analyses dilution of political obligations and the role of internal societies in political obligations.*

**COURSE OUTLINE**

**UNIT - I**

Introduction to Political Obligation - Meaning, Nature and Scope of Political Obligation - Evolution of the concept of Political Obligation-Contemporary Developments - Political Obligation and Right - Political Obligation and Duty-Theories of Political Obligation-Voluntarism-Utilitarian Theory - Deontological Theory - Anarchist Theory.

**UNIT-II**

Political Obligation and Consent - Nature and Extent of Consent-Political Obligation and Social Contract (Hobbes, Locke & Rousseau) - Types of Political Obligation. Philosophical Foundations of Political Obligation - T.H. Green on Political Obligation - Moral or Ethical Foundations of Political Obligation - Ancient Indian Ideas and Institutions on Political Obligation.

**UNIT - III**

Dimensions of Political Obligations in a Modern State - Political Obligation and Family - Political Obligation and Identity - Membership and Political Obligation- Legal and Political Obligations - Nature and Extent of the Authority

in a State and Political Obligation - History and Theory of Justice - Joseph Raz.

**UNIT - IV**

Constitution of India and the nature of Political Obligation under the Constitution - Upendra Baxi on Crisis in the Indian Legal System - Dilution of Political Obligation - Impact of such Dilution of Political Obligation. D.D. Raphael and T. H. Green on Political Obligation.

**UNIT-V**

Political Obligation and the Right to Dissent - Legal and Moral Issues- Legal and Social Issues - Social and Political Issues - Right to disobey the Law - D.H. Thoreau - Gandhian Principles - Edmund Burke- Political Obligation and Revolution - Role of State in Balancing Political Obligations - Role of International Society in Political Obligation of a State.

**Books Prescribed**

- Ernest Barker- Principles of Social and Political Theory
- L. S. Rathore and Haqqi- Political Theory and Organization
- R.E.Goodin (Editor)- The Oxford Handbook of Political Thought

**Books for Reference**

- John Horton- Political Obligation.
- Margaret Gilbert- A Theory of Political obligation ; Membership, Commitment and the Bonds of Society.
- D.D. Raphael and T. H. Green- Political Obligation.
- Joseph Raz-Authority of Law.
- Sabine, George - History of Political Theory.



**ECONOMICS - I**

**CHA3C**

**Objectives of the Course**

*Economics is a behavioural science. The course intends to understand the behavioural nature of human beings to obtain their economic needs. This course also helps the students to understand the various changes and challenges that are happening in our economic system. The course also analyses the integrated changes and challenges occurring across the country in the global economic sphere with specific reference to legal framework.*

**UNIT - I**

**Introduction to Economics**

What Economic is about - Definitions - Basic Concepts - Basic Economic Problems - Methods of Economics - Nature - Scope - History of Economic Thought - Classical School - Modern School.

**UNIT - II**

**Micro Economic Concepts and Theories**

Consumer Behaviour: Demand - Law of Demand - Elasticity - Methods - Types - Determinants - Cardinal Utility Theory - Applications and Uses - Indifference Curve Analysis - MRS Relationship between Normal and Giffon Good - Application and Uses - Consumer Surplus.

Production: Factors of Production - Production Functions - Law of Variable Proportions - Laws of Returns to Scale.

Market: Market Structure - Price and Output Determination - Perfect - Monopoly - Monopolistic - Oligopoly - Market Application - Marginal Productivity Theory of Distribution - Rent - Wages - Profits.

**UNIT - III**

**Macro Economic Theories**

Why Study of Macro Economics - National Income Accountings - Circular Flow of Income - Consumption and Saving Choices - Keynesian Theory of Income- Output and Employment - Aggregate Demand and Aggregate Supply - General Equilibrium - Trade Cycle- Inflation.

**UNIT - IV**

**Monetary Economics and Public Finance Concepts and Theories**

Money - Evolution - Functions - Demand and Supply of Money - Keynes Liquidity Preference Theory of Interest - Commercial Banks - RBI - Monetary Policy - Principle of Public Finance - Public Expenditure - Public Revenue - Public Debt - Tax - Characteristics of Good Tax System - Kinds and Effects of Deficit Financing - Taxes of Central and State Government - Fiscal Policy.

**UNIT - V**

**International Economics and Developmental Economic Theories and Concepts**

Importance of Trade - Terms of Trade - Trades in Economic Growth and Foreign Trade - Capital Movements - Classical Theory of Comparative Advantage - Hechter - Ohlin Theory of International Trade - Balance of Payment - Impact of Globalisation - FDI - WTO - IMF - Exchange Rate - Devaluation - MFN.

**Books Prescribed**

- H.L.Ahuja - Principles of Economics
- Srivatsava - History of Economic Thought
- David O' Corner - The Basics of Economics
- D.N.Divedi - Macro Economic Theory and Policy
- H.C.Bhatia , N.K. Sachdeva- Macro Economics
- Quotinis - Modern Micro Economics

### Books for Reference

- M.L. Jhrijan - Macro Economics Theory
- Boa & Sodereston- International Economics
- Francis Cherunilam -International Economics
- Prof. Krishna & G.Kulkarni- Readings in International Economics
- B.P. Tyagi - Public Finance
- M.C.Vaish - Monetary Economics



**B.A.LL.B. (Hons.)**

**SECOND YEAR –3rd SEMESTER**

**FAMILY LAW - I**

**CHA3D**

### Objectives of the Course

*The course helps in understanding the meaning and concepts that are involved in family system in their Personal Laws. The course also focuses the students to identify the various religious groups particularly Hindus, Muslims and Christians and the application of personal laws in their personal matters relating to Marriage, Matrimonial Reliefs, Adoption, Maintenance, Minority and Guardianship. The course also motivates the students to go through the Statutory Materials and Judgments passed in various matters.*

### COURSE OUTLINE

#### UNIT - I

##### Sources and Schools of Personal Laws

Application of various Personal Laws - Traditional and Modern Sources of Hindu Law and Muslim Law - The Classical Schools of Hindu Law and Muslim Law - Origin of the Schools -Main Schools and Sub-Schools - Effect of Migration.

#### UNIT -II

##### Law on Marriage

Nature of Marriage - Various forms of marriage and requirements for a valid marriage on a comparative analysis - Void, voidable and valid marriage in different religious texts and statutes-

Laws and Issues on marriage under the Special Marriage Act - Unisex Marriage and question on living together - The demand of Dowry and the concept of Dower under the relevant Personal Laws - Ceremonies of marriage under various religious systems.

### **UNIT - III**

#### **Law on Divorce and Maintenance**

Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage and Divorce - Various grounds and procedure on a comparative analysis - Court's jurisdiction and procedure for the issues raised on Marriage and Divorce - In Camera proceedings - Decree on Proceedings- Maintenance under Hindu, Muslim and Christian Laws - Permanent Alimony - Maintenance during pendency of the Suit - Maintenance under the Special Marriage Act- the Hindu Adoptions and Maintenance Act and the Code of Criminal Procedure- Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

### **UNIT - IV**

#### **Law on Legitimacy of Children and Adoption**

Legitimacy of children born of Void and Voidable Marriages - Their Rights and Legal Issues -Adoption in different religious groups - Requisites, Conditions, Procedure of Adoption - Effect of Adoption - Inter-Country Adoption.

### **UNIT - V**

#### **Law on Minority and Guardianship**

Guardian under the Hindu Minority and Guardianship Act, 1956 - Definition- Types of Guardians- Guardianship under Muslim Law - Procedure for appointment and their powers - Guardian under the Guardian and Wards Act, 1890.

#### **Statutory Materials:**

- The Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956
- The Hindu Minority and Guardianship Act, 1956
- The Special Marriage Act, 1954
- The Guardian and Wards Act, 1890
- The Dissolution of Muslim Marriage Act, 1939
- The Christian Marriage Act 1872
- Indian Divorce Act, 1869

- Indian Majority Act, 1875
- The Muslim Women (Protection of Rights on Divorce) Act, 1986
- The Family Courts Act, 1984
- The Dowry Prohibition Act, 1961
- The Hindu Widows' Remarriage Act 1856
- Prohibition of Child Marriage Act, 2006

#### **Books Prescribed**

- Mulla - Hindu Law
- N.R. Raghavachari - Hindu Law
- Dr. Paras Diwan - Family Law
- Mulla - Principles of Mahomedan Law
- Fyjee - Outlines of Mahomedan Law

#### **Books for Reference**

- Kusum - Family Law Lectures - Family Law - I
- Mayne - Hindu Law and Usage
- Mitra - Hindu Law



**CONSTITUTIONAL LAW -I  
(Constitutional Features and Principles)**

**CH3E**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. The course also outlines basis of the Constitution to enjoy and enforce the Fundamental Rights; Fundamental Duties; to appreciate the relationship between Part III and Part IV to promote good governance. Finally- the course influences ideas of Citizenship in the minds of the students at large.*

**COURSE OUTLINE**

**UNIT-I**

**Classification of Constitution and Governments**

Definition and Meaning of Constitution- Kinds of Constitution- Meaning of Constitutionalism-Features of Indian Constitution.

Convention - Significance- Parliamentary Supremacy- Theory of Separation of Powers -Latimer House Principle - Doctrine of Checks and Balances- Doctrine of Judicial Review -Significance.

State -Federal- Quasi-Federal- Co-operative Federalism - Essentials of Federalism - Panchayat Raj System - 73rd and 74th Amendment - Constitution -Written and Unwritten- Rigid and Flexible - Executive -Parliamentary- Presidential -Combination of Both Judiciary-Rule of Law.

**UNIT- II**

**Preamble, Union and its Territories and Citizenship**

Preamble: Meaning- Scope- Importance- Objectives and Values - Union and its Territories (Art 1-4) - Citizenship:

(Art 5-11) -Citizenship at the commencement of the Constitution - Deprivation and the renunciation of the Citizenship - Parliament power to regulate -Citizenship Act.

**UNIT- III**

**State, Laws and Amendment**

State: Definition and meaning- Article 12- New Judicial trends on concept of State -Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws- Various Doctrines like Eclipse- Severability and Ultravires- Judicial Review and Article 13.

Amendment: Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of Constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon Constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule.

**UNIT- IV**

**Fundamental Rights**

Right to Equality: General Equality Clause under Article 14- Judicial Interpretation on Equality -Reasonable Classification. Protective Discrimination Clause- Reservation and Social Justice under Articles 15 and 16- Equality and Reservation- Equality of opportunity in public employment -Art 16- Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression - Art 19- Scope and Ambit- Art 19(1) (a) and (2); Balance between individual interest and collective interest- Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)- Judicial interpretation on Right to Strike and Bundh - Right to Information.

Rights of the Accused: Article 20 - Rights of the arrested person- Ex-post Facto – Double Jeopardy -Self incrimination- Art 21 - Right to Life and Personal Liberty-Meaning and Scope- Procedure established by law- Judicial Interpretation on Life and Liberty-Applicability of concept of reasonableness. Article 22 -Preventive Detention- Right against Preventive Detention- Exceptions- Safeguards against Preventive Detention.

Freedom of Religion: Articles 25-28- Secularism- Judicial Interpretation- Restrictions on Freedom of religion.

Cultural and Educational Rights: Articles 29-30- Protection for Minorities- Recent trends on Minority Educational Institutions.

Right to Constitutional Remedies: Article 32 and 226- Writ Jurisdiction -Definition- Nature- Scope and functions- Compensatory Jurisprudence- Various Writs -*Habeas Corpus- Mandamus- Quo-Warranto- Prohibition* and *Certiorari*.

## UNIT- V

### Directive Principles of State Policy and Fundamental Duties

Directive Principles- Directions for Social Change- A new Social Order - Fundamental Rights and Directive Principles - Inter-Relationship - Judicial Balancing - Constitutional Amendments -To Strengthen Directive Principles - Reading Directive Principles into Fundamental Rights- Judicial Approach.

Fundamental Duties: The need and status in Constitutional set up- Interrelationship with Fundamental Rights and Directive Principles- Enforcement of Fundamental Duties.

## Books Prescribed

- Dr. V. N. Shukla -Constitution of India
- M. P. Jain- Indian Constitutional Law- Relevant Volume

## Books for Reference

- D.D.Basu - Shorter Constitution of India
- M.P.Singh(ed.)- V.N.Shukla - Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai - Constitution of India
- G. Austin - Indian Constitution: Corner stone of a Nation (1972).
- M. Galanter- Competing Equalities - Law and the Backward Classes in India
- B. Sivaramayya - Inequalities and the Law.
- S.C.Kashyap - Human Rights and Parliament.
- N.A.Subramaniam -Case law on the Indian Constitution
- T. K. Tope -Constitutional Law
- S. Shiva Rao- Framing of Indian Constitution
- D.J. De -The Constitution of India Vol. I and II.
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)





**POLITICAL SCIENCE - III  
(International Relations)**

**CHA4A**

**Objectives of the Course**

*International relations has very close link with International Law. Students are required to learn the basic principles connected with Realism, Political Power, National Power, Balance of Power and Cold War Alliances. The course also covers various regional arrangements in helping to settle the international disputes both diplomatically and disputes redressal mechanisms. Finally the course focuses on the role of International and Regional Institutions in protecting Human Rights and Humanitarian Law.*

**COURSE OUTLINE**

**UNIT - I**

Introduction to International Relations - Evolution of State as a player in Industrial Relations- International Relations in Ancient, Medieval and Modern Periods - Relationship between International Relations and International Law- Theories of International Relation - Moralistic Theory - Merits and Demerits - Liberalism and International Relations - Merits and Demerits- Realist Theory Merits and Demerits - Marxian Theory Merits and Demerits - Neo-Realist and Neo-Liberalist Theories of Modern World .

**UNIT - II**

Feminist, Post-Colonial, Post-Modern Theories - Concept of National Power - Importance and Relevance of National Power of the State - Concept of National Power - Elements of National Power - Limitations on National Power- Role of National Power in International Relations - Struggle for Power - Consolidation of National Power - War as a method of Wielding Power - (Military, Economic and Cultural) Imperialism In I.R. - Two World Wars and their impact.

**UNIT - III**

Balance of Power in I.R. - Patterns of Balance of Power - Methods of Balance of Power - Divide and Rule - Compensations - Armament - Alliances - Importance and Relevance of Balance of Power- Balance of Power and International morality - Balance of Power and World Public opinion - Balance of Power and International Law - Ideological differences and Balance of Power - Bipolar World - Cold War - End of Cold War.

**UNIT - IV**

Role of Wars in International Relations - Wars in International Law - Armament - Developments in Warfare - Total War - Alliances and Counter Alliances - Non- Aligned Movement - Disarmaments - Treaties - Changing character of War - Conventions and the development of International Law through international relations - League of Nations and United Nations - SALT-I, II - Regional Organization- Diplomacy - Functions of Diplomacy - Future of Diplomacy - Types of Diplomacy - Diplomacy and Terrorism - Contemporary Developments - U.N's role in International Peace and security.

**UNIT - V**

Globalization and International Relations - Theories of Globalization (Realists, Liberalists, Marxist and Constructivist), Role of Science and Development in International Relations and their impact on Globalization- Contemporary issues of International Relations - Non-State Actors - Terrorism - Environmental Issues - Nuclear Proliferation - Global Trade and Finance-Poverty and Development - Human Security - Human Rights - International Humanitarian Laws and Interventions.

### Books Prescribed

- Norman D. Palmer and Howard C. Perkins - International Relations: The World Community in Transition.
- Charls W. Kagley JR and Eugene R. Wittkopt - World Politics: Trend and Transformation.

### Books for Reference

- Hans J. Morgenthau - Politics Among Nations: The Struggle for Power and Peace,
- John Baylis, Steve Smit and Patricia Owens- The Globalization of World Politics.



**B.A.LL.B. (Hons.)**

**SECOND YEAR – 4<sup>th</sup> SEMESTER**

**ECONOMICS - II**

**CHA4B**

### Objectives of the Course

*The course intends to make the students to understand various problems pertaining to the economic system and provides the basic knowledge to overcome the problems of the economy. The course also gives the students a systematic knowledge about allocation funds in the five year plans and Administration of State. The course also outlines the impact of Liberalisation, Privatisation and Globalisation (LPG) in the economic system in India since 1991 and various reforms to cope with International Commitments.*

### COURSE OUTLINE

#### UNIT -I

##### Introduction

India as a typical Underdeveloped Economy-Concepts of Growth and Development-Economic and Non-Economic factors affecting growth-India as a Mixed Economy: Role of Public Sector, Private Sector and Joint Sector.

#### UNIT - II

##### National Income of India - Poverty, Unemployment and Population Problems

National Income of India: Trends in growth - Measurement - Inequalities of Income and Wealth-Poverty: Concepts - Measurement - Poverty Eradication Programme-Unemployment: Concept - Employment Generation Schemes-Population: Nature and magnitude of the problem - Population Policy.

### **UNIT - III**

#### **Agriculture**

Salient features of Indian Agriculture-Land Reforms- Green Revolution- Agricultural Marketing- Agricultural Credit-Problems of Agricultural Labour- Integrated Rural Development

### **UNIT - IV**

#### **Industry**

Role of Industry in Economic Development- Industrial Policy of the Government of India since Independence- Small Scale and Cottage Industries : Role and Government Policy-Industrial Labour - Relations and Labour Legislations-Trade Unions and Social Security Schemes

### **UNIT -V**

#### **Planning in India**

Basic objectives and achievements of planning in India-Strategy of Planning - Priorities between Agriculture and Choice of Technology-Basic needs approach-Deficit Financing- Export and Import Policies-Role of External Assistance in India's Economic Development-Economic Reforms since 1991.

#### **Books Prescribed**

- Reddar Datt and K.P.M.Sundharam- Indian Economy
- Alak Ghosh- Indian Economy

#### **Books for Reference**

- P.K. Chaudhri-The Indian Economy: Poverty and Development
- C.T.Kurien-Planning, Poverty and Social Transformation
- M. Lipton- Why Poor People Stay Poor? Urban Bias in Development
- Mahbub UI Haq- The Poverty Curtain: Choices for the Third World

- P.C. Joshi- Land Reforms in India
- Gunnar Myrdal- Asian Drama
- Michael P.Todaro - Economic Development in the Third World
- Government of India- Five Year Plans
- A.N.Agarwa-Indian Economy
- Dhingra- Indian Economy
- Sankaran S- Indian Economy
- W. Arthur Lewis- The Theory of Economic Growth
- Nurkse- Problems of Capital Formation in Underdeveloped countries



**JURISPRUDENCE**

**CHA4C**

**Objectives of the Course**

*Jurisprudence is the study of law, specifically legal philosophy and science. The subject has numerous branches that focus on a range of issues from whether or not law should exist to what penalties are appropriate for violations of the law. The concepts also refer to specific branches of law, such as environmental jurisprudence, medical jurisprudence, etc. The course gives a basic outline about the knowledge of law by describing various theories, schools, concepts and state practice for better administration.*

**COURSE OUTLINE**

**UNIT-I**

**Nature, Definition and Schools of Jurisprudence**

Nature and Definition of Jurisprudence-Analytical Positivism, Natural Law School, Historical School, Sociological School-Economic Interpretation of Law, Indian Jurisprudence-Concept of Dharma, PIL, Social Justice and Compensatory Jurisprudence.

**UNIT-II**

**Nature and Purpose of Law**

Nature and Definition of Law, Constitutional Law and International Law and their nature. Justice- Critical Studies- Feminist Jurisprudence and Art 142 of Constitution-Administration of Justice.

**UNIT-III**

**Sources of Law**

Legislation-Nature of Legislation-Supreme and Subordinate Legislation –Legislation and Sources, Codification and the Interpretation of Enacted Law- Precedents-The authority of Precedents-Circumstances destroying or weakening the

binding force of Precedent, The Hierarchy of Authority-Ratio Decidendi and Judicial Reasoning. Custom: Kinds of Custom, Conventional Custom, Local Custom, Custom And Prescription-The General Custom.

**UNIT-IV**

**Legal Concepts - I**

Legal Rights and Duties –Correlation of Right and Duty-Persons-Nature of Personality -Status of Unborn, Minor, Lunatic, Drunken and Dead Persons-Corporate Personality-Possession and Ownership.

**UNIT-V**

**Legal Concepts - II**

Title, Property, Liability, Obligation and the Procedure Law.

**Books Prescribed**

- Salmond - Jurisprudence
- Paton-Jurisprudence
- Monica David - Jurisprudence
- G.C.V - Jurisprudence

**Books for Reference**

- H.L.A. Hart - Concept of law
- Dias - Jurisprudence
- Bodenheimer-Jurisprudence



FAMILY LAW-II

CHA4D

**Objectives of the Course**

*The main objective of introducing this subject is to make the students to indentify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law the matters relating to Wakfs, Wills, Gifts and Pre- Emption are given in separate chapters in addition to the Sunni and Shia Law of Inheritance. With reference to Christian Law, a Part of the Indian Succession Act, 1925 relating to Law of Wills and the Christian Law of Inheritance are given in separate chapters.*

**COURSE OUTLINE**

**UNIT-I**

**Joint Hindu Family**

Institution of Joint Family-Coparcenary System-Classification of Properties-Karta -Status, Powers and Duties-Principle of Survivorship and Succession-Partition.

**UNIT-II**

**Intestate Succession**

General Principles of Succession under Hindu Law, Muslim Law and Christian Law-Statutory conditions of Disinheritance and Disentitlement-Comparative analysis of right to property of women under different Religious and Statutory Law- Dwelling House and Right of Pre-Emption.

**UNIT-III**

**Testamentary Succession**

Testamentary Succession under Hindu, Muslim and Christian Law-Limitation to Testamentation under various Religious and Statutory Law-Will and Administration of Will- Codicil - Lapse, Abatement and Ademption of Legacies-Probate, Letters of Administration and Succession Certificate.

**UNIT-IV**

**Gift under Islamic Law**

Hiba-Nature and Characteristics of Hiba-Subject matter of Hiba-Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz-Revocation of Gift.

**UNIT-V**

**Religious Endowments and Wakf**

Hindu Religious Endowments-Wakf: Meaning-Formalities of Creation –Types and Administration of Wakf-Mutawalli and his powers-Muslim religious Institutions and Offices.

**Statutory Material**

- The Hindu Succession Act, 1956 with recent amendments
- Indian Succession Act, 1925
- The Hindu Women’s Right to Property Act, 1937
- The Wakf Acts.

**Books Prescribed**

- Dr. Paras Diwan - Family Law
- Prof. G.C.V. Subba Rao - Family Law in India
- Paruck - Indian succession Act
- R. Swaroop - Hindu Law of Succession
- Poonam pradhan Saxena - Family Law Lectures

**Books for Reference**

- Mulla-Principles of Hindu Law
- N.R. Raghavachari - Hindu Law
- D.H. Chaudhari - The Hindu Succession Act, 1956
- Fyzee - Outlines of Mohamedan Law



**CONSTITUTIONAL LAW- II  
(Constitutional Structure and Centre - State Relations)**

**CHA4E**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. To identify the Powers, Functions and Duties to be performed by various Constitutional Functionaries; to appreciate the Doctrine of Separation of Power between Executive and Judiciary and the Independence of Judiciary. The course also help in understanding the Centre-State Relationship in Federal Polity including the role of Constitutional Functionaries like UPSC, CAG, CEC and others. The course also leads to understand the nature and consequences of amendments to the Constitutional law and the relevance of Basic Structure for the purpose of promoting Good Governance in India.*

**COURSE OUTLINE**

**UNIT -I**

**The Union and State Executive**

The Union Executive - The President - Election, Term of Office, Powers and functions, Impeachment - Immunities - Pardoning Power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor - Appointment, Powers and functions - Immunities - Pardoning power - Removal of Governor- Doctrine of Pleasure - State Council of Ministers.

**UNIT - II**

**Legislature and Judiciary**

Composition of Parliament and State Legislatures -Office of the Speaker-Qualification/Disqualification of Members - Legislative Procedures, Legislative Privileges -Judicial Interpretations - Anti Defection Law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) - Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court - Civil, Criminal and in other matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation - Compensatory Jurisprudence - Independence of Judiciary - Tribunals.

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

**UNIT - III**

**Centre - State: Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce**

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject matter of Laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance - Doctrine of Occupied Field- Colourable Legislation - Parliament's Power to Legislate in State List - Implied and Residuary Power - Doctrine of Repugnancy-Administrative Relations - Full Faith and Credit Clause - Centre and Inter-State Conflict Management.

Fiscal Relations - Sharing of Tax - Grants-in-Aid - Restriction on the power of State Legislatures - Doctrine of Immunity of Instrumentality - Borrowing Powers - Constitutional Limitations.

Freedom of Trade, Commerce and Intercourse (Art. 301-307) - Meaning of Freedom of Trade, Commerce and Intercourse - Power of Parliament - Restrictions - Goods and Service Tax (GST) Impact of Globalization.

## UNIT - IV

### Emergency Provisions

Emergency Provisions- National Emergency - Duty of the Union to protect the States against External Aggression and Internal Disturbance - Power of Union Executive to issue directions and the effect of non-compliance.

State Emergency - Imposition of President's Rule in States - Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)

Financial Emergency (Article 360)-Emergency and Suspension of Fundamental Rights.

## UNIT - V

### Other Constitutional Functionaries

Organisation- Powers and Functions of Election Commission of India- Union Public Service Commission- State Public Commission- Comptroller and Auditor General- Attorney General & Advocate General- Constitutional Safeguards for Civil Servants Art 311 - Protection against Arbitrary Dismissal- Removal or Reduction in Rank - Exceptions to Art 311 - Role of Finance Commission - Planning Commission - Inter-State Council - National Development Council - Local Self Government (Panchayat Raj)

### Books Prescribed

- M. P. Jain- Indian Constitutional Law - Relevant Volumes
- Dr. V. N. Shukla - Constitution of India

### Books for Reference

- D.D.Basu- Shorter Constitution of India.
- Virendra Grover- Centre - State Relations.
- M.P.Singh(ed.)- V.N.Shukla- Constitutional Law of India

- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience (1999)
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- M.V.V. Ramana- Inter-State River Water Disputes in India
- Anirudh Prasad-Centre-State Relations in India
- Reports of the Sarkaria- M.M.Punchi-Santhanam Commission on Centre-State Relations
- H.M.Seervai- Constitution of India- Vol.1-3(1992)
- Palanithurai -G. Dynamics of New Panchayati Raj Systems in India Vol. I & II
- D. N. Banerjee -Some aspects of the Indian Constitution
- G. Austin- Indian Constitution: Corner stone of a Nation (1972).
- S.C.Kashyap- Parliamentary Procedure Law Privilege, Practice & Precedents
- N.A.Subramaniam - Case law on the Indian Constitution
- T. K. Tope - Constitutional Law
- D.J. De - The Constitution of India Vol. I and II
- Administrative Reforms Committee Vol I and II
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



**MARITIME LAW**

**CHA5A**

**Objectives of the Course**

*As far as concerned, oceans are Common Heritage of Mankind (CHM) that everyone in this world can enjoy the benefits arises from the Sea. Maritime Law is a distinct body of the Law that governs maritime questions and Offences. It deals with the matters including Maritime Commerce, Marine Navigation, Marine Salvaging, Shipping, Sailors and the Transportation of Passenger and Goods by Sea. It also covers many commercial activities on occurring wholly on land that are Maritime in character. This subject gives the basic inputs of International and Indian Maritime Laws.*

**COURSE OUTLINE**

**UNIT - I**

**Introductory Elements**

Nature of Admiralty Law: Admiralty Law in relation to Public and Private International Law- Admiralty Law as a part of Law Merchant - Admiralty Law in relation to Common Law and Civil Law - Admiralty Law as the Common Law of the Sea - Sources of Maritime Law and Admiralty Law.

**UNIT - II**

**Maritime Boundary and Delimitation**

History of Admiralty Law in England, other parts of the World and in India - History of Admiralty Jurisdiction of High Courts of India - Admiralty Courts - Immunity of Government Ships.

**UNIT - III**

**Admiralty Jurisdiction and the Mode of Exercise**

Admiralty and Maritime Jurisdiction (Scope and Extent) - Enforcement of Maritime claims by *actions in rem* and *in personam* - Juridical Personality of the Ship - Maritime Liens and Priorities. Jurisdiction in matters of Collision - Extra territorial Jurisdiction - Changing concept of Maritime Frontiers. International waters; Territorial Waters; Contiguous Zone; EEZ; Continental Shelf; International Straits; Archipelagos; International fisheries; High Seas; Consideration and Exploitation of Maritime Sources; Sea as a Common Heritage of Mankind - Role of IMO - Piracy and Hot Pursuits.

**UNIT - IV**

**Ownership and Management of Ships**

The Ship as Property - Ownership - Registration - Flag of Convenience - Ship Construction Rules - Acquisition of Ships - Transfer of Ships -Negotiation and Contract - Terms of Contract - Inspection by Buyer - Ship Mortgages - Ship's Sale and Purchase. Arrest of Sea Going Ships - ISM and Issues of Safety.

**UNIT - V**

**Safety and Security at Sea**

Safety and Security Regulations at Sea and in Port, Accidents, Collisions, Salvage, Towage - The Laws of Harbours and Pilotage - Jurisdiction in Maritime Ports; Access to Maritime Ports; Indian Law - The Maritime Zones Act 1976; Civil and Criminal Jurisdiction Over ships; Ship Owner's Liabilities for Damage to Ports - Limitation of Ship Owner's Liability.

**Books Prescribed**

- Samareshwar Mahanty- Maritime Jurisdiction and Admiralty Law in India
- Francis D. Rose- The Modern Law of Pilotage



### Books for Reference

- Aleka Mandaraka - Sheppard - Modern Maritime Law
- D.C. Jackson- Enforcement of Maritime Claims
- Southampton - Shipping Law
- Halsbury's Laws of England
- Marsden - Collisions at Sea
- Geoffrey Brice- Maritime Law of Salvage
- Chorly and Giles- Shipping Law
- Kochu Thommen -International Legislation on Shipping



**B.A.LL.B. (Hons.)**

**THIRD YEAR – 5<sup>th</sup> SEMESTER**

### **HUMAN RIGHTS LAW**

**CHA5B**

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

*The objective of the course is to introduce the Human Rights Law and facilitate the students to understand the working of both National and International Human Rights Law. Students will be introduced to Theories of Human Rights and its practice. The detailed syllabus has given an overview of Legal aspects of Human Rights to understand the nuances of the subject.*

#### **COURSE OUTLINE**

##### **UNIT- I**

##### **Origin and Development**

General -Concept of Human Rights -The Middle Ages -The Magna Carta -Bill of Rights- American Revolution -French Revolution -Classification of Human Rights – Interdependence of three categories of Human rights.

##### **UNIT -II**

##### **International Human Rights Law**

United Nations Charter based Human Rights obligations - Principles of Human Rights and that of jus cogens status and their related instruments - Prohibition of the use of force to resolve International Disputes -Right to Self-determination of People -Prohibition of Genocide - Prohibition of Torture -Prohibition of Racial Discrimination -Prohibition of Slavery -Prohibition of Traffic in persons for Prostitution -Prohibition of Terrorism -Enforced Disappearances -Prolonged Arbitrary Detention - International Bill of Human Rights -Universal Declaration of Human Rights -International Covenant on Civil and Political Rights -International Covenant on Economic, Social and Cultural Rights - Additional Instruments -Human

Rights and Vulnerable Groups -Rights of Women, Children, Disabled, Tribal's, Aged and Minorities -United Nations Charter based Human Rights Institutions -Commission on Human Rights, Human Rights Committee - Human Rights and International Judicial Bodies.

### **UNIT -III**

#### **Indian Perspectives of Human Rights Law**

Human Rights obligations and Indian Constitution -Role of Indian Judiciary in the development of Human Rights Law -India and International Human Rights Law.

### **UNIT -IV**

#### **Human Rights and Institutional Mechanisms in India**

The Protection of Civil Rights Act, 1955 - The National Commission for Women Act, 1990 - The National Commission for Minorities Act, 1992 - The Protection of Human Rights Act, 1993 - The Person's with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 and Rules 1996 - National Charter for Children, 2003 - The Commission for Protection of Child Rights Act, 2005

### **UNIT -V**

#### **Regional Mechanisms, National and International Non-Governmental Organisations (NGO's) in the Enforcement of Human Rights**

Asian, African and European Human Rights Instruments and their Enforcement -Regional Judicial Bodies - (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights) Concept of NGO's and International NGO's -Participation in Human Rights issues -Selective Case Studies.

### **Books Prescribed**

- Cransten -Human Rights Today
- Galus Esejoifer -Protection of Human Rights under the Law
- John Locke -Civil Government
- Richtel -Natural Rights
- Raphael D.D., Macmillan -Human Rights Old and New
- R.Dworkin -Taking Rights Seriously
- Dr.U.Chandra -Human Rights
- Paras Diwan -Human Rights and Law

### **Books for Reference**

- Ian Brownlie Guy S.Goodwin-Gill -Basic Documents on Human Rights
- R.P. Anand -Salient Documents on International Law
- South Asia Human Rights Documentation Centre (SAHRDC) -Hand Book of Human Rights and Criminal Justice in India -The System and Procedure
- K.C. Joshi -International Law and Human Rights
- Julius Stone -Human Law and Human Justice
- S.K.Verma, S.C.Srivastava -Right of Persons with Disabilities -Indian Law Institute
- Michael Haas -Genocide in International Law
- William A. Schabas - International Human Rights Law



**PUBLIC INTERNATIONAL LAW**

**CHA5C**

**Objectives of the Course**

*Public International Law is a Law that regulates the relation between States. The syllabus is designed in such a way to facilitate the students to understand the nature and scope of International Law and its increasing importance in the present day International Relations. International Law has a concern towards several issues starting from State Sovereignty to Human Rights. From earth to satellite mankind requires to be regulated for which International Law plays a vital role thereby the International Community lives in peace.*

**COURSE OUTLINE**

**UNIT -I**

International Law -Definition, Basis and Nature - Codification -International Law Commission- Sources of International Law -Relationship between International Law and Municipal Law -Theories and State Practice.

**UNIT -II**

State and Individual as a subject -Rights and Duties / Responsibilities -State Recognition -Theories -Kinds and Legal Effects -Nationality -Acquisition and Loss related issues -Extradition- Asylum - Territorial Sovereignty -Modes of Acquisition and Loss of Territory -State Jurisdiction -State Succession and liability.

**UNIT -III**

Law of the Sea - Air and Space Law; Diplomatic Law -Agents Consular's, Immunities and Privileges -Refugee Law

**UNIT -IV**

Concept - Definition of International Treaties -Formation of Treaties and its stages -Reservation, Observance of

Treaties, Interpretation of Treaties -Suspension and Termination of Treaties.

**UNIT -V**

Origin, Nature and Scope of International Organisations - League of Nations, United Nations and its Organs - International Tribunals.

**Books Prescribed**

- Starke -International Law
- S.K. Kapoor -International Law
- K.K. Bhattachary -International Law
- Agarwal -International Law
- Malcom N. Shah -An Introduction to International Law

**Books for Reference**

- Oppenheim -International Law
- Brierly - International Law
- Schwarzenberger - International Law
- R.P. Anand -Salient Documents in International Law
- Antonio Cassese -International Law
- Ian Brownlie - International Law
- R.P. Anand -New States in International Law
- D.J. Haris -Cases Materials in International Law
- Andreas Zimmermann -Commentary on the Statute of ICJ



**COMPANY LAW**

**CHA5D**

**Objectives of the Course**

*The field of Commerce, Business and Management studies have been assuming importance in the Globalised Era. India adopted the Policies of Liberalisation, Privatisation and Globalisation (LPG); Corporate Governance plays a significant role towards the advancement of the aforesaid area.*

*The objectives of the course are as follows:*

- i. To introduce and help students in understanding the structure of Corporate Organizations.*
- ii. To comprehend the legal aspects pertaining to Funding and Administration of Companies.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

Corporate Personality- The Companies Act 2013- Definition of Company- Types of Association- Illegal Association- Classes of Company- One Person Company.

**UNIT -II**

**Formation**

Formation of a Company -Promoters-Incorporation-Memorandum of Association-Articles of Association-Prospectus -Deposits- Application for Registration and Allotment of Shares.

**UNIT -III**

**Corporate Financing**

Shares -Application for and Allotment of Shares- Members and Shareholders- Shares and Share Capital- Debentures-

Charges and Debenture Holder- Dividends- Borrowings- Lending- Investments- Contracts.

**UNIT -IV**

**Corporate Governance**

Directors- Independent Directors- Women Directors and Managerial Personnel- Meetings- Accounts and Audits- Internal Auditing- National Financial Reporting Authority- E-Filing and Information Technology Act 2000-Corporate Social Responsibility- Majority Powers And Minority Rights- Prevention of Oppression and Mismanagement- Investigation- Powers of Inspectors- Powers of NCLT- Insider Trading

**UNIT -V**

**Compromises, Arrangements and Winding Up**

Compromises- Arrangements and Amalgamations -Mergers and Acquisitions- Winding Up and Kinds of Winding Up- Administration of NCLT and CLAT and Special Courts - Powers of Liquidators- Removal of Names of Companies from Register of Companies-Defunct Companies and Restoration- Revival and Rehabilitation of Sick Companies.

**Statute Prescribed**

- Companies Act- 2013

**Books Prescribed**

- Avatar Singh -Company Law

**Books for Reference**

- Gower -Company Law
- Mayson-French and Ryamn -Company Law
- Palmer -Company Law



**LEGAL METHODS**

**CHA5E**

**Objectives of the Course**

*The subject aims to impart the Fundamental aspects of Law. It further provides the basis for developing analytical skills. In par with the requirements of provisional competence, the course adopts to law learning methods. The beginners in Law will be adequately supplemented by tools of understanding on Statutes, Judgments and that of basic research. The course work in totality focuses on providing insights to the basics of legal system as such.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction to Law and Legal System**

What Is Law? -Law in Relation to Concepts of Justice, Morality, State, Citizens, Society and the Globe -Theories of Law -Schools of thought on the Nature, Function, Sources and Role of Law -Law and Custom -Introduction to different Legal Systems of the World -Common Law System -Civil Law System -Role and Functions of the Legal Institutions in Such diverse systems -Global Administrative Law -Global Rule of Law.

**UNIT- II**

**Indian Legal System**

Overview of the Indian Legal System and Legal Institutions -Role of the Constitution -Process of Legislation -Delegated Legislation -Ordinances -Rules -Regulations -Orders-Notifications -Bye Laws -Customs Having the Force of Law -Constitutional Conventions- Access to Statutes and Bills -Techniques of Reading and Analyzing the Statutes, Rules and Regulations.

**UNIT- III**

**Judicial Process**

Hierarchy of Courts -Judicial Review -Stare Decisis -Precedent -Law Declared by the Supreme Court -Complete Justice -Quasi Judicial Authorities -Technicalities and analysis of Judicial Decisions -General Principles of Statutory Interpretation -Comparative Judicial Process -Binding Nature of Foreign Decisions -Legal and Logical Reasoning.

**UNIT- IV**

**Legal Research**

Concept of Research -Objectives -Types of Research -Social Science Research -Legal Research

**UNIT- V**

**Socio-Legal Research**

Methodology -Identification of the Research Problem -Framing of Hypothesis –Research Questions -Data Collection -Legal Material, Statutes, Subordinate Legislation, Notifications, Policy Statements -Decisional Materials, Foreign Judgments, Legal Databases, Reports of Commissions and Committees -Statistical and Legal Analysis of Data- Interpretation and Implication of Data –Testing of Hypothesis -Report Writing -Limitations of Report Writing.

**Books Prescribed**

- Prof.Tushar Karti Saha- Legal Methods, Research and Systems.
- Kothari -Introduction to Research Methodology.
- S.K.Verma and Afzal Wani (Editors)- Legal Research and Methodology
- Prof.N.V.Paranjape - Jurisprudence

**Books for Reference**

- William J. Goode and Paul K. Hatt- Methods in Social Research
- Adam Podgorecki- Law and Society
- Oaul Oliver- Writing Your Thesis



**LAW OF EVIDENCE**

**CHA6A**

**Objectives of the Course**

*For the purpose of providing the facts in a trial before the Court of Law, relevant evidence has to be placed according to the procedure established under the Indian Evidence Act. It deals with the facts that are permitted to be proved and the manner of letting in Evidence as per Law and the Evidentiary Value of Evidence in the Administration of Justice.*

**COURSE OUTLINE**

**UNIT -I**

**Preliminary**

Indian Evidence Act, 1872- Scope, Object and Applicability of Indian Evidence Act and Exclusion - Statutory Definition- Indian Law of Evidence and English Law of Evidence - Comparison - Constitutional Perspective of Evidence - Golden Rule Evidence, Presumption of Law and Fact -Kinds of Evidence.

**UNIT -II**

**Relevancy of Facts**

Relevance of Facts and Admissibility of Facts - Res Gestae - Hearsay. Occasion, Cause and Effect etc., - Motive, Preparation and Conduct - Explanatory Facts - Acts of Conspirators - When facts not otherwise relevant become relevant -Facts Determining Quantum of Damages- Customs- State of Mind, Body or Bodily Feeling - Similar Facts - Course of Business, Admission and Confession.

**UNIT -III**

**Relevancy of Third Person Evidence**

Relevancy of statement made by person who cannot be called as Witness- Relevance of Judgements of Courts-Relevance of Opinion of Third Persons - Expert Cases- Law of Forensic

Science - Forensic Institutions - Principles of Forensic Science Proof and Forensic Technology- Forensic Science and Criminal Justice System- Criminal Trial, Scientific Examination and Expert Witness under Section 112A - Relevance of character in Civil and Criminal Cases.

**UNIT -IV**

**Of Proof**

Facts which need not be proved -Judicial Notice - Modes of Proof -Oral Evidence - Hearsay Evidence- Exceptions- Primary and Secondary Evidence- Documentary Evidence- Documents- Public and Private Documents - Presumptions as to the Documents- Exclusion of Oral Evidence by Documentary Evidence- Burden of Proof - Rules relating to Burden of Proof -Doctrine of Estoppel.

**UNIT -V**

**Witnesses**

Witnesses- Categories of Witnesses- Communications- Accomplice- Examination of Witnesses -Questions to be and not to be asked- Hostile Witness -Impeaching Credit of Witness - Refreshing Memory - Judges Question - Appeal against Improper Admission and Rejection of Evidence.

**Books Prescribed**

- Ratanlal -Law of Evidence
- Avatar Singh-Law of Evidence
- Vepa Sarathi-Law of Evidence
- Dr.V.Krishnamachari-Law of Evidence
- P.S. Achutan Pillai-Law of Evidence
- B.R. Shvarma-Forensic Science in Criminal Trial and Investigation

**Books for Reference**

- Sarkar -Law of Evidence
- Sir John Woodroffe and Syed Amir Ali: Law of Evidence
- Walls H.J- Forensic Science



**LABOUR LAW - I**

**CHA6B**

**Objectives of the Course**

*Today a Country's development is determined by their development in the industrial field as industry plays an integral role in building the economic structure of the society. Industrial relations play a vital role in the establishment and maintenance of industrial peace and harmony. A quest for industrial harmony is indispensable for economic progress of the country because healthy industrial relations cannot be regarded as a matter in which only the employers and employees are concerned, but vital concern of the community as whole. This could be possible with the cooperation of Labour and Capital. The Prevention of Industrial Dispute thus assumes an important role in National Policy and therefore a number of Legislations have been passed to regulate the relationship between Labour and Management, and their organisation. The workers are ignorant, less organised and less privileged members of the society and they have been exploited by the capitalists. Hence, to prevent exploitation of the weaker section of the society by the employers, it is necessary to regulate the payment of wages and to fix minimum wages in order to secure social justice in the field of industrial relations. The syllabus has been prepared with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Evolution of Labour Legislations**

Origin and Development of Labour Legislation - Object and Nature of Labour Legislation - Evolution of concept of Master and Servant Relationship - Theory of Laissez Faire and State Regulation of Labour Legislation and its Special Features - Role of International Labour Organization in Setting Labour Standards.

**UNIT -II**

**Trade Union Act, 1926**

Definitions - History of Trade Union Movement - Registration of Trade Unions - Rights and Liabilities of Trade Unions - Immunities and Privileges of a Registered Trade Union - Trade Union Funds - Collective Bargaining - Amalgamation and Dissolution of Trade Unions - Recognition of Trade Unions.

**UNIT -III**

**Industrial Disputes Act, 1947**

Scope, Applicability and Definitions - Appropriate Government; Workmen; Industry; Industrial Disputes; Award; Settlement; Public Utility Service; Strike; Lock Out; Retrenchment; Lay Off; Closure - Machinery for the Settlement of Industrial Disputes - Works Committees, Conciliation Officers - Board of Conciliation, Court of Inquiry - Labour Court, Industrial Tribunal - National Industrial Tribunal - Reference Power of The Government - Voluntary Arbitration - Unfair Labour Practices.

**UNIT - IV**

**Industrial Employment (Standing Orders) Act, 1946**

Scope and Definitions - Procedure for Certification of Standing Orders - Duration and Modification of Certified Standing Orders - Domestic Enquiry and Disciplinary Proceedings.

**UNIT -V**

**Law Relating to Wages**

Minimum Wages Act, 1948: Theories of Wages and Wage Policy - Concept of Wages - Living Wage, Fair Wage and Minimum Wage - Fixation of Minimum Rates of Wages - Methodology; Procedure; Advisory Boards - Inspectors, Powers, Claims - Exceptions and Offences.

Payment of Wages Act, 1936: Definitions - Deductions - Authorities under the Act - Inspectors and their powers - Penalty.

### Statutory Materials

- Industrial Disputes Act, 1947.
- Trade Union Act, 1926
- Industrial Employment (Standing Orders) Act, 1946
- Minimum Wages Act, 1948.
- Payment of Wages Act, 1936.

### Books Prescribed

- Madhavan Pillai- Labour and Industrial Law
- S.N. Mishra- Labour and Industrial Law
- V.G.Goswami - Labour Law

### Books for Reference

- O.P. Malhotra- Industrial Disputes Act
- K.D.Srivastava- Law Relating to Trade Union
- K.D.Srivastava -Industrial Employment (Standing Orders) Act
- K.D. Srivastava- Payment of Wages Act, 1936
- K.D. Srivastava- Payment of Minimum Wages Act,1948



## **PUBLIC ADMINISTRATION**

### **CHA6C**

### **Objectives of the Course**

*Once the students gain knowledge in Political Theory, Political Obligation and International Relations, this course is designed to help the students understand Law and Administration and their inter-relationship with one another. This course also helps the students to think, analyse and evaluate the Public Policy, Administration and Indian Administration.*

### **COURSE OUTLINE**

#### **UNIT - I**

Meaning, Nature and Scope of Public Policy - Making of Public Policies - Constitutional basis for Public Policy - Nature and Scope of Public Administration in a State - Public and Private Administration - Evolution of Public Administration in Developed and Developing Countries.

#### **UNIT - II**

Theories of Organization - Principles of Organization - Scientific Management - Hierarchy - Span of Control - Unity of Command - Centralised and Decentralised Administration.

#### **UNIT - III**

Structure of Organization - Chief Executive - Functions of Chief Executive - Departments -Fundamental Units of Administration - Principles of Organization - Location of Authority - Autonomy / Independence and Accountability of Departments - Public Enterprises/ Corporations as Units of Administration - Growth of Public Enterprises / Corporation in India- Autonomy and Accountability - Nature, Scope and Extent of Ministerial Control - Parliamentary



Control - Decentralized Administration – 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment.

#### UNIT – IV

Management Issues / Concepts - Participative Management - Planning - Planning Commission - NDC - Planning under 73<sup>rd</sup> and 74<sup>th</sup> Amendments - Coordination - Delegation - Audit and Accountability - O and M – Developed Legislation - Quasi Judicial and Administrative Powers – Administrative Tribunals - Contemporary Developments - 323A and B - Control over Public Administration - Executive, Legislative and Judicial.

#### UNIT- V

Independent Regulatory Commissions - Growth of Regulatory Commissions in India - Contemporary Challenges of Public Administration - Right to Information - National Rural Employment Guarantee Act - Disaster Management Act - Protection of Human Rights Act - Statutory Commissions (Women’s Commission / National Commissions for the Protection of the Rights of the Child- Impact of Globalization on Administration - TRAI, IRDA, SEBI - NHRC / SHRC - Translating the recommendation of II ARC on Good Governance.

#### Books Prescribed

- Amreshwar Avasthi & Shriram Maheswari- Public Administration

#### Books for Reference

- Chaturvedi - Comparative Public Administration
- Leonard D.White- Public Administration
- Bellone, Carl. J -Organization Theory and the New Public Administration
- Kriesberg, Martin (ed)- Comparative Administrative Theory
- Rhodes, R.A.W.- Public Administration and Policy Analysis



**B.A.LL.B. (Hons.)**

**THIRD YEAR - 6<sup>th</sup> SEMESTER**

### ADMINISTRATIVE LAW

#### CHA6D

#### Objectives of the Course

*Today, we are living in a ‘Administrative Age’ where there is rising tendency to transfer more and more powers to Executive which include Quasi-Judicial as well as Quasi-Legislative which has become inevitable in modern Democratic State. Therefore, there has been a tremendous increase in powers and functions of the Administrative Authorities and the obvious result, is full of danger of its degeneration and unwanted encroachment on Human Rights and Liberties. Hence, there requires adequate control, safeguard through procedural fairness, Judicial Review and remedies to those affected by the Administration.*

#### COURSE OUTLINE

##### UNIT – I

##### Introduction to Administrative Law

Definition, Nature, Scope - Origin and Development of Administrative Law in U.K., U.S.A., France and India - Sources -Administrative Law and Constitutional Law-. Rule of Law Concept, Evaluation of Dicey’s concept of Rule of Law, Modern conception of Rule of Law, Rule of Law in U.K., U.S.A. and India, Rule of Law vis-à-vis Administrative Law- Doctrine of Separation of Powers – Meaning, Origin, Montesquieu’s Doctrine of Separation of Powers, System of Checks and Balances, Position in U.K., U.S.A., and India-. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India- Classification of Administrative Action.

A.Nature of Powers–Executive, Legislative and Judicial  
B.Legislative Function–Quasi Legislative Functions – Administrative Directions.

C. Judicial Function – Quasi Judicial Functions – Tribunals and Administrative Justice.

D. Executive Function – Ministerial Functions and Discretionary Functions.

## **UNIT – II**

### **Delegated Legislation**

Meaning, Nature, Origin, Development and Growth of Delegated Legislation, Types of Delegated Legislation and Constitutionality of Delegated Legislation-Delegated Legislation and Conditional Legislation, Sub-Delegation- Restraints on Delegation of Legislative Power, Doctrine of Excessive Delegation- Control over Delegated Legislation – Judicial, Procedural and Legislative Control - Administrative Directions and Delegated Legislation.

## **UNIT – III**

### **Procedural Fairness and Judicial Review**

*Principles of Natural Justice*-Concept, Parameters and Application of the Principles of Natural Justice-Rule against Bias-Audi Alteram Partem or the Rule of Fair Hearing – Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing-Reasoned Decisions- Exceptions to the Rule of Natural Justice-Effects of Breach of Natural Justice.

*Administrative Process and Judicial Review* -Meaning and need for Judicial Review- Scope of Judicial Review, Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136)-Scope and Object of Article 136- Jurisdiction of the High Court-Judicial Review of Administrative Action through Writs-Scope of the Writ Jurisdiction -Against whom the Writ Lies-Territorial extent of Writ Jurisdiction -Relief against an Interim Order – Interim Relief [Art. 226(3)]-Locus-Standi-Kinds of Writ - Grounds for issue of Writs-Principles for the Exercise of Writ Jurisdiction, Alternative Remedy-Laches or Delay-Res Judicata-Public Interest Litigation and Locus-Standi-

Doctrine of Legitimate Expectation and Doctrine of Proportionality.

*Statutory Remedies*- Injunction- Declaration against the Government - Exclusion of Civil Suits

*Privileges and Immunities of Government in Legal Proceedings*- Privilege to Withhold Documents - Miscellaneous Privileges of the Government-Notice, Limitation, Enforcement of Court Order-Binding nature of Statutes over the States Action-Promissory Estoppel -Right to Information.

*Judicial Control of Administrative Discretion* -Meaning, Nature and Need of administrative Discretion -Ground and Extent of Judicial Review -Fundamental Rights and Discretionary Powers.

*Liability of the State* - Liability of the State in Torts and Contracts

## **UNIT – IV**

### **Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission**

Meaning, Object, Main characteristics, Need and Utility- Origin and Development of the Institution -Ombudsman in New Zealand-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India –Lokpal-Lokayukta in States-Central Vigilance Commission

## **UNIT – V**

### **Administrative Tribunals and Public Undertaking**

Administrative Tribunals- Meaning, Nature, Main characteristics, Origin and Development (U.S.A., U.K. and India)-Franks Committee-Tribunal and Court, Similarity and Difference-Reason for growth of Administrative Tribunals-Merits and Demerits of Administrative Tribunal-Procedure and Powers of Administrative Tribunal (U.K.,

U.S.A. and India)-Tribunal under Constitution -High Court's Superintendence over Tribunals-Appeal to Supreme Court by Special Leave-Working of the Administrative Tribunal-Administrative Tribunals under Administrative Tribunals Act, 1985-Administrative Procedure Act in U.S.A.-Domestic Tribunal.

Public Undertaking- Object, Importance, Characteristics, Classification, Reason for the growth -Working of Public Corporations-Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking.

**Books Prescribed**

- M.P. Jain and S.N. Jain – Principles of Administrative Law
- S.P. Sathe – Administrative Law
- I.P. Massey – Administrative Law
- C.K. Takwani – Administrative Law
- Kailash Rai - Administrative Law

**Books for Reference**

- Wade – Administrative Law
- De Smith – Administrative Law
- Foulkes – Administrative Law
- Indian Law Institute – Cases and Material of Administrative Law
- Markose – Judicial Control of Administrative Action
- Griffith and Street – Administrative Law
- Report of the Law Commission – First Report, Second Report, Fourteenth Report
- Report on the Committee of Minister's Power - Franks Committee Report.



**PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS  
(Clinical Course - I)**

**CHA6E**

**COURSE OUTLINE**

Professional Ethics, Accountancy for Lawyers and Bar - Bench Relations

This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer's Book on "Advocacy"
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major Judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

Examination rules of the University shall include assessment through Case-Study, Viva, and Periodical Problem Solution besides the Written Tests.

Project on Professional Ethics (Written Submission)	:	25 marks
Case study (BCI, HC and SC Judgments):	:	25 marks
Test (Internal)	:	25 marks
Viva-Voce on Project and Case Study	:	25 marks
<b>Total</b>	:	<b>100 marks</b>



**PROPERTY LAW**

**CHA7A**

**Objectives of the Course**

*The course intends to explain the transfer of immovable property between living persons. The course also covers various general principles of transfer and doctrines for specific transfer. The Easement Act explains various modes of acquisition of easementary rights and extinguishes the same.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles of Transfer**

Concept of Property – Definition of Transfer of Property- Kinds of Interest- Conditional Transfer- Doctrine of Election- Ostensible Owner- Feeding the Grant- Improvement made by Bonafide Purchaser- Lis Pendens- Fraudulent Transfer- Doctrine of Part Performance and other general principles of transfer.

**UNIT – II**

**Specific Transfers – Transfer of Absolute Interest**

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

**UNIT – III**

**Transfer of Limited Interest – Specific Transfer**

- A. Mortgage : Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.

B. Charge

C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.

D. Actionable Claim

**UNIT – IV**

**Indian Easement Act**

Definition-Acquisition of Easement- Easement of Necessity and Quasi Easements- Easement by Prescription- Extinction- Suspension and Revival of Easements and License.

**UNIT – V**

Indian Registration Act and Stamp Act.

**Books Prescribed**

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- Shah-Principles of Transfer

**Books for Reference**

- W.Friedmann- Law in a Changing Society
- G.C.V. Subba Rao-Law of Property
- Mulla-Transfer of Property
- Mitra B.B.-Transfer of Property
- Goyle-Transfer of Property
- C.L.Gupta- Law of Transfer of Property
- Khatiar-Law of Easements



**INTELLECTUAL PROPERTY LAW**

**CHA7B**

**Objectives of the Course**

*The new trends in International trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching Intellectual Property Laws. The new economic policies, it is assumed, will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote International Trade. This is expected to bring in new technology for the industrial and economic development of India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. This demands, India to afford better protection for the Intellectual Property based on the TRIPS Agreement. This course is intended to introduce the different categories of IP, the minimum standard to indentify the items of protection. Exposing the students the procedural requirements for the acquisition of IPR and also address the International filing system. Bundle of rights conferred to the right holder and remedies available in the case of infringement are also examined.*

**COURSE OUTLINE**

**UNIT -I**

**Intellectual Property**

Meaning and Concept of Intellectual Property - Need for Protection -The World Intellectual Property Organisation (WIPO) Convention - Origin and Functions of World Trade Organisation (WTO) - Trade Related Intellectual Property Rights (TRIPS) Agreement of WTO and its effects on Intellectual Property Law in India; Dispute Settlement Mechanism.

**UNIT -II**

**Patents**

The Patents Act 1970 - Object - Definitions - Salient Features - Patentable and Non- Patentable Inventions, Product and Process Patents - Persons entitled to apply for Patents, Provisional and Complete Specifications, Priority Dates of Claims, Opposition to grant of Patent, Anticipation, Provisions for secrecy of certain Inventions - Patent Office and Power of Controller - Grant and Sealing of Patents, Rights of Patentees, Rights of Co-Owners of Patents, Term of Patent, Patents of Addition, Assignment and Transmission, Register of Patents - Amendment of Applications and Specifications, Restoration of Lapsed Patents, Rights of Patentees of Lapsed Patents which have been Restored, Surrender and Revocation of Patents - Compulsory Licences, Exclusive Marketing Rights, Licences of Right, Use of Invocation of Patents Purposes of Government, Acquisition of Inventions by Central Government - Remedies for Infringement of Patents - Patent Agents, Scientific Advisers, International Arrangements - International Law - Right of Plant Breeders and Farmers - National Law on Biological Diversity.

**UNIT -III**

**Trade Marks**

The Trade Mark Act (1999), Object, Definitions, Salient Features, Marks Registrable and Non -Registrable, Conditions for Registration, Absolute and Relative Grounds for Refusal of Registration, Procedure for and Duration of Registration, Effects of Registration - Powers and Functions of Registrar - Distinctiveness, Deceptive Similarity, Concurrent Registration, Rectification and Correction of Register - Assignment and Transmission - Use of Trademarks and Registered Users, Collective Marks, Registration of Certification Marks, Trade Mark Agents - Appellate Board - Infringement Action, Passing Off Action - International Treaties - Geographical Indication of Goods (Registrations And Protection) Act (1999), Objects,

Definitions, Conditions for Registration, Prohibition of Registration of Certain Geographical Indications Procedure for and Duration of Registration -Effects of Registration - Special Provisional Relating to Trademark and Prior Users, Remedies for Infringement , International Law.

#### **UNIT -IV**

##### **Copyright**

The Copyright Act (1957) and Recent Amendments: Works in which Copyright Subsists; Meaning of Copyright; Ownership and Rights of the Owner; Assignment; Term of Copyright-Powers and Functions of the Copyright Board - Registration of Copyright; Compulsory Licences; Licence to Produce and Publish Translations; Copyright Societies - Rights of Broadcasting Organisations and of Performers - International Copyright - Acts Constituting and not Constituting Infringement; Remedies for Infringement.

#### **UNIT -V**

##### **Industrial Designs**

The Designs Act 2000 -Definitions - Registration of Designs - Copyright in Registered Designs - Piracy of Registered Designs -Remedies - Powers and Duties of Controller - International Law - Semi Conductor Integrated Circuit Layout.

##### **Statutory Materials**

- The Patents Act, 1970
- The Trade Marks Act, 1999
- The Copyright Act, 1957
- The Designs Act, 2000

##### **Books Prescribed**

- P. Narayanan -Intellectual Property Law
- Dr. B.L. Wadehra -Law relating to patents, trademarks, copyright, design and Geographical Indications
- Dr. S.R. Myneni -Law of Intellectual Property

- P.S. Narayana -Intellectual Property Law in India
- Vikas Vashisht -Law and practice of Intellectual Property in India

##### **Books for Reference**

- W.R. Cornish -Intellectual Property, Patents, Copyright, Trademarks and Allied Rights
- Arad Sherman and Lionel Bently -The Making of Modern Intellectual Property Law
- David I. Bainbridge -International Property
- Allison Coleman -The Legal Protection of Trade Secrets
- W.R. Cornish -Cases and Materials on Intellectual Property



LABOUR LAW - II

CHA7C

**Objectives of the Course**

*The concept of Social Security is based on ideals of human dignity and social justice. The quest for social security and freedom from want and distress has been the consistent urge of man through the ages. The mutual conflict between the employer and employees over the adequacy of their respective shares in social produce constitutes a serious menace in the society. Work can never be important than the worker because no industry can flourish unless the wage earner who is a partner in the production should be given due status by offering him reasonable working conditions and due share in production. This means social justice and social security has to be restored to the Labour because a contented worker would produce better yields and would increase his efficiency. Therefore, social security is a necessary phenomenon of a welfare state as it is one of the most progressive and dynamic instruments for achieving Socio - Economic Progress. This course shall examine the various dimensions of Labour Security measures and explore the possibility whether or not Labour Security is part of the comprehensive and integrated social security. The syllabus has been prescribed with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction: Social Security and Labour Welfare**

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution - ILO on Social Security.

**UNIT - II**

**Social Security: Industrial Injuries**

*The Employees' Compensation Act, 1923: Scope, Objects, Coverage and Definitions- Liability of the Employer to Pay Compensation - Personal Injury, Accident arising out of and in the Course of Employment, Doctrine of Notional Extension and Occupational Diseases - Determination and Distribution of Compensation - Principal Employer's Right of Indemnity - Commissioner's Powers and Functions.*

**UNIT - III**

**Social Security: Social Insurance**

*The Employee's State Insurance Act, 1948: Objects, Applications and 'Seasonal Factory' - Definitions - E.S.I. Corporation - E.S.I. Funds, Payment of Contributions - E.S.I. Benefits - Adjudication of Disputes - E.S.I. Court - Penalties.*

**UNIT - IV**

**Other Social Security Legislations**

*The Maternity Benefits Act, 1961: Object and Application - Eligibility and Maternity Benefits - Notice of Claim Prohibition against Dismissal, Wage Deduction - Powers and Duties of Inspectors.*

*The Employee's Provident Funds and Miscellaneous Provisions Act, 1952: Scope, Coverage, Application and Definitions - Authorities, their Powers and Functions Contributions - Employees Provident Fund Scheme, Employees' Pension Scheme and Deposit Linked Insurance Scheme -Penalties.*

*The Payment of Bonus Act, 1965: Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and Extent of Bonus - Calculation of Bonus - Available Surplus, Allocable Surplus, Set On Set Off - Forfeiture of Bonus - Prior Charges - Machinery.*

*Payment of Gratuity Act, 1972: Background, Object and Definitions - Eligibility for Payment of Gratuity - Forfeiture, Exemption, Determination - Controlling Authority - Penalties.*

## UNIT - V

### Labour Welfare Legislations

*Factories Act, 1948:* Background and Definitions - Formalities to start a Factory - Health, Safety and Welfare Measures - Working Hours - Employment of Young Persons - Annual Leave with Wages - Special Provisions.

*The Tamil Nadu Shops and Establishment Act, 1947:* Applicability and Person covered by this Act, - Opening and Closing Hours - Employment of Young Persons - Working Hours, Public Holiday, Safety, and Cleanliness - Leave and Annual Leave with Wages.

### Books Prescribed

- S.N.Mishra-Labour and Industrial Law
- V.G.Goswami -Labour Law
- Madhavan Pillai -Labour and Industrial Law
- S.C.Srivastava- Social Security and Labour Laws

### Books for Reference

- K. D. Srivastava- The Employees' Compensation Act, 1923
- K.D. Srivastava- The Employees' State Insurance Act, 1948
- K. D. Srivastava- The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
- K. D. Srivastava- The Payment of Bonus Act, 1965
- K. D. Srivastava- Payment of Gratuity, 1972
- K. D. Srivastava- Factories Act, 1948



## BANKING LAW (Including Negotiable Instruments Act)

### CHA7D

### Objectives of the Course

*Banking Industry has been tremendously impacted due to modernisation in the post capitalisation era. The concept of Nationalisation is also very important in the era of banking regulation. The regulation relating to Banking industry also needs to be dynamic so as to enable smooth developed sector. The students are required to analyse the various provisions relating to Reserve Bank of India. The recent amendments to Negotiable Instruments Act and challenges faced by RBI makes the study of Banking Laws is important and inevitable.*

### COURSE OUTLINE

#### UNIT -I

##### Introduction

History of Banking- Different types of Banks including Foreign Companies - Nationalisation of Major Banks- RBI's control over Commercial Banks- Special status of RBI and State Bank of India -Subsidiary Banks.

#### UNIT -II

##### Banker and Customer

Definition of Banker and Customer and relationship between them -Special types of Customer -Banker as Borrower -Different types of accounts -Duties and Rights of the Banker and different types of instruments -Banker - Paying Banker and Collecting Banker.

#### Unit -III

##### Laws Relating to Loans, Advances and Investments by Banks

Subsidiary Business Operations of Bankers with special reference to Safety Deposit Lockers- Liability of Banker in



Case of Bank Robberies and Fraud by Bank Employees - Vicarious Liability of the Bank Employees - Vicarious Liability of the Bank - Recovery of Loans and Advances - Recovery of Debts Due to Banks, Financial Institutions Act, 1993.

#### **UNIT -IV**

##### **Winding Up of Companies**

Effect of Winding Up of Banking Companies- Rights of Customers on Winding Up of Companies- Necessity for reforms in Indian Banking Law to meet Global Challenges- Banking Ombudsman -Debt Recovery Tribunal - SARFAESI Act.

#### **UNIT -V**

##### **Negotiable Instruments**

Definition and Characteristics - Parties to Negotiable Instruments-Presentation -Negotiation Discharge and Dishonour - Liability -Various kinds of Crossing - Effect of Crossing of Cheque -Rights of Holder and Holder in Due Course against Banker - Civil and Criminal Liability for Dishonour of Cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act.

##### **Statutory Materials**

- Banking Regulation Act, 1949
- Negotiable Instruments Act, 1881

##### **Books Prescribed**

- Tannan's -Banking Law and Practice in India
- Bhashyan and Adiga -Negotiable Instruments

##### **Books for Reference**

- Sir John Paget-Law of Banking
- H.P. Sheldon -The Practice and Law of Banking



### **ALTERNATIVE DISPUTE RESOLUTION MECHANISM (Clinical Course -II)**

#### **CHA7E**

#### **COURSE OUTLINE**

- i) Arbitration Law and Practice including International Arbitration and Arbitration Rules.
- ii) Negotiation Skills to be learnt with Stimulated Program.
- iii) Conciliation Skills

#### **Marks Allocation**

Case Study in Arbitration Centre (Practical / Simulation Exercise Three exercise 10 marks each)	: 30 marks
Test Internal	: 10 marks
Presentation / Viva-Voce on Case Study as mentioned above	: 10 marks
<b>TOTAL</b>	<b>: 50 Marks</b>

#### **Statutory Materials**

- International Conventions
- Arbitration and Conciliation Act, 1996

#### **Books Prescribed**

- Avatar Singh - The Law of Arbitration and Conciliation

#### **Books for Reference**

- O.P. Malhotra and Indu Malhotra - Arbitration to Conciliation
- P.C. Markanda- Law Relating to Arbitration and Conciliation
- Justice Dr. B.P. Saraf and Justice S.M. Jhunjhunwala- Law of Arbitration and Conciliation.
- S.K. Chawla- Law of Arbitration and Conciliation.



**COMPETITION LAW**

**CHA8A**

**Objectives of the Course**

*The subject concentrates at mitigating and gradually eliminating Monopolies, Unfair Trade Practices by formulating policies that*

- (a) Promote Competition*
- (b) Regulate or Prohibit abuse of Dominant Position*
- (c) Overseas mergers and amalgamations and acquisition of enterprises to combat adverse effects of formation of combinations.*

*The objective of the course is to provide the students:*

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Objective and Nature of Competition Laws-Origin of Competition Laws- Anti Trust Legislation in USA - Sherman Anti Trust Act, 1890 - Federal Trade Commission Act, 1914 - The Clayton Act, 1914 - UK Competition Act, 1998 - The Enterprises Act, 2002 - Treaty on the Functions of the European Union (TFEU) - MRTP Act, 1969 - Ragavan Committee Report, 2000 - Transformation of MRTP Act to Competition Act, 2002 - Distinction between MRTP Act and Competition Act - Object and Scope of Competition Act, 2002.

**UNIT - II**

**Anti Competitive Agreement**

Definition - Tie in Arrangement - Exclusive Supply Agreement- Exclusive Distribution Agreement - Refusal to Deal- Resale Price Maintenance - Cartel - Bidrigging - Exceptions - Protection of IPR.

**UNIT - III**

**Abuse of Dominant Position**

Meaning of Dominant position - Unfair or Discriminatory Trade Practices - Provisions under MRTP and Consumer Protection Act- Limiting Protection or Technical or Scientific Development - Denial of Access to Market - Imposition of Supplementary Obligations - Protection of other Markets - Predatory Price - Unfair Prices

**UNIT - IV**

**Regulation of Combinations**

Acquisition - Merger - Amalgamations - Ban on Combinations- Non Competition Clauses in Merger and Acquisition -Restrictive Trade Practices - Unfair Trade Practices.

**UNIT - V**

**Competition Commission in India**

Composition - Duties, Power and Functions of the Commission- Contraventions of the Orders of the Commission - Penalties - Competition Appellate Tribunal - Competition Advocacy - Miscellaneous.

**Statutory Materials**

- MRTP Act, 1969
- Competition Act, 2002

**Books Prescribed**

- Ramappa - Competition Law of India
- S.M.Dugar-Commentaries on MRTP Law, Competition Law and Consumer Protection

- Justice D.P.Wadhwa, N.L.Rajesh - The law of Consumer Protection in India
- P.K.Majumdar - Law of Consumer Protection in India
- Paribas- Consumer Protection Dissent.
- Justice Shri.S.Malik - Commentaries on the Consumer Protection Act,1986
- A.Pximer - The Anti-Trust Law
- Eleanor M. Fox - U.S and E.U Competition Law - A Comparison.

### Books for Reference

- Universal's Guide - Competition Law in India.
- Avtar Singh - Law of Monopolies and Unfair Trade Practices
- Avtar Singh - Competition Law.
- Tripathi - Competition Law



**B.A.LL.B. (Hons.)**

**FOURTH YEAR - 8<sup>th</sup> SEMESTER**

## INTERPRETATION OF STATUTES

### CHA8B

#### Objectives of the Course

*Good enactments are those which have least ambiguities, inconsistencies, contradictions or lacunas. Bad enactments are gold mine for lawyers because for half of the litigation, the legislative draftsmen are undoubtedly the cause. The purpose of the Interpretation of the Statute is to unlock the locks put by the Legislature. For such unlocking, keys are to be found out. These keys may be termed as aids for Interpretation and Principles of Interpretation. It is not within the human powers to foresee the manifold permutations and combinations, that may arise in the actual implementation of the Act and also to provide for each one of them in terms free from all ambiguities. Hence Interpretation of Statutes becomes an ongoing exercise as newer facts and conditions continue to arise. Lord Denning rightly pointed out, "English knowledge is not an instrument of mathematical precision... It would certainly save the judges from the trouble, if the Acts of Parliament were drafted with divine precision and perfect clarity. In the absence of it, when a defect appears, a judge cannot simply fold his hand and blame the draftsman..." This subject gives the basic inputs for the students to know the subject matter.*

#### COURSE OUTLINE

##### UNIT -I

##### Law Making

Legislature, Executive and the Judiciary - Principle of Utility - Law and Public Opinion - Law and Social Control - Relevance of John Rawls and Robert Nozick - Individual Interest to Community Interest - Law and Morals -Meaning, Objectives and Scope of 'Interpretation', 'Construction' and 'Statute' -Public Opinion and Law Making.

## **UNIT - II**

### **Nature and Kinds of Indian Laws**

Statutory, Non Statutory, Codified, Uncodified, State made and State Recognised Laws -Parts of a Statute - Commencement, Operation and Repeal and Revival of Statutes - Purpose of Statutory Interpretation -Basic sources of Statutory Interpretation -The General Clauses Act, 1897: Nature, Scope and Relevance -Definition clauses in various Legislations: Nature and Imperative Rule.

## **UNIT-III**

### **Rules of Statutory Interpretation**

Literal and Logical Rules of Interpretation -Legalism and Creativity -Legal Language, Legal Riddles and Logic - Golden Rule and Mischief Rule -Strict construction of Penal Laws and Taxation Laws -Judicial Activism, Judicial Process and Judicial Restraint -Internal Aids and External Aids of Interpretation.

## **UNIT- IV**

### **Interpretation of Constitution**

Principles and Theories - Preamble as a Tool -Reading Directive Principles and Fundamental Duties with Fundamental Rights -Interpretation of International Instruments - Presumptions: Presumption against Ousting Established Jurisdiction - Presumption against Exceeding Territorial Nexus - Presumption against Ouster of Jurisdiction of Courts - Presumption against changes in Common Law - Presumption against including what is Inconvenient or Unreasonable - Presumption against Intending Injustice or Absurdity - Presumption against Retrospective Operation of Law - Presumption against Violation of International Law - Presumption in favour of Constitutionality of a Statute.

## **UNIT -V**

### **Legislative Drafting**

Principles and Process of Legislative Drafting - Simplicity, Preciseness, Consistency, Alignment with Existing Law, Brevity -Drafting General Laws -Special Laws -Rules - Orders.

### **Statutory Materials**

- General Clauses Act, 1897
- Constitution of India, 1950

### **Books Prescribed**

- Maxwell-Interpretation of Statutes
- P.M. Bakshi-Interpretation of Statutes
- Vepa Sarathi-Interpretation of Statutes
- M.P. Tandon-Interpretation of Statutes
- Bindra-Interpretation of Statutes
- Cross-Interpretation of Statutes
- G.P. Singh-Principles of Statutory Interpretation
- M.P. Jain-Constitutional Law of India
- V.N. Shukla's-Constitution of India
- Indian Law Institute-The Drafting of Laws

### **Books for Reference**

- Jeremy Bentham-Theories of Legislation
- Jeremy Bentham-Principles of Morals and Legislation
- Dicey-Law and Public Opinion
- P.K. Tripathi-Spotlights on Constitutional Interpretation
- Swarup Jagdish-Legislation and Interpretation
- Bindra-Commentary on the General Clauses Act, 1897
- Thornton, G.C-Legislative Drafting



**PRIVATE INTERNATIONAL LAW**

**CHA8C**

**Objectives of the Course**

*In this 21<sup>st</sup> Century, Liberalisation, Privatisation and Globalization (LPG) works beyond National barriers. The course creates an understanding on the conflict of Laws under various Legal Systems pertaining to Jurisdiction, Marriage, Divorce, Adoption, Maintenance and Property. The course also covers Torts and Contracts Laws. In addition the course also highlights the enforcement of Foreign Judgments and Arbitral Awards.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction - Scope of Private International Law - Theories of Private International Law - Conflict of Law or Private International Law - Codification of Private International Law - Hague Conventions - Distinction between Public International Law and Private International Law.

**UNIT - II**

**Jurisdiction**

Jurisdiction - Choice of Law - Domicile - Residence - Renvoi - Forum Convenience.

**UNIT - III**

**Judicial Attitude**

Cases involving Private International Law - Marriage - Divorce - Adoption - Guardianship and Maintenance.

**UNIT - IV**

Contract - Negotiable Instruments - E-contracts - Private International Law Relating to Corporations - Jurisdiction over Corporations - Insolvency Jurisdiction and effects of Foreign Insolvency Proceedings.

**UNIT - V**

**Enforcement**

Enforcement of Foreign Judgements and Decrees - Enforcement of Foreign Arbitral Awards  
Evidence and Procedure - Stay of Proceeding - Proof of Foreign Laws.

**Statutory Material**

- Hague Convention

**Books Prescribed**

- V. C. Govindaraj - The Conflict of Law in India.
- ParasDiwan - Private International Law.
- Setalvad - Conflict of Laws.

**Books for Reference**

- Cheshire, North and Fawchett - Private International Law.



**INTERNATIONAL TRADE LAW**

**CHA8D**

**Objectives of the Course**

*In this 21st century, the concept of Liberalisation, Privatisation and Globalization (LPG) works beyond the trade barriers. This course helps to understand the dominant role of developed countries in exploiting the developing countries. It conglomerate the finer version of International Economic Law, in particular the notion of New International Economic Order, the object of economic integration with that of the pragmatic approaches of the International Trade Regime. As a matter of compliance of International Trade Practices, various bilateral and regional agreements exist in this scenario. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting International Trade in municipal spheres including Dispute Settlement Bodies. This subject provides basic inputs in International Trade Law.*

**COURSE OUTLINE**

**UNIT-I**

**Genesis of International Trade Law**

Origin and Development-Theories- UN Conventions-Unification of International Trade Law-International Commercial Contracts- International Sale of Goods- Foreign Direct Investments (FDI)- Transnational Companies - Electronic Business Transactions- Elements of International Taxation- Risk Analysis of International Trade.

**UNIT-II**

**International Economic Institutions**

Structure and Functions of International Economic Institutions-International Trade Organisation (ITO)-Brettonwood Conference-Variou Rounds of WTO-General

Agreement on Tariff and Trade (GATT)-New International Economic Order (NIEO)-International Monetary Fund (IMF)-International Bank for Reconstruction and Development (IBRD)-International Investments.

**UNIT-III**

**World Trade Organisation (WTO)**

Structure and Functions of WTO-WTO and Covered Agreements-Subsidies-Dumping and Anti-dumping-General Agreements of Trade and Services (GATS)-Trade Related Intellectual Property Rights (TRIPS)-Trade Related Investment Measures (TRIMs) - Trade in Agriculture-Technical Barriers of Trade (TBT) United Nations Committee on Trade and Environment (UNCTE)-United Nations Committee on Trade and Development (UNCTAD)-Summits of the WTO.

**UNIT-IV**

**Bilateral and Regional Trade**

Regional Arrangements under the United Nations-Most Favoured nation (MFN) Clause-South Asian Association for Regional Cooperation (SAARC)-Association for South Eastern Asian Nations (ASEAN)-European Union (EU)-Organisation for Petroleum Exporting Countries (OPEC)-North American Free Trade Agreement (NAFTA)-South Asian Free Trade Agreement (SAFTA).

**UNIT-V**

**Settlement of Disputes in International Trade**

Methods of Dispute Settlement-Alternative Dispute Resolution (ADR) and International Trade-UNCITRAL - International Arbitration, Conciliation, Mediation and Litigation-Online Dispute Resolution-Dispute Settlement Body in WTO - Appellate Body (AB) -Consultation-Trade and Environment Controversies - Enforcement and Compliance.

### Books Prescribed

- Myneni- International Trade Law.
- Indira Carr ,Peter Stone -International Trade Law.
- Gupta. R. K -World Trade Organisation
- Autar Krishen Koul -Guide to the WTO and GATT
- Jayanta Bagachi- World Trade Organisation: An Indian Perspective

### Books for Reference

- C. Singhanian-Foreign Collaborations and Investments in India Law and Procedure.
- Correa, Carlos. M - IPRs the WTO and Developing Countries.
- Day, D. M. and Griffin, Bernardette- The Law of International Trade,
- Anupam Goyal-The WTO and International Environmental Law: Towards Conciliation
- Clive M Schmitthoff - Export Trade: The Law and Practice of International Trade.
- Petersmann, Ernst Ulrich -The GATT/WTO Dispute Settlement Systems: International Law, International Organisations and Dispute Settlement.



## CYBER LAW AND FORENSICS

### CHASE

#### Objectives of the Course

*After the advent of Internet, in all spheres of life, the regulatory framework analysis has become vital in the era of Digitalisation. The course helps in understanding the regulations relating to E-Contracts, E-Banking, Intellectual Property Issues, Cyber Crimes and E-Taxation. The course intends to analyse the need of Cyberspace Regulation both Jurisdictional and Jurisprudential Aspects of Cyberspace.*

#### COURSE OUTLINE

##### UNIT- I

###### Introduction

Cyber Space Introduction and UNCITRAL Model Law - Information Technology Act, 2000 with Recent Amendments - Jurisdictional Issues - Digital Signatures - Regulation of Certifying Authorities - Cyber Regulation Appellate Tribunal

##### UNIT -II

###### Online Contracts

Formation of Online Contracts - E-Banking Transactions - Online Payment Options - Online Advertising - Electronic and Digital Signature - Taxation Issues in Cyber Space- Indirect Tax-Tax Evasion- Double Tax- International Tax- Permanent Establishment - Protection of Trade Secrets and Deceptive Trade Practices.

##### UNIT -III

###### Cyber Crimes

Understanding Cyber Crimes – Actus Reus and Mens Rea - Types of Crimes in the Internet- Against Person, Against Property, Against Government - Digital Evidence -

Investigation and Adjudication of Cyber Crimes in India – Cyber Arbitration- Cyber Conflict Investigation.

#### UNIT- IV

##### IPR and Cyber Space

Copyright Issues in the Internet – Protection of Computer Software- Caching- International Regime –OSS- DMCA- DATA PROTECTION DIRECTIVE - Trademark Issues in the Internet – Domain Name- Registration- Domain Name Registration- Domain Name Dispute- ICANN- UDRP Policy- Linking- Framing- Met tagging - Database issues in the internet.

#### UNIT- V

##### Contemporary Issues

Convergence Technologies - Cloud Computing - Online Digital Libraries - Access to Internet: A Human Right Issue - Issue of Censorship - Privacy issues- National Security and Social Security.

##### Books Prescribed

- Nandan Kamath - Law Relating to Computer- Internet and E-Commerce.
- S.K. Verma & Raman Mital- Legal Dimensions of Cyber Space.
- Rahul Mahathan -The Law relating to Computer and Internet.
- Justice Yatindra Singh - Cyber Laws.

##### Books for Reference

- Edtu Chris Reed and Joh Angel -Computer Law
- Roger Leroy Miller & Gaylord A. Jentz.- Law for E-Commerce .



*B.A.LL.B. (Hons.)*

*FOURTH YEAR - 8<sup>th</sup> SEMESTER*

### LEGISLATIVE DRAFTING - PROCESS AND PROCEDURES (OPTIONAL)

#### SYLLABUS (Subject Code: CHB8G)

**Forms of Legislative Instruments:** Bills, Acts, Orders, Rules, Schedules, Case laws of Constitutional Law.

**Principles:** As a tool of Power – Object to civil – criminal legislation, anticipated goals – Limitations of legislation as a tool for change in relation to religion, morality and tradition – Factors which influence decision of the legislator – correlation between public opinion and legislative formulation – some major problems and trends in legislative formulation in a modern welfare State.

**Ideals of Drafting:** Simplicity, Preciseness, Consistency, Alignment with Existing law, Brevity Select bibliography.

#### UNIT - II

**Process & Preparation:** General rules, words selection, syntax, style, punctuation- Reference of other related laws, and existing law-Relevancy with constitutional provisions- Required instructions for legislative drafting.

**Other requirements:** punctuation, Marginal notes, Provisions, illustrations, Presumptions, Use of non- obstante clauses, Retrospective effect, exceptions, Fictions, Explanations- Classification of statutes-Amending, consolidating and codifying statues-Subordinate Legislation.

#### UNIT - III

**Legislative Processes** –First Reading – Reference of Bills to Departmentally Related Standing Committees (DRSCs) – Second Reading – Bill before the Select/Joint Committee



– Clause-by-Clause consideration – Third Reading – Constitution Amendment Bills – Bill in the other House – Joint Sitting – Assent of the President – Private Member’s Bills- Committee System in the Indian Parliament – Types of Committees – Parliamentary Committees- Composition – Evolution and growth of the DRSC System – DRSCs – Parliamentary Privileges – Question of Privilege and Working of Committee of Privileges.

#### UNIT - IV

**Types of Questions-** Admissibility- Short Notice Questions- Half-an- Hour Discussion – Committee on Government Assurances – Procedural Devices for Raising Matters of Urgent Public Importance on the Floor of the Houses – Changing Roles of Parliament – Types of Motions – Short Duration Discussions – Private Members’ Resolution – Calling Attention – Matters under Rule 377 and Zero Hour.

#### UNIT - V

**Budgetary Process:** Contents of the Budget- General Discussion on the Budget- Vote on Account – Consideration of Demands for Grants by DRSCs- Cut Motions- Annual Reports of the Ministers – Outcome Budget- Guillotine – Supplementary Demands for Grants, Excess Grants, Token Grants, Votes of Credit and Exceptional Grants- Appropriation Bill- Finance Bill – Budget of a State under Presidents’ Rule.

#### References:

1. **The Constitution of India**, M.P. Jain
2. Indian law Institute, **The Drafting of Laws** (1980)
3. W. Friedman, **Law in a Changing Society** (1970)

4. Zander M., **The law Making Process**, Widenfeld & Icholson, England
5. Renton C’ Hee Report. **Preparation of Legislation**, Sweet & Max Well
6. J. Bentham, **Principles Of Legislation**
7. **Practice and Procedure of Parliament-** M. N Kaul& S. L. Shakhder
8. **People, Legislature, Law Making-** K.N. Baisya
9. **Legislative powers, Ideals and Reality-** P.M Bakshi
10. Allen, **Law in the making**, Sweet and Max Well
11. **Legislative Control over Govt. Expenditure-** B. P Singh
12. **Delegation of Legislative Powers-** Monica Chawla
13. **Administrative Law-** Dr.N.K.Jayakumar



LAW OF INSURANCE

CHA9A

**Objectives of the Course**

*The concept of Insurance has significantly developed in the present post privatization era. The study of insurance law has various dimensions. The concepts like Insurable Interest, Good Faith Criteria, and Remoteness of Cause have been very important in the area of Insurance Disputes. The IRDA, a new regulator has framed various significant rules for regulating the Insurance Sector.*

*The objective of the course is to provide the students*

- i. To know of the legal dimensions relating to formation and discharge of Insurance Contracts.*
- ii. To understand and appreciate the aspects of various Insurance Contracts.*
- iii. To learn the redressal mechanisms available pertaining to the Insurance Sector.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Insurance Meaning - Risk Management - Kinds of Risks - Insurable - Distinction between Insurance and Assurance- Parties of Insurance - Insurance and Contract Linkage - Extent of applicability of General Principles of Law of Contract viz., Offer, Acceptance, Capacity of Parties, Consideration, Consensus Ad-Idem and Lawful Object - Insurance and Wager - Performance of Insurance Contracts - Discharge of Insurance Contract- Necessity for applying Special Principles of Contract to Law of Insurance - Extent of Applicability- Special Principles: (a) Uberrimae fidae: (b) Indemnity (c) Subrogation, (d) Contribution (e) Proximate Cause - Cover Note and Slip.

**UNIT - II**

**Fire Insurance Contract**

Meaning of the term 'Fire' - Fire Policies - Perils Insured - Fire Claims - Scope of Applicability of Special Principles to Contract of Fire Insurance - Standard Fire Policy - 'Average' in Fire Insurance Contract.

**UNIT - III**

**Marine Insurance Contract**

Significance of Marine Insurance Contract - Maritime Perils - Subject Matter covered by Marine Policy - Kinds of Marine Policies- Scope of Applicability of Special Principles to Contract of Marine Insurance - Principle of 'Change of Voyage' and 'Deviation'- Total Loss- Partial Loss - General Average Sacrifice and Expenditure - Salvage - An overview of Marine Insurance Act, 1963 with special reference to Bill of Lading and Counter Party.

**UNIT - IV**

**Life Insurance Contract**

Introduction - Meaning of Life Insurance and its Significance - Kinds of Life Policies - Extent of Applicability of Special Principles to Life Insurance Contract - 'Suicide' Clause in a Life Policy - Assignment and Nomination - Constitution, Powers and Functions of L.I.C. under L.I.C. Act, 1956 - Ombudsman, IRDA.

**UNIT - V**

**Motor Vehicle Insurance**

Introduction - The Motor Vehicles Act, 1939 (As Amended in 1988) - Compulsory Third Party Insurance of Motor Vehicles – No fault liability - Chapter VIII A of the Act - Motor Accident Claims Tribunals.

**Books Prescribed**

- Raoul Colinvarx- Law of Insurance
- M.N. Srinivasan- Law of Insurance
- Srinivasan and Murthy- Law of Insurance

**Books for Reference**

- Hardy Ivany - Law of Insurance



**LAW OF CRIMES – II  
(CODE OF CRIMINAL PROCEDURE)**

**(Including Juvenile Justice Care and Protection Act  
and Probation of Offenders Act)**

**CHA9B**

**Objectives of the Course**

*Criminal Law is intended to provide a mechanism for the enforcement of Criminal Justice Administration. Without proper Procedural Law, the Substantive Criminal law which defines Offences and provides Punishment would be almost worthless. Every threat does not deter. Without deterrent effect, the Criminal Law will have hardly any meaning or justification. Thus the Code of Criminal Procedure is meant to be complementary to Criminal Law and has been designated to ensure the process of its Administration.*

**COURSE OUTLINE**

**UNIT - I**

**Criminal Procedure Code-Types and Functionaries**

Aquisitorial, Inquisitorial - Brief history about the Code - Definition- Main functionaries of the Code- Powers of Superior Police Officers and Aid to the Magistrates and Police.

**UNIT - II**

**Pre-Trial Proceedings**

Stages of Investigation - Process compelling for the presence of the accused for Investigation and Trial - Arrest-Procedure for Arrest - Rights of Arrested Persons- Consequences of Non - Compliance of Arrest Procedures - Search and Seizure - Process of Investigation by Police - Investigation of Unnatural and Suspicious Death - Local Jurisdiction of the

Courts in Inquires and Trials - Cognizance of Offence and Commencement of Proceedings - Bail Procedures -Types of Bail - General Provision regarding Bond of Accused and Sureties.

**UNIT - III**

**Trial Procedure**

Principal features of Fair Trial - Charge - Common features of Trial - Disposal of Criminal Cases without Full Trial - Preliminary Plea to Bar Trial - Trial before a Court of Session - Trial of Warrant Cases by Magistrates - Trial Summons Cases and Summary Trial Special Rules of Evidence.

**UNIT - IV**

**Appeal Procedures**

Types of Appeals - Reference and Transfer of Criminal Cases - Execution, Suspension, Remission and Commutation of Sentences - Execution of Sentence -Death Penalty and Imprisonment - Execution of Sentence of Fine - Preventive and Precautionary Measures for Keeping Peace and Good Behaviour - Maintenance Procedures - Conditions for Claiming Maintenance - Cancellation of Maintenance - Muslim Women Protection of Rights on Divorce Act.

**UNIT - V**

**Juvenile Justice Care and Protection Act, 2000 and Probation of Offenders Act, 1958**

Introduction - Object - Definitions - Statutory Bodies for Juveniles under the Act - Reformative Institutions for Juveniles - Special Offences - Probation - Object and Meaning - Criminal Court and Probation - Duties of Probation Officers - Report of the Probation Officers- Conditions and Cancellation of Probation.

### Statutory Material

- Code of Criminal Procedure, 1973
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Probation of Offenders Act, 1958

### Books Prescribed

- Ratanlal - Code of Criminal Procedure
- Sarkar -Code of Criminal Procedure
- Kelkar R.V-Outlines of Criminal Procedure
- Basu - Code of Criminal Procedure
- Dr.Nandhal's -Code of Criminal Procedure
- P. Ramanatha Iyer -Code of Criminal Procedure

### Books for Reference

- Sohoni -Code of Criminal Procedure
- R.B. Sethi -Probation of Offenders Act
- Consuls -Probation of Offenders Act and Rules.
- M.K.Chakrabarathi - Probation System in the Administration of Criminal Justice
- Vedkumari - Treaties on the Juvenile Justice Act.
- S.K. Swasthi -Judgments of Juvenile Justice Act 1986.



## CIVIL PROCEDURE CODE

### CHA9C

### Objectives of the Course

*The course intends to understand the Legislative measures in Procedural. The course also helps in understanding the procedures to be followed by the Civil Courts from the institution of Suits till the Final Disposal. The course tries to understand the Computation of Limitation Period for the Institution of Suit, Appeal and Applications along with Exclusion.*

## COURSE OUTLINE

### UNIT - I

#### Introduction

Definitions - Jurisdiction of Civil Court - Place of Suing - Institution of Suits - Presentation of Plaintiff - Parties to the Suit-Principles of Res Subjudice and Res Judicata.

### UNIT - II

#### Pleadings and Trial

Plaint - Written Statement - Service of Summons - Appearance and Non-Appearance of Parties - Discovery, Inspection and Production of Documents - Admission - Production, Impounding and Returning of Documents-Transfer of Suits-Decree and Judgment -Remand-Restitution - Appeals: First Appeal, Second Appeal, Appeals from Orders and Appeals to Supreme Court - Reference - Review - Revision

### UNIT - III

#### Suits in Particular Cases

Suits by and against Government and Public Officer - Suits by Indigent Person - Suits by or against Minors and Lunatics, Aliens and Foreign Rulers, Soldiers, Corporation, Firms,

Trustees, Executors and Administrators-Suits relating to Family Matters, Mortgages, Public Nuisance and Public Charities- Interpleader Suit-Summary Procedure.

#### **UNIT - IV**

##### **Execution**

General Principles- Courts by which Decree may be Executed- Payment under Decree- Application for Execution- Mode of Execution- Stay of Execution- Questions to be determined by Executing Court- Arrest and Detention- Attachment of Property Sale and Delivery of Property- Distribution of Assets.

#### **UNIT - V**

##### **Limitation Act**

Definitions - Limitation of Suits - Appeals - Computation of Period of Limitation - Acquisition of Ownership by Possession.

##### **Statutory Materials**

- Code of Civil Procedure- 1908
- Limitation Act- 1963

##### **Books Prescribed**

- C. K. Takwani - Civil Procedure Code
- Mulla -Code of Civil Procedure
- M. P. Jain - Code of Civil Procedure
- Pattabiraman -Code of Civil Procedure

##### **Books for Reference**

- Taxmann - Code of Civil Procedure
- M. P. Tandon - Code of Civil Procedure
- C. K. Takkar - Code of Civil Procedure
- P. Basu - Law of Limitation



**B.A.LL.B. (Hons.)**

**FIFTH YEAR – 9<sup>th</sup> SEMESTER**

## **LAND LAW**

### **CHA9D**

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

*Land Laws of Tamil Nadu along with the Land Acquisition Act are an important subject to the Law students as the subject has its significance for practicing before the Court of Law. Since, today all the Civil Suits filed are based on Land Acquisition Act and Lease and Rent Control Act, students must know the Local Laws as well as the Central Enactment.*

#### **COURSE OUTLINE**

##### **UNIT-I**

##### **Historical Sketch of Land Reforms/Land Laws**

Concept of Land: Kinds, Ownership and Possession of Land- Land Reforms and Constitutional History: Eminent Domain- Right to Property under Articles 31A, 31B, 31 C of the Constitution- Article 300 A: Protection of Personal Property- Ninth Schedule- Early Revenue Administration in Tamil Nadu- Grants- Inams- Zamindari System: Permanent Settlement- Ryotwari: Rights And Liabilities Of Ryotwari Pattadar- *Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948*

##### **UNIT-II**

##### **Acquisition of Land**

Land Acquisition Act, 1894 (Repealed)-Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act, 2013)- Need for new land acquisition law- Definitions: Affected Family, Land, Land Owner, Holding Of Land etc- Safeguards against indiscriminate land acquisition- Compensation- Rehabilitation and Resettlement- LARR Authority- Apportionment of Compensation- Payment of Compensation- Temporary Occupation of Land- Amendment Ordinance 2014-Time to time amendments.

### UNIT-III

#### Enactments and Cultivating Tenants

*The Tamil Nadu Cultivating Tenants Protections Act, 1955:* Definition- Landlord not entitled to Evict the Tenant – Right to Restoration of Possession- Special provision for member of Armed Forces- Bar of Jurisdiction of Civil Courts- Revision by High Court- The TN Cultivating Tenants Special Provisions Act, 1968, 2007, 2008, 2010-The TN Cultivating Tenants Arrears of Rent Relief Act, 1972, 1980- Tamil Nadu Cultivating Tenants Protection from Eviction Act, 1983, 1989.

*The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956:* Definitions – Interpretations – Rights and Liabilities of Cultivating Tenants and Land Owner- Fair Rent- Alteration or Revision of Fair Rent- Kaiaeruvaramdar and Mattuvaramdar- Rent Court and Rent Tribunals- Exception- Powers of High Court.

*The Tamil Nadu Agricultural Land Record of Tenancy Right Act, 1969:* Definition- Preparation of Records of Tenancy Rights- Record Officer- Advisory Committee-Modification of Entries in the Draft and Approved Record of Tenancy Rights- Appeals – Revision- Penalty for failure to furnish information- Cognizance of Offence.

*The Tamil Nadu Occupants of Kudiyiruppu and Conferment of Ownership Act, 1971:* Definitions – Occupant- Conferment of Ownership- Alternative Site- Prohibition of Alienation- Authorized Officer- Compensation- Offences by Companies.

### UNIT-IV

#### Law and Land Ceiling

Tamil Nadu Land Reforms Fixation of Ceiling on Land Act, 1961 and Amended Act 1971: Preliminary- Definitions : Ceiling Area, Family, Stridhana Property, Standard Acre, etc- Fixation of Ceiling on Land Holdings- Land Board- Industrial Undertaking- Publication of Statement- Land Tribunal- Authorized Officer- Determination of

Compensation- Exemptions- Special Appellate Tribunal – Courts- Penal Provisions.

### UNIT-V

#### Law - Buildings

Tenancy law:- The TN Buildings (lease and rent control) Act, 1960: Introduction- Definitions- Fixation of Fair Rent – Changes in Fair Rent – Agreed Rent – Procedures for avoid default in payment of rent – Grounds for eviction of tenant- Jurisdiction of the Rent Controller- Execution- Proceedings by Legal Representatives or against Legal Representatives – Appeal.

*Tamil Nadu Apartment Ownership Act, 1994:* Definition- Ownership, Heritability and Transferability of Apartment- Deeds of Apartment and its Registration- Societies or Association of Apartment Owners, its Bye-Laws and Functions.

#### Books Prescribed

- K.Venkata Rao- The Tamil Nadu Land Reforms Act
- V.N.Krishnamoorthy- The Tamil Nadu Buildings Lease and Rent Control Act, 1960
- Prof. A. Chandrasekar- Land Laws of Tamil Nadu

#### Books for Reference

- Beverley.H – Commentaries on the Land Acquisition Acts
- Maheswaraswamy – “Land Laws”
- Maheswaraswamy – Land Law under the Constitution of India
- V.G.Ramachandran – Law of land Acquisition and Compensation.



**MOOT COURT  
(Clinical Course - III)**

**CHA9E**

**COURSE OUTLINE**

**Moot Court Exercise and Internship**

This paper may have three components of 30 marks each and a viva for 10 marks.

**(A) Moot Court (30 marks)**

Every student may be required to do at least three Moot Courts in a year with 10 marks for each. The Moot Court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral Advocacy.

**(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks)**

Students may be required to attend two Trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-trial Preparations and Internship Diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the Suit/Petition. This will be recorded in the diary, which will carry 15 marks.

**(D) Viva Voce Examination**

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.



**ENVIRONMENTAL LAW  
(Including Animal Welfare Laws)**

**CHAXA**

**Objectives of the Course**

*The objectives of the course are to make Environmental Law familiar to the students by understanding all dimensions of the subject. The contribution of Constitution and Constitutional Courts by recognising the right to wholesome Environment as a Fundamental Human Right with the aid of Public Interest Litigation and Principles of Environmental Law are also explored. It is necessary to explore the Laws enacted by the Union and State Governments by incorporating the International commitment under the various Conventions and Declarations. The Policies and Strategies of the Governments towards Environmental protection are also focused.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction to Ecosystem - Environment and Environmental Law - Factors responsible for Environmental Pollution - Socio and Economic Impacts of Environmental Pollution - History of Environmental Protection in India - Constitutional Obligation on Environmental Protection- Civil Society and Environmental Management.

**UNIT - II**

**International Environmental Law**

Fundamental Principles of Environmental Law - Role of United Nations - Multilateral Environmental Agreements - Stockholm Declaration on Human Environment, 1972 - United Nations Environment Programme - Nairobi Declaration, 1982 - Brundtland Report, 1987 - Rio Declaration on Environment and Development, 1992 -

Agenda 21 - United Nations Commission on Sustainable Development - Climate Change Convention and Protocol - Convention on Biological Diversity - Johannesburg Summit on Sustainable Development 2002 - Rio plus 20

### **UNIT - III**

#### **Pollution Control Laws**

Water (Prevention and Control of Pollution) Act, 1974 - Air (Prevention and Control of Pollution) Act, 1981 - Environment (Protection) Act, 1981 - Power of Central Government to make Environmental Rules - Rules relating to Management of Hazardous, Plastic Waste, Bio-Medical Waste, E-Waste, Municipal Solid Wastes and Batteries - Noise Pollution Rules, 2002 & 2000 - Environmental Impact Assessment - Coastal Regulation Zone Notification - Disaster Management Act, 2005.

### **UNIT - IV**

#### **Resource Conservation and Animal Welfare Laws**

Indian Forest Act, 1927 - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Biological Diversity Act, 2002 - Prevention of Cruelty to Animals Act, 1960 - Chennai Metropolitan Area Groundwater Authority (Regulation) Act, 1987 - Rain Water Harvesting- Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 - Role of Local Bodies.

### **UNIT - V**

#### **Remedies for Environmental Pollution**

Common Law Remedies- Remedies under Law of Tort - Penal Remedies - Indian Penal Code and Code of Criminal Procedure - Remedies under Constitutional Law - Writs - Public Interest Litigation - Public Liability Insurance Act, 1991 - The National Green Tribunal Act, 2010.

### **Books Prescribed**

- P. Leelakrishnan- Environmental Law in India
- P. Leelakrishnan- Environmental Case Book
- S. Shanthakumar -Environmental Law - An Introduction
- Shyam Diwan and Armin Rosencranz- Environmental Law and Policy in India
- N. Maheswaraswamy- Law relating to Environmental Pollution and Protection
- Jaiswal- Environmental Law

### **Books for Reference**

- Alan Boyle and Patricia Bernie- International Law and Environment.
- Philippe Sands- Principles of International Environmental Law.
- Elli Louka- International Environmental Law.
- A Citizen's Report- Centre for Science and Environment, The State of India's Environment.
- R.N. Choudhry - Law of Forests in India.
- Encyclopedia of Environmental Pollution and its control.
- Saksena K.D- Environmental Planning, Policies and Programmes in India.





**LAW OF ELECTION**

**CHAXB**

**Objectives of the Course**

*The main objective of the course is to make the students to understand the Election and its Commission, Electoral Practices, Disputes and Corrupt Practices in Election. It helps the students to seek solutions to pressing problems under Democracy and Good Governance. It aims to create awareness among the students and develop their abilities to deal with the Electoral issues and take up professional practice in the field of Electoral Laws.*

**COURSE OUTLINE**

**UNIT-I**

**Democracy and Representation**

Evolution of Democracy and Election System- Types of Election- Direct and Indirect, General, Bye and Mid-Term Election - Types of Representation - General Principles of Election - Election of President and Vice-President - Qualification and Disqualification of Members of Parliament and State Legislature under the Constitution and Appropriate Legislations - Special Provisions for Scheduled Castes and Scheduled Tribes – Reservation for Scheduled Castes and Tribes – Women Reservation – Local Bodies Election.

**UNIT- II**

**Election Commission**

Composition, Powers and Functions of the Election Commission - General Electoral Roll - Preparation and its Revision - Supervisory Powers of the Election Commission - Process of Removal of Member and Chief Election Commissioner - Political Parties - Registration and Recognition as National and State Parties - Symbols -

Election Expenses - Auditing of Party Funds -Public Financing of Elections - State Election Commissions- Monitoring of Electoral Expenditure of the Political Parties.

**UNIT - III**

**Electors and Electoral Practices**

Universal Adult Suffrage - System of Voting - Right to Vote and Contest- Candidates and their Eligibility to Contest - Notification of Election - Constituencies and Delimitation and its Commission- Gerry Meanderings- Nomination, Scrutiny and Withdrawal of Candidature - Grounds for Rejection - Effect of Death- Election Campaign - Code of Conduct - Poll-Ballot Papers Including Postal Ballot and Electronic Voting Machine (EVM)- Hiring of Vehicles - Retuning, Presiding and Polling Officers - Elector's Identity Card -'None of the Above' (NOTA) and Declaration of Results - Voter Verified Paper Audit Trail (VVPAT) - Systematic Voters Education and Electoral Participation (SVEEP) - NRI Voting Options - Electoral Manifesto Guidelines – Freebies- Freedom of Expression - Right to Know - Media and Exit Poll.

**UNIT-IV**

**Electoral Disputes**

Defection - Election Petitions - Electoral Offences - Bribery, Undue Influence, Appeal on Grounds of Caste, Religion etc - Electoral Fraud and Other Crimes Against Electoral System- Corporate Funding of Political Parties and Roll of Black Money - Jurisdiction of Courts - Safeguard against Impersonation - Criminalization of Politics - Publication of False or Defamatory Statements.

**UNIT – V**

**Corrupt Practices**

Prevention of Corruption Act - Lok Ayuktha Act and Lok Pal Act- Electoral Reforms.

## Statutory Materials

- Constitution of India, 1950
- Representation of People Act, 1950 and 1951
- The Presidential and Vice-Presidential Elections Act, 1952
- The Conduct of Election Rules, 1961
- The Election Symbols (Reservation and Allotment) Order, 1968
- The Delimitation Act, 1972

## Books Prescribed

- S.K. Mendiratta - Are You Want to Know about Indian Elections
- R.N. Choudhry- Election Laws and Practices in India
- V.S.Rama Devi and S.K. Mendiratta - How India Votes, Election Laws, Practices and Procedures
- Justice T.S. Doabia- Law of Election Petitions
- Rajesh Kumar Thakur- Indian Electoral Law and Process: An Imperative for Good Governance
- K.C. Saha- Model Code of Conduct – Handbook Elections in India
- K.C. Saha - Election: Model Code of Conduct

## Books for Reference

- Rajni Kothari - Rethinking Democracy
- Manoranjan Mohanty - Theorizing India's Democracy, in Indian Democracy: Meanings and Practices.
- Atul Kohli - The Success of India's Democracy
- Sunil Khilnani- India's Democratic Career in Democracy
- Niraja Gopal Jayal- Democracy and the State, Welfare, Secularism and Development in Contemporary India
- Suhas Palshikar- Who's Democracy Are We Talking About, in Indian Democracy: Meanings and Practices.
- Ramesh Thakur- Government and Politics of India.
- Francine R Frankel- Contextual Democracy: Intersections of Society, Culture and Politics in India.



## LAW OF TAXATION

### CHAXC

### Objectives of the Course

*The course intends to understand the Taxing System in India. The Taxing System is helping the Governments for the proper implementation of various programmes and schemes for the welfare of the people. The course helps in understanding the various modes of Taxation like Direct Tax, Indirect Tax and types of Taxes like Income Tax, Property Tax, Wealth Tax, Service Tax, Sales Tax, Value Added Tax, etc.. This course benefits the students in understanding the importance of payment of Tax and extending the people support for the development of Nation as a whole.*

### COURSE OUTLINE

#### UNIT - I

##### General Introductory Aspects

Definition of 'Tax' - Distinction between 'Tax' and 'Fee' - Mutual relationship between Income Tax Act and Finance Act - Canons of Taxation - Kinds of Taxes ; Progressive, Proportion; Regressive and Digressive - Direct and Indirect Taxes - Applicability of Doctrines under the Constitution to Taxation Laws - Interpretation of Tax Laws.

#### UNIT - II

##### The Indian Income Tax Act, 1961

Preliminaries: Concepts; 'Income', 'Agricultural Income', 'Casual Income', 'Assesse Person'- Residential Status - Previous Year - Assessment Year - General Charging Section and Specific Charging Section - Income - Received - Arising - 'Accrual'- Scope and Total Income - Exempted Income; Tax Liability under 'Specific Heads': (i) Income from 'Salaries'(ii) Income from 'House Property' (iii)Income from 'Business or Profession' (iv)Income from 'Capital Gains' (v) Income from 'Other Sources'; Clubbing of Income: Income of other persons in Assessee's Total Income - Treatment of Losses - Set-Off

and Carry Forward of Losses- Procedure for Assessment- Deduction allowed in certain cases - Chapter VIA Deductions- Assessment of Special Class of Assesses.

### UNIT - III

#### The Wealth Tax Act

Definition of Person, Meaning of Wealth, Net Wealth- Exempted Wealth - Valuation Date - Procedure for Assessment.

### UNIT - IV

#### The Central Sales Tax

Meaning - Constitutional Validity of Central Sales Tax Act - Sales in the course of Inter-State Trade or Commerce - Sale in the course of Import Into and Export Out of the Territory of India - Sale Outside a State - Declared Goods - 'C' From - Customs Frontiers - Liability in Special Cases.

### UNIT - V

#### The Tamil Nadu General Sales Tax Act

Meaning - 'Dealer', Registered Dealer', 'Casual Dealer', Turnover', Total turnover', Taxable turnover - Sale and Works Contract - Single Point Tax V - Multipoint Tax - Value Added Tax - Procedure for Assessment - Kinds of Assessment - Hierarchy of Authorities-Advantages and Disadvantages of VAT.

#### Books Prescribed

- Girish Ahuja - Law & procedure : Professional Approaches to Direct Taxes
- Taxmann - Income Tax Act
- Gurumurthy - Sales Taxation in Tamil Nadu
- Dinager Pagre - Direct Taxes and Indirect Taxes
- Manoharan - Income Tax Act
- Dr. Bagawathi Prasad - Income Tax Law - Practice

#### Books for Reference

- Sukumar Battacharya - Income Tax Law - Practice
- N.A. Palkiwala - Income Tax



## CRIMINOLOGY AND PENOLOGY

### CHAXD

#### Objectives of the Course

*The course aims to provide understanding regarding the concept of scientific study of criminal behaviour of the person who tends to commit crime. There is an inter link between Criminology, Penology and Criminal Law. Basically Criminal Law provides definition and punishment for the crime. The Criminology reveals the reasons that constitute the crime either individually or socially. The penal sanctions depend upon the characteristics of the criminal and the ability to reform through punishments. Thus the course provides the students to understand the criminal behaviour and imposition of punishments scientifically.*

### COURSE OUTLINE

#### UNIT-I

##### Introduction

Meaning and Significance of Crime-Concept of Crime and basis of Criminalization- Definition of Crime -Criminology-Criminological Reminiscence: Global Scenario-Renaissance-Modern Age-Focus on the need for Criminological Study - Ingredients of Crime-Distinguish Crime from Non-Crime - Classification of Crimes -Development of Criminal Law-Sources of Crime Data-Crime Reporting-Uses of Crime Data-Schools of Criminology.

#### UNIT-II

##### Crime Causation

Individual Centric Causes -Societal Centric Causes-Theories on Crime Causation- Juvenile Delinquency-Legislation- Juvenile Justice (Care and Protection of Children) Act, 2000- Statutory Bodies and Procedure-Reformatory Institutions under the Act- Rehabilitation Process-Case Law.

### **UNIT-III**

#### **Types of Crime**

White-Collar Crime and Blue-Collar Crime: Implications of White Collar Crimes- White Collar Crimes in India- Santhanam Committee Report- Wanchoo Committee Report - 47th Law Commission Report- Detection and Investigation- Trial of White-Collar Crimes-Case Law.

Crime and Women: Dowry Prohibition (Amendment) Act, 1986 - Female Criminality-Crimes of Passion-New Legislation-Prostitution -Immoral Traffic Offender (Prevention) Act- Medical Termination of Pregnancy Act-Pre Conception and Pre Natal Diagnosis Techniques (Regulation) Act- Domestic Violence Act- Criminal Law Amendment Act,2013.

Terrorism: Definition– Nature of Terrorism-Causative Factors - Funds for Terrorism-Kinds of Terrorism-Terroristic Spectrum-Punishments and Measures for Coping with TADA-POTA-Criticism-Anti-Terrorist Measures-Communal Violence-Causes and Cures.

Marginal and Victimless Crimes: Social Deviance and Marginal Crimes-Kinds of Marginal Crimes -Victimless Crimes-Hidden victims-Drug and Crime-Depiction of Offences and Punishments-NDPS Act.

Modern Crimes and International Crimes: Computer Crime -Kinds of Computer Crimes - Definition of Computer Crime-Information Technology Act, 2000-Human Organ Crimes-International Crime-Environmental Crimes.

### **UNIT-IV**

#### **The Police and Criminal Justice System**

Police: Organizational Structure of Indian Police-Police Bureaucracy -Police Setup-Custodial Deaths-Modernization in Police-Crime Records Management - Traditional Vis-a-Vis Modern Crime Records Management - Police Community Relations-Thana Level Committee-Police Advisory

Committees-Media and Police-Discipline and Lawlessness-Interpol.

Criminal Justice System: Objectives of Criminal Justice System- Rights of Accused and Arrested person-Plea Bargaining-Human Rights and Administration of Criminal Justice.

### **UNIT-V**

#### **Correctional Institution and Crime Prevention**

Probation and Parole: Origin -Salient features of Probation of Offenders Act, 1958 -Parole -Parole Regulations-Parole Recommendations.

Prison: Prison System in India- Problems of Prisoners-Organised Setup -Prison Discipline-Prison Labour-Prison Education-Open Prison-The Prison Community-Prison Reform in India-Dr. Wreckless Committee Report-International Perspective.

Crime Prevention: Theories of Punishment-Kinds of Punishment-Recidivism-Variou forms of Recidivist-Prevention of Crime and Delinquency.

#### **Books Prescribed**

- Ahamed Siddique-Criminology Problems and Perspectives
- Dr. M. Ponnian-Criminology and Penology
- Dr. Rajendra K. Sharma-Criminology and Penology
- Dr. Sirohi-Criminology
- Paranjape-Criminology

#### **Books for Reference**

- Bames and Teeters-New Horizons of Criminology
- Sutherland-Criminology
- Taft and England-Criminology
- Siegel-Criminology



**DRAFTING, PLEADING AND CONVEYANCING  
(Clinical Course - IV)**

**CHAXE**

**COURSE OUTLINE**

- A. Drafting:** General principles of Drafting and relevant substantive Rules shall be taught.
- B. Pleadings:**
- a. Civil: Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Articles 226 and 32 of the Constitution of India.
  - b. Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
  - c. Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
  - d. Drafting of Writ Petition and PIL Petition.

Instructions class and simulation exercises, preferably with assistance of practising lawyers/ retired judges will be provided for the students.

Apart from teaching the relevant provisions of law, the course may included not less than 15 practical exercises in Drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be allotted for Viva Voce.



**(ALL EVEN SEMESTERS)**

**Internship Goals and Objectives:**

Internship represents capstone of a budding Litigative Lawyer/Corporate Lawyer/Administrator/LPO'S (Legal Process Outsource) formal academic training and his/her smooth induction into the profession. The general mission and philosophy of the training programme, is designed in such a way to assist Interns in developing clinical knowledge, soft skills, communication skills, nuances of Drafting & Pleading skills, Presentation of Arguments before the Court of Law and also to learn the finer points of the administration.

- 1) To train the law students in the profession of advocacy and other corporate management skills to which they are opting;
- 2) To train the law students to broaden the scope of their services beyond those provided to litigants.
- 3) To train the law students to develop and to be guided by their professional identity.

The Internship must be undertaken in all the even semesters, i.e. 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> of the 5 year Integrated (Hons.) Degree Courses and 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> of the 3 year (Hons.) Degree Course, students have to undergo Internship programme compulsorily and earn 2 credits for each even semester in order to qualify for the degree programme and the same may not be taken into account to qualify for the Degree like other core subjects prescribed for the respective course of study.

The students who are undertaking the Twinning Programme under Choice Based Credit System in foreign Universities or in other Law Schools located in India during the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and during the

4<sup>th</sup> semester of the 3 year (Hons.) Degree Course they have to follow the prescribed curriculum of the concerned foreign University or in concerned National Law Schools of India and They need not undertake internship, separately and despite that automatically two credits will be awarded to them, if they submit the certificate of their course of study in other National Law Schools located in India or in other recognized Foreign Universities where English is the language of instruction.

Moreover, internship programme has overarching goals that guide the Interns with a duration of 30 hours in case of attending theory or tutorial classes/remedial classes/60 hours in the field work during the concerned semester period.

**Guidelines for calculation of credit for the Internship (2 Credits for Internship for every even semester):-**

Students are at liberty to under take the following internship at any time during the concerned academic year though the internship is prescribed only for the even semester of the said academic year.

Internship may be classified into (i.) attending theory oriented internship and (ii.) field work oriented internship. In the event of a student undertaking theory oriented internship he/she has to undergo 30 hours of work in that internship. In the field work oriented internship he/she has to undertake internship for 60 hours. A student has to be permitted to undertake the above two types of internship together in an academic year to accrue two credits for the even semester.

**The following are considered as the theory oriented internship:- (30 hours participation)**

- (i.) 1 credit = 15 periods of 60 minutes each - Participation in theory class beyond the class hours/remedial course classes/Computer Labs beyond the class hours /

proceedings of Courts/ proceedings of State Legislative /Tribunals / Commissions/ Seminars / Conferences/ Workshops/Moot Court competitions and any other function organized by the University / Departments of the University. If a student claims OD, Internship credit will not be given to him/her.

**The following are considered as the field work oriented internship:- (60 hours participation)**

- (ii.) 1 period = 120 minutes of field work, therefore (1 credit= 30 hours and for 2 credits = 60 hours) - Participation in special camp of NSS/Regular Activities of the NSS/Legal aid camp/YRC/Lok adalat/advocate chamber visits /Blood donation camp/Marathon/ rally.

- **Source of Internship for the 2<sup>nd</sup> & 4<sup>th</sup> Semester of the 5 year Integrated (Hons.) Degree Courses –** Participation in Special Camp of NSS; regular activities of the NSS, participation in functions organized by the University/Departments of the University; Seminars organized by other educational institutions/Courts & Tribunals/ proceedings of State Legislative /State Human Rights Commission/National Human Rights Commission/ Supreme Court Visit/Participation in Moot Court Competitions organized by other institutions/ Universities/High Courts/YRC; etc. On completion of 60/ 30 hours of the Internship the student has to submit Attendance Certificate from the Programme Officers in case of NSS/YRC and from the concerned Authorities who organized the programme. Further the student has to submit 20 pages of write-up pertaining to the nature of his/her Internship.
- **Sources of Internship for the 6<sup>th</sup> semester of the 5 year Integrated (Hons.) and 2<sup>nd</sup> Semester of the 3 year (Hons.) Degree Courses –** Undertaking Internship in any one of the Advocate's Chamber whose practice has exceeds more than 10 years in the Bar.

On completion of 60 hours of the Internship the student has to submit Attendance Certificate from the concerned Advocate and further the student has to submit 20 pages of write-up pertaining to what they learnt from the Advocate's Office in course of his/her Internship.

- **Sources of Internship for the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and 4<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Undertaking Internship in any one of the Advocate's Chamber whose practice exceeds been more than 10 years in the Bar and to visit the Courts to observe the trial proceedings specifically on petition/application matters. On completion of 60 hours of the Internship the student has to submit Attendance Certificate and they have to submit a write up relating to observation of the Court Proceedings (either Civil or Criminal Court Proceedings only in the sub-ordinate Courts) pertaining to what they learnt from the Advocate's Office in course of Internship.
- **Sources of Internship for the 10<sup>th</sup> semester of the 5 year Integrated (Hons.) and for the 6<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Observe the Appellate Tribunal Proceedings (State Human Rights Commission, National Human Rights Commission, IPR Appellate Tribunals, Tax Appellate Tribunals, proceedings of State Legislative ,Labour Court Proceedings/Hon'ble High Court Proceedings) under the guidance and direct supervision of an Advocate who has more than 10 years of practice in the Bar. On completion of 30 hours of the Internship the student has to submit Attendance Certificate from the concerned advocate and they have to submit a write up relating to observation of the Court Proceedings pertaining to the course of his/her Internship.





**THE TAMIL NADU  
Dr. AMBEDKAR LAW UNIVERSITY**



(State University Established by Act No. 43 of 1997)

M.G.R. Salai, Perungudi, Chennai - 600 113.

## **SYLLABUS**

**B.A.LL.B. (Hons.)**

**DEGREE COURSE**

**2016 - 2017 BATCH**

**Compiled by**

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**B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.
		Nature of the Course (Core or Foundational Elective or Elective)	Code			L	P	
1st	1	Core	CHA1A	ENGLISH-I	5	30	70	1
	2	Core	CHA1B	HISTORY	5	30	70	8
	3	Core	CHA1C	SOCIOLOGY-I	5	30	70	11
	4	Core	CHA1D	LAW OF TORTS	5	30	70	13
	5	Core	CHA1E	CONTRACTS-I	5	30	70	15
2nd	6	Core	CHA2A	ENGLISH-II	5	30	70	18
	7	Core	CHA2B	POLITICAL SCIENCE-I	5	30	70	22
	8	Core	CHA2C	LEGAL AND CONSTITUTIONAL HISTORY	5	30	70	25
	9	Core	CHA2D	LAW OF CRIMES-I (IPC)	5	30	70	27
	10	Core	CHA2E	CONTRACTS-II	5	30	70	29
3rd	11	Core	CHA2F	INTERNSHIP	2	30	70	135
	12	Core	CHA3A	SOCIOLOGY-II	5	30	70	32
	13	Core	CHA3B	POLITICAL SCIENCE-II	5	30	70	34
	14	Core	CHA3C	ECONOMICS-I	5	30	70	36
	15	Core	CHA3D	FAMILY LAW-I	5	30	70	39
		Core	CHA3E	CONSTITUTIONAL LAW-I	5	30	70	42

**B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.
		Nature of the Course (Core or Foundational Elective or Elective)	Code			L	P	
4th	16	Core	CHA4A	POLITICAL SCIENCE-III	5	30	70	46
	17	Core	CHA4B	ECONOMICS-II	5	30	70	49
	18	Core	CHA4C	JURISPRUDENCE	5	30	70	52
	19	Core	CHA4D	FAMILY LAW-II	5	30	70	54
	20	Core	CHA4E	CONSTITUTIONAL LAW-II	5	30	70	56
5th	21	Elective	CHA4F	INTERNSHIP	2	30	70	135
	22	Elective	CHA5A	MARITIME LAW	5	30	70	60
	23	Core	CHA5B	HUMAN RIGHTS LAW	5	30	70	63
	24	Core	CHA5C	PUBLIC INTERNATIONAL LAW	5	30	70	66
	25	Core	CHA5D	COMPANY LAW	5	30	70	68
6th	26	Core	CHA5E	LEGAL METHODS	5	30	70	70
	27	Core	CHA6A	LAW OF EVIDENCE	5	30	70	72
	28	Core	CHA6B	LABOUR LAW - I	5	30	70	74
	29	Core	CHA6C	PUBLIC ADMINISTRATION	5	30	70	77
	30	Core	CHA6D	ADMINISTRATIVE LAW	5	30	70	79
		Core	CHA6E	PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR-BENCH RELATIONS (CC-I)	4	100	83	83
		Core	CHA6F	INTERNSHIP	2	70	135	135

**B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.
	S. No.	Code			Internal	External	
7th	31	CHA7A	Core	5	30	70	84
	32	CHA7B	Elective	5	30	70	86
	33	CHA7C	Core	5	30	70	90
	34	CHA7D	Elective	5	30	70	93
	35	CHA7E	Core	4	50		95
8th	36	CHA8A	Elective	5	30	70	96
	37	CHA8B	Elective	5	30	70	99
	38	CHA8C	Elective	5	30	70	102
	39	CHA8D	Elective	5	30	70	104
	40	CHA8E CHA8G	Elective Optional	5	30	70	107
		CHA8F		5	30	70	109
				2			135

**B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.
	S. No.	Code			Internal	External	
9th	41	CHA9A	Core	5	30	70	112
	42	CHA9B	Core	5	30	70	114
	43	CHA9C	Core	5	30	70	117
	44	CHA9D	Core	5	30	70	119
	45	CHA9E	Core	4	100		122
10th	46	CHAXA	Core	5	30	70	123
	47	CHAXB	Core	5	30	70	126
	48	CHAXC	Core	5	30	70	129
	49	CHAXD	Elective	5	30	70	131
	50	CHAXE CHAXF	Core	4	100		134
				2			135
				260			
			Total number of credits for the entire programme				

**ENGLISH - I**

**CHC1A**

**Objectives of the Course**

*The objective of the course is to train the student to upgrade English language skills for effective communication. Linguistics and Phonetics help in good articulation, intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Giving meaning to words and idiomatic phrases and using those in sentences go a long way for betterment of language skills. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction**

English Language and Linguistics: Tracing the Historical Development of English Language-Indo - European Language Tree - Eastern and Western Language Groups - Germanic Groups- Old English - Middle English - Modern English.

Vocabulary: Development of Vocabulary in English Language - Influence of other Languages on English Vocabulary - Etymology - Semantics.

**UNIT- II**

**Phonetics; Transcription Exercises**

Phonetics: R.P. Phonemes - Identification and Classification - Vowels, Diphthongs and Consonants.

Transcription Exercises: Accent - Rhythm in Connected Speech - Kinds of Accent Intonation- Falling Tone and Rising Tone.

### UNIT- III

#### Prose Section

Gettysburg Address - Abraham Lincoln  
Advice to a Young Man Interested in Going into Law - Felix Frank Further  
Methods of Study - Glanville Williams.  
Court Scene - Merchant of Venice - William Shakespeare.  
The Law is a Jealous Mistress - A Popular Fallacy - Joseph W. Plank.

### UNIT- IV

The Hypotheses of Failure - O. Henry  
Civil Disobedience - Henry David Thoreau  
On Truth - Francis Bacon  
On Liberty Chapter I - John Stuart Mill  
Aringnar Anna's Maiden Speech in Rajya Sabha - 1962

### UNIT- V

#### Grammar

Words often confused (I Semester)  
Idioms and Phrases  
Synonyms and Antonyms  
Phrases and Clauses  
Reported Speech.

#### Books Prescribed

- Bhat Nagar -Law and Language
- Glanville Williams - Learning the Law

#### Books for Reference

- Essays of Francis Bacon
- William Shakespeare -Merchant of Venice
- David Green -Contemporary English Grammar Structure and Composition
- J.C. Nesfield - English Grammar Composition and Usage

### APPENDIX I

#### Expressions and Phrases - English (Paper - II)

1. To make both ends meet - to live within one's income
2. To eat one's word - to retract one's statements
3. To set one's face against - to sternly oppose
4. To play fast and loose - say something and do another
5. To win one's spurs - to make one's reputation
6. To make one to test - to rebuke
7. To turn a deaf ear to - to disregard
8. By hook or by crook - by fair or foul means
9. Without reserve - fully
10. To take exception to - to object to
11. To pay off old scores - to wreck revenge
12. On and off - at intervals
13. Off and on - now and then
14. In good part - without offence
15. To put a spoke in the wheel - to thwart the execution of one's designs.
16. To make one's mark - to distinguish oneself
17. To put one's foot down - to take a resolute stand.
18. To make up one's mind - to resolve
19. To turn over a new leaf - to change for the better
20. No love lost (between them) - not on good terms
21. To throw cold water - to discourage
22. Hands in glove - connive with
23. To turn one's errors to account - to profit by errors
24. To sit on the fence - to remain undecided
25. At issue - in dispute
26. To bring to light - to disclose
27. To burn one's fingers - to get into trouble
28. To live by one's wits - to earn one's livelihood by ingenuity
29. To bid fair - fairly to
30. To strain every nerve - to put forth one's utmost efforts
31. Beside himself - out of his mind
32. At sixes and sevens - In disorder or confusion
33. To put on airs - to behave arrogantly

34. To be on alert - ready to act
35. Order of the day - Prevailing state of things
36. To get into hot water - to get into trouble
37. To get the better of one - to overcome
38. To get of easily - to get a light sentence
39. Washing dirty linen in public - to talk about one's short comings in public.
40. To have a finger in the pie - to meddle with all affairs
41. To hit the nail on the head - to say or do exactly the right thing.
42. To have an axe to grind - to have personal interest in the matter
43. To have the gift of the gab - to have talent for speaking
44. To throw out of gear - to disturb the working of
45. Gall and wormwood - Hateful, unacceptable
46. To be in the good books of - to enjoy the patronage of
47. To stand in one's own light - to act against one's own interest
48. To put one's foot in - to involve
49. To fight tooth and nail - to fight bitterly
50. To make clean breast of - to confess without reserve
51. To stand one's ground - to maintain one's position
52. Where the shoe pinches - where the difficulty or trouble exist.
53. To take to one's heels - to run away
54. To the letter - to adhere to every detail
55. To keep in the dark - to keep one in ignorance
56. To die in harness - to die while in office
57. To have too many irons in the fire - to be engaged in too many enterprises
58. To be at one's wit's end - puzzled, completely at a loss to act
59. To fall foul of - to quarrel with
60. To go back on - to fail to keep
61. To lend ear to - to listen to
62. To read between the lines - to read a hidden meaning not apparent

63. Thorn in one's side - to be a constant source of annoyance
64. To smell a rat - to suspect
65. To nip in the bud - to put an end to in the beginning itself
66. The long and short of it - the whole matter in a few words
67. To take stock of - to assess
68. To keep one's own counsel - to preserve a discrete silence
69. To be born with silver spoon in one's mouth - to be born in wealth and luxury
70. To stand to reason - to be logical
71. To stand in good stead - to be of good service
72. To take wind out of one's sail - to render one's work or action ineffectively.
73. To pay back in one's coin - to treat one in the same way
74. To take one's life in one's hands - to undergo great risks
75. To fight shy of - to avoid due to a feeling of mistrust
76. To end in smoke - to come to nothing
77. To leave no stone unturned - to use all available means
78. To harp on the same string - to swell tediously on same subject
79. To give a piece of one's mind - to scold one
80. To make good the loss - to compensate for the loss
81. To kick up a row - to make great noise or fuse
82. To be ill at ease - to be uneasy
83. To rise to the occasion - to show oneself equal to deal with the emergency
84. To do the handsome thing by one - to behave towards one in a magnanimous manner.
85. To take the edge of one's argument - to make or argument ineffective
86. To hang in the balance - to remain in suspense
87. To put in the market - to offer for sale

88. To fall short of one's expectations - to disappoint
89. On the spur of the moment - instantly
90. To burn the candle at both the ends - to overtax one's energy.
91. To bury the hatchet - to cease fighting, to make peace
92. To feather one's own nest - to make money unfairly
93. To blow one's own trumpet - to praise oneself
94. To keep one's head above water - to keep out of debt
95. To have two strings to one's bow - to have two sources income to rely upon
96. To make a pile - to save a fortune
97. To be beside the man - to be irrelevant
98. To be under the water of - to be completely under control of
99. To be on tender roof - to be in a state of suspense anxiety
100. To move heaven and earth - to make every possible event

## APPENDIX II

### Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous

17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate - Extenuate
49. Artful - Artificial



**PRINCIPLES OF ECONOMICS**

**CHC1B**

**Objectives of the Course**

*The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in India.*

**COURSE OUTLINE**

**UNIT-I**

**Micro Economic Concepts**

Definitions-Basic Concepts-Basic Economic Problems-Methods of Economics-Nature and Scope -Demand-Law of Demand-Elasticity-Methods-types-Determinants-Demand Forecasting Meaning, Significance and Methods-Cardinal Utility Theory-Applications and Uses-Indifference Curve Analysis-MRS relationship between Normal and Giffen Good-Consumer Surplus.

**UNIT-II**

**Theory of Supply and Market**

Law of Supply and Theories of Production: Supply Analysis-Law of Supply-Supply Elasticity- Factors of Production-Production Functions-Law of Variable Proportions-Laws of Returns to Scale.

Theory of Market: Market Structure-Price and Output Determination-Perfect-Monopoly-Monopolistic -Oligopoly-Market Application-Managerial Decision-Markup Pricing Theory.

**UNIT-III**

**Macro Economic Principles**

Definition-National Income Accountings-Circular Flow of Income-Marginal Productivity Theory of Distribution-Rent-Wages- Interest- Profits- Consumption and Saving Choices-Keynesian Theory of Income - Output and Employment - General Equilibrium-Trade Cycle-Inflation.

**UNIT -IV**

**Macro Economic Policies and Public Finance**

Macro Economic Policies: Fiscal Policies-Tools-Objectives-Targets - Monetary Policies-Objectives-Tools -Targets-Labour Regulations-Social Security Schemes-EXIM Policies-New Economic Policy 1991.

Principles of Public Finance: Public Expenditure-Public Revenue-Public Debt-Tax-Characteristics of Good Tax System-Kinds-Effects-Deficit Financing-Taxes of Central and State Government.

**UNIT- V**

**Indian Economy**

Indian Economic Problems: Features-Population-Causes-Trends-Consequences-Population Policy 2000-Poverty-Concepts-Causes-Measurement-Trends-Poverty Alleviation Programmes - Unemployment- Causes-Types-Trends-Programmes- HDI.

Problems of Agricultural and Industry: Features-Land Reforms- Green Revolution -Agricultural Marketing-Agricultural Credit-Problems of Agricultural Labour-Industry-Role-Problems-Industrial Policies- Industrial Dispute -Industrial Relations.

### Books Prescribed

- H.L.Ahuja - Principles of Economics
- Ruddar Dutt and KPM Sundaram - Indian Economy
- Quotinis - Modern Micro Economics
- Srivatsava - History of Economic Thought

### Books for Reference

- David O' Corner - The Basics of Economics
- D.N.Divedi - Macro Economic Theory and Policy
- H.C.Bhatia - N.K. Sachdeva - Macro Economics
- M.L. Jhrijan - Macro Economics Theory
- Boa & Sodereston - International Economics
- Francis Cherunilam - International Economics
- Prof. Krishna and G.Kulkarn - Readings in International Economics
- B.P. Tyagi - Public Finance
- M.C.Vaish - Monetary Economics
- Reddar Datt and K.P.M.Sundharam - Indian Economy
- Alak Ghosh - Indian Economy
- W. Arthur Lewis -The Theory of Economic Growth

### Journals for Reference

- Economic and Political Weekly,
- Kurukshetra, Indian Journal of Agriculture,
- RBI Bulletin.



## **BUSINESS MANAGEMENT AND ETHICS**

### **CHC1C**

### **Objectives of the Course**

*In the recent years, liberalization and Globalization, Information Technology, Professionalization of Management have created new challenges and opportunities for managers. The demand for professionally qualified managers in India is increasing day-by-day, to achieve professional competence, managers both present and prospective are required to be fully equipped with principles of management and ethics and how these can be put in practice. A comprehensive understanding of these principles will increase decision making ability and sharpen their tools for the purpose.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Introduction**

Nature of Management- Evolution of Management Thought - Tasks of a Professional Manager - Manager and Environment - Systems Approach to Management - Levels in Management.

#### **UNIT-II**

##### **Planning and Decision Making**

Steps in Planning Process - Scope and Limitations - Short Term and Long Term Planning - Flexibility in Planning - Characteristics of a Sound Plan - Management By Objective (MBO)-Decision Making Process and Techniques.

#### **UNIT-III**

##### **Nature of Organizing**

Organisation Structure and Design - Authority Relationships - Delegation of Authority and Decentralization - Interdepartmental Coordinator - Emerging Trends in



Corporate Structure, Strategy and Culture - Impact of Technology on Organisational design - Mechanistic vs. Adoptive Structures - Formal and Informal Organisation- Span of Control - Pros and Cons of Narrow and Wide Spans of Control - Optimum Span- Leadership - Trait, Behavioural and Contingency Theories.

#### **UNIT -IV**

##### **Co-ordination**

Need for Co-ordination - Techniques of Securing Co-ordination. Control: Concept of Control - Application of the Process of Control at Different Levels of Management (Top, Middle and First Line). Performance Standards - Measurements of Performance - Remedial Action - An Integrated Control systems in an Organisation - Management by Exception (MBE)

#### **UNIT-V**

##### **Business Ethics**

Importance of Business Ethics - Corporate Social Responsibility - Ethical Issues and Dilemmas in Business - Ethical Decision Making and Ethical Leadership - Ethics Audit - Environmental Ethics - Sustainable Business Practices.

##### **Books Prescribed**

- Govindarajan M., and Natarajan S - Principles of Management
- Mukherjee - K - Principles of Management.
- DeGeorge, R - Business Ethics

##### **Books for Reference**

- Certo, SC. And Certo. T - Modern Management,
- Griffin, R.W - Management
- Koontz, H. and Weihrich, H - Essentials of Management: An International Perspective.



## **LAW OF TORTS**

### **CHC1D**

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

*In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses. Torts can be intentional torts, negligent torts, or strict liability torts. Employers must be aware that in many circumstances, their employees may create liability in tort. This chapter explains the different kind of torts, as well as available defences to tort claims.*

#### **COURSE OUTLINEUNIT- I**

##### **General Principles**

Nature and Scope- Definition- Distinction between Tort and Crime - Tort and Contract- Foundation of Tortious Liability - Elements of Torts - General Defences.

#### **UNIT- II**

##### **Liability for the wrong committed by other person**

Vicarious Liability - Joint Tortfeasors- Capacity to Sue and be Sued - Remedies.

#### **UNIT- III**

##### **Specific Torts**

Negligence- Contributory Negligence- Nuisance- Remoteness of Damage- Nervous Shock.

#### **UNIT- IV**

##### **Torts against Human Being and Property**

Assault- Battery- Distress- Malicious Prosecution- Conspiracy- False Imprisonment- Defamation- -Trespass: To Land- To Goods- Passing Off.

## UNIT- V

### No Fault Liability

No Fault Liability - Strict Liability- Absolute Liability - Motor Vehicles Act- 1988.

### Book Prescribed

- B. M. Gandhi -Law of Torts
- P. S. A. Pillai - The Law of Torts
- Ratanlal and Dhiraj Lal -The Law of Torts
- R. K. Bangia - Law of Torts including Motor Vehicles Act

### Books for Reference

- Ramaswamy Iyer - Law of Tort
- Winfield - Law of Tort
- Salmond - Law of Tort



## CONTRACTS - I

### CHC1E

### Objectives of the Course

*Contract law plays a pivotal role in the society as almost all exchanges between persons and Enterprises alike come within the ambit and are regulated by Law of Contracts. This is the basis of all commercial interactions and all legislations relating to trade and commerce. But for the existence of statutory provisions pertaining to Contract Law, many a private, voluntarily made agreements wouldn't be enforceable due to lack of legal force. Also, it is appropriate to state that Contract Law is quintessential to transactions relating to goods and services.*

### **The following are the board objectives of this course:**

- a) An understanding of the Legal dimensions of the law relating to the formation of contracts.*
- b) An insight into the legal provisions, which buttress the operative performance of contracts.*
- c) To comprehend & appreciate the significance of the various modes in which contracts may be discharged.*
- d) To familiarize with the redressal mechanisms available to the aggrieved parties.*

### COURSE OUTLINE

#### UNIT-I

Basic Nature of Contract-Formation of Contract-Offer-Acceptance- Revocation- Lapse of Offers and Acceptance-Intention to Create Legal Relationship –Terms of Contract and Standard Form Contracts.

#### UNIT-II

Consideration-Past- Present- Future Considerations-Privity as to Consideration - Value and Adequacy of Consideration-Rule in Pinnel's Case-Exceptions To Consideration-Capacity to Contract-Free Consent-Factors Which Vitiates Free

Consent-Objects of a Contract-Unlawful and Illegal Objects or Considerations-Valid- Voidable- Void Agreements.

### UNIT-III

Performance of Contract-Privity of Contract-Tender of Performance - Time as Essence to Performance-Law Relating to Time- Place and Order of Performance-Performance of Reciprocal Promises-Contingent Contracts- Joint Promises-Appropriation of Payments.

### UNIT-IV

Discharge of Contracts by Impossibility of Performance-Discharge by Agreement-Novation- Rescission- Alteration-Discharge by Breach - Waiver - Accord and Satisfaction-Material Alteration-Damages-Types and Measures.

### UNIT-V

Quasi Contracts-Quantum Meruit-Specific Relief Act- 1963-Recovery of Possession-Specific Performance of Contracts-Rectification- Cancellation of Instruments-Rescission-Declaratory Decrees-Injunctions.

#### Statutory Material

- Indian Contract Act- 1872
- Specific Relief Act- 1963

#### Books Prescribed

- Dr. Avatar Singh-Law of Contract and Specific Relief.
- Anson - Law of Contract.
- Venkatesh Iyer-Indian Contract Law
- M. Krishnan Nair-Indian Contract Law.

#### Books for Reference

- Cheshire and Fifoot-Law of Contracts.
- Mulla-Indian Contract Act.
- Sarkar-Specific Relief Act.
- Basu-Specific Relief Act.
- Smith and Thomas-A Casebook on Contract.



**B.B.A.LL.B. (Hons.)**

**FIRST YEAR – 2<sup>nd</sup> SEMESTER**

## BUSINESS ENGLISH

### CHC2A

#### Objectives of the Course

*The course analyses the ways and principles of effective communication and the barriers to it. The students are given an understanding of various types of correspondence writing reports, tabling minutes, office orders etc., the modern forms of communication and the ways of communication through it for business purpose are also covered in this subject.*

#### COURSE OUTLINE

#### UNIT-I

##### Communication

Definition-Methods-Types-Principles of Effective Communication-Barriers to Communication-Relevance and Importance of Business Communication - Four Skills of Language Acquisition-Understanding Spoken Language-Speaking -Written Language-Writing.

#### UNIT - II

##### Business letters

Kinds of Business Letters - Layout-Interview-Appointment-Acknowledgement-Promotion-Enquiries-Replies-Orders-Sales-Circular-Complaints.

#### UNIT - III

##### Correspondence

Bank Correspondence-Insurance Correspondence-Agency Correspondence -Correspondence with Shareholders-Correspondence with Directors.

## UNIT-IV

### Reporting Writing

Reports Writing-Agenda, Minutes of Meeting-Memorandum-Office Order-Circular-Notes.

## UNIT-V

### E - Communication

Communication in a Globalised world after LPG (Liberalisation, Privatisation and Globaliation) –Modern forms of Communication - Fax - Email-Video Conferencing-Internet-Websites and their use in Business.

### Books Prescribed

- Rajendra Pal and J. S. Korlahalli - Essentials of Business Communication
- Shirley Taylor - Communication for Business

### Books for Reference

- Bovee, Thill, Schatzman- Business Communication Today
- Penrose, Rasbery, Myers - Advanced Business Communication,
- Simon Collin - Doing Business on the Internet
- Mary Ellen Guffey, Business Communication-Process and Product.
- David Annousamy - The Language Riddle.



## HUMAN RESOURCE MANAGEMENT AND ORGANISATIONAL BEHAVIOUR

### CHC2B

### Objectives of the Course

*Management of people at work is as old as the existence of organisations. At the global level with the increased competition in business, organisations started to look at the ways of creating competitive advantage on the basis of their human resource. During the process of economic liberalization, the same pattern emerged in Indian companies. 'Human Resource Management' which emphasizes proactive approach of managing human resources, presents recent developments in the field and tries to relate how these developments are relevant to Indian organisations.*

### COURSE OUTLINE

#### UNIT- I

##### Introduction of Human Resource Management

Definition- Importance of Human Resources- Objectives of Human Resource Management, Qualities of a Good Personnel Manager-Evolution and Growth of Personnel Management in India- Human Resource Policies: Need, Type and Scope.

#### UNIT- II

##### Human Resource Planning

Long and Short Term Planning-Job Analysis- Skills Inventory- Job Description and Job Specification.

Recruitment and Selection: Purposes, Types and Methods of Recruitment and Selection, Personnel Search, Selection Instruments, Reduction of Recruitment Costs.

Functions of Human Resources Management from Procurement to Separation: Placement, Induction, Transfers, Promotions, Disciplinary Actions, Termination of Services.

### **UNIT-III**

#### **Performance Evaluation**

Ranking- Rating Scales- Critical Incident Method-Removing Subjectivity from Evaluation- MBO as a method of appraisal- Job Evaluation.

### **UNIT – IV**

#### **Wage and Salary Administration**

Meanings, Calculation of Wage, Salary, Perquisites, Compensation Packages, Cost of Living Index and Calculation of Dearness Allowance, Financial and Non - Financial Incentives, Motivation: Early Theories and Contemporary Theories.

Grievance Handling- Discipline and Domestic Enquiry - Handling of Sexual Harassment in the Workplace – Introduction to Industrial Relations- Current Trends and Issues in HRM.

### **UNIT- V**

#### **Introduction to Organizational Behavior**

Historical Background of OB - Relevance of OB to Management Functions - Contributing Disciplines - Challenges- Personality: Determinants, Perception: Process - Distortions - Factors influencing perception. Learning - Managerial implications. Group Dynamics - Foundations of Group behaviour- Organisational Culture and Climate: Concept - Creating and Sustaining Culture - Types of Organisational Culture.

### **Books Prescribed**

- Ashwathappa, K-Human Resource Management
- Dr.N.Premavathy – Human Resource Management
- Dr.Radha – Human Resource Management.

### **Books for Reference**

- Dessler, G.- Human Resource Management
- Mamoria.C.B. and Gaonkar. S.V- Personnel Management
- Rao.V.S.P.- Human Resource Management
- Mathis.R.L. Jackson.J and Johnson.R- Human Resource Management
- Blanchard, K.H., Hersey, P. and Johnson, D.E- Management of Organisational Behavior: Leading Human Resources
- Khanka. S.S- Organisational Behavior
- Luthans. F.- Organizational Behavior
- McShane, S.L., Von Gilnow, M.A., and Sharma, R.R- Organizational Behavior.
- Robbins. S.P. and Vohra- Organisational Behavior
- Sharma. S- Organisational Behaviour



**SOCIOLOGY**

**CHC2C**

**Objectives of the Course**

*The focus of this course is primarily to introduce students to diversity and universality of ways of life of man as a social being. This paper is intended to familiarize the students with the context in which sociology emerged as a distinctive discipline. It also helps the students gain an understanding of the society through various concepts and its relevance to its contemporary concerns.*

**COURSE OUTLINE**

**UNIT -I**

**The Emergence of Sociology and Structure of Indian Society**

Definition of Sociology -Origin, Development and Scope of Sociology -A Brief Historical Sketch of Indian civilization - Nature of Diversity in India-Unity and National Integration.

**UNIT -II**

**Social Stratification and Caste System in India**

Social Stratification : Meaning and definition - Characteristics and Functions -Forms of Social Stratification  
Caste System : Meaning and Definition -Characteristics - Theories -Changing Trends -Caste System in Contemporary India.

**UNIT -III**

**Social Groups and Social Institutions**

Social Groups: Definition - Types of Groups -Characteristics -Functions -Differences -Reference Group. Social Institutions: Marriage -Family -Kinship -Types -Importance and its Functions -Social Significance of Institutions in Contemporary India.

**UNIT -IV**

**Empowerment of Women in India**

Social Status of Women - Ascribed to Achieved Status - Development and Changing Status of Women -Role of Women - SHG's, - NGO's -Feminist -Programmes Related to Empowerment of Women -Hurdles Faced by Women in Modern India.

**UNIT -V**

**Social Control and Social Deviance**

Social Control: Definition - Nature of Social Control -Types of Social Control -Agencies of Social Control.  
Social Deviance: Definition and types of Deviance -Factors Facilitating Deviance -Social Significance of Deviant Behaviour -Contemporary Development in Deviance -Mass Media and Social Deviance.

**Books Prescribed**

- Vidhya Bhushan and Sachdeva, D.R. - An Introduction to Sociology
- Oomen, T.K and Venugopal C. N. - Sociology for Law Students.
- Shankar Rao, C.N - Sociology of Indian Society.

**Books for Reference**

- Kuppuswamy, B. - Social Change in India.
- Gisbert Pasual- Fundamentals of Sociology.
- Davis Kinsley- Human Society.
- Bottomore , T.B - Introduction to Sociology
- Giddens. A -Sociology.
- Uberoi. Patricia- Family, Kinship and Marriage in India.
- Oomen. T.K and Venugopal C. N - Sociology for Law Students.
- Merton. R. K. - Social Theory and Social Structure.
- Ginsberg.Morris - Studies in Sociology.



**LEGAL AND CONSTITUTIONAL HISTORY**

**CHC2D**

**Objectives of the Course**

*The course is a foundation course for Constitutional Law paper. It traces the development of the legal system and judiciary from 1600 till the time British left India in 1947. The changing structure of governance and legal system, the charters and the Acts are given in detail, an understanding of which is of vital importance to a Law student.*

**COURSE OUTLINE**

**UNIT -I**

Administration of Justice in the Presidency Towns of Madras, Bombay and Calcutta from 1600 -1726 and the Development of Courts and Judicial Institutions - Mayor's Court and The Charter Of 1726 - Warren Hasting's Plans of 1772, 1774 And 1780 - Supreme Court at Calcutta, its Composition, Powers and Functions -The Settlement Act of 1781 -Judicial Measures of Cornwallis 1787, 1790 and 1793.

**UNIT -II**

Dual System of Administration of Justice -Amalgamation of the Two Systems of Courts -The High Court's Act 1861 - Federal Court -High Court Act under The Constitution - Development of the Rule of Law - Separation of Powers and the Independence of Judiciary - Privy Council as a Court of Appeal and its Jurisdiction -Abolition of the Jurisdiction of the Privy Council - History of Law Reporting in India.

**UNIT -III**

Legislative Authority of the East India Company under The Charters Of 1600, 1661 and 1726-Regulating Act, 1773, The Pitts India Act of 1784 -Powers and Functions of The Governor -General and Council - Charter Acts of 1793, 1813,

1833 and 1853 - The Government of India Act 1858, The Indian Councils Acts of 1861 and 1892.

**UNIT -IV**

The Minto -Morley Reforms of 1909 - The Mont -Ford Reforms of 1919 -Dyarchy -Bicameral Legislature -Powers and Functioning of Dyarchy - The Government of India Act 1935 -Federal Assembly and The Council of States -Provincial Autonomy -Governor -State Legislature -Council of Ministers in The Provinces and their Powers and Functions.

**UNIT -V**

Development of Legal Profession Till 1724 -Legal Profession under The Supreme Court -Provision for Enrolment of Advocates under The Legal Practitioners Act -Provision for Enrolment of The Advocates under The Courts Act 1861 - Bar Committee of 1923 and Bar Council of 1926 -The Committee, 1951 - The Advocates Act 1961, The All India Bar Council and State Provisions Relating to Enrolment-Maintenance of Discipline - Development of Legal Education.

**Books Prescribed**

- M.P.Jain- Outlines of Indian Legal History.
- V.D.Kulshreshtha- Landmarks in Indian Legal and Constitution.

**Books for Reference**

- V.D.Mahajan- Constitutional History of India.
- M.Rama Jois- The Constitutional History of India.



**CONTRACTS-II**

**(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)**

**CHC2E**

**Objectives of the Course**

*The subject of Special Contract is developing in all spheres after the impact of Liberalisation, Privatisation and Globalisation (LPG). Many contractual disputes have been reported in specific areas of contract based on the interpretation of the provisions of Contract Act and other related Laws. The growing demands make it imperative to study the various special natures of contractual dealings.*

**COURSE OUTLINE**

**UNIT-I**

**Indemnity and Guarantee**

Definition - English and Indian -Distinction between Indemnity and Guarantee-Rights of the Indemnity Holder-Rights of the Indemnifier-Implied Indemnity -Codification not exhaustive-Principles of Equity applicable-Definition - English and Indian Definitions-Essentials and nature of Guarantee-Distinction between Guarantee and Indemnity -Guarantee and Insurance- Elements of Consideration in a Contract of Guarantee-Nature and Quantum of Surety's Liability- Kinds of Guarantee -Surety ship arises on Contract and not on Notice-Position in English Law- Duty of Disclosure in Guarantee-Rights of Surety -Difference in English Law- Discharge of Surety.

**UNIT-II**

**Bailment**

Definition - Indian and English Definitions-Essentials of Bailment and classification of Bailment- Distinction

between Bailment and Pledge-Deposit-Sale-Agency-Rights and Duties of the Bailor and Bailee-Difference in English Law-Pledge-Definition-Rights of the Pawner and Pawnee-Pledge by Non-Pawners-Lien-kinds of Lien-Their nature and incidents - How lost.

**UNIT-III**

**Sale of Goods**

Definition of Sale and Agreement to Sell - Distinction between Sale and Agreement to Sell - Contract of Work and Layout. Hire Purchase Agreement - Bailment - Exchange-Gift-Definition-Goods-Specific Goods-Future Goods-Mercantile Agent-Documents of Title of Goods-How is Sale made-Rules for Fixing Price and effect of goods getting Damaged or Perished in a Contract of Sale-Stipulation as to time and other stipulation-Conditions and Warranties-Effect of Breach-Ex-Post Facto Warranty –When condition is treated as Warranty-Implied conditions and Warranties in a Contract of Sale-Exemption clauses effect

Of Fundamental Breach-Rule as to Passing Off property-Sale by Non-Owners, Exception to *Nemo Dat Quod Non Habet*-Rules as to Delivery-Unpaid Vendor-His rights or Lien and stoppage in transit-Remedies available to seller and buyer-Auction Sale.

**UNIT-IV**

**Agency**

Definition of Contract of Agency-Creation of Agency-kinds of Agency-Distinction between Agent and Servant and Independent Contractor-Who may be an Agent-Kinds of Agent-Authority of the different kinds of Agent-Authority of Agents-Ostensible and Emergency Authority –Delegation of Authority-Delegates Non Protest Delegare-Sub Agent – Substituted Agent-Essential of Ratification and its effect-Effect of Notice to Agent-Necessary conditions to bind Principal-Principal and Third Parties-The doctrine of Undisclosed Principal and Concealed Principal-Termination of Agency and when it becomes irrevocable.



## UNIT-V

### Partnership

Definition of 'Partnership—Essential of Partnership—Joint Hindu— Partnership-Distinction between Partnership and Co-Ownership-Joint Hindu Family –Incorporation Companies-Contract of Service-Legal Notion and Mercantile Notion-Kinds of Partners and Duration of Partnership-Mutual Rights and Duties of Partners-Minor as a Partner-Difference in English Law-Rights of Legal Representative and Surviving Partners-Authority of Partners-Implied and Emergency-Liability of the Partners of the Acts of the Firm and for the Wrongful Acts of other Partner-Nature of Liability-Principle of Agency in Partnership-Partnership Property-Tests-Settlement of Accounts-Goodwill and its Disposal-Distribution of Assets-Retirement of Partners-Dissolution of Firm and Modes and Circumstances-Effect Of Non-Registration of Firm.

### Statutory Material

- Indian Contract Act,1872
- Sale of Goods Act,1930
- Indian Partnership Act,1932

### Books Prescribed

- Dr. Avatar Singh -The Law of Contracts
- Mulla - Sale of Goods Act
- Krishna Nair -Law of Contracts
- Anson -Law of Contracts

### Books for Reference

- Cheshire & Fifoot-Law of Contracts.
- Mulla-Indian Contract Act.
- Sarkar-Specific Relief Act.
- Basu-Specific Relief Act.
- Smith & Thomas-A Casebook on Contract.



## POLITICAL SCIENCE

### CHC3A

### Objectives of the Course

*Political Science has a very close link with Legal Studies. The course intends to make the students to understand the basic concepts connected with Political Science such as, state and its functions, origin of state, various theories of origin of state and different form of government. The course also covers basic political concepts like, Sovereignty, Liberty, Equality, Citizenship, Rights, and Duties. Finally the course focuses on the International relations connect with Realism, Political Power, National Power, Balance of Power, Diplomacy, Cold War and Alliances and the Structure and Functions of International and Regional Institutions.*

### COURSE OUTLINE

#### UNIT - I

Meaning, Nature, Scope and Importance of Political Science - Methodology -Political Science and Allied Studies - Approaches to the study of Political Science - Traditional Approach -Modern Approach – Behavioralism- Systems Approach- Structural Functional Analysis- Marxist Approach- Theories of the Origin of State -Divine Origin Theory - Force Theory - Patriarchal and Matriarchal Theories -Social Contract Theories of Hobbes, Locke and Rousseau -Evolutionary Theory - State - Elements of State - State and Society -State and Nation - The distinctive features of the State - State and its Functions .

#### UNIT - II

Basic Political Concepts: -Sovereignty -characteristics and types of Sovereignty -Justice - Meaning and kinds of Justice - Liberty – Meaning- Kinds of Liberty - Civil Liberty -Political Liberty -Safeguards of Liberty - Equality -Meaning -Kinds of Equality -Extent of Equality in Modern Times -

Citizenship - Rights and Duties -Fundamental Rights recognized by States - Human Rights recognized by International bodies.

### **UNIT - III**

Classification of Government - Aristotle's classification - Modern classification -Merits and Demerits of Democracy, Merits and Demerits of Monarchy, Merits and Demerits of Dictatorship- Role of Law in Governance- Laissez Faire and Welfare Governments. Parliamentary and Presidential- Unitary and Federal - SOP and Checks and Balances - Unicameral and bicameral legislatures - Cabinet form of government - Role of Political Parties - Public opinion -Limits of governments - Revolution.

### **UNIT - IV**

Introduction to International Relations - Relationship between International Relations and International Law Theories of International Relations - Moralistic Theory: Merits and Demerits - Realistic' Theory - Concept of Political Power - Importance and Relevance of Political Power of the State - Concept of National Power - Elements of National Power - Limitations on National Power - Role of Political Power in International Relations - Two World Wars and their Impact.

### **UNIT - V**

Balance of Power - Techniques of Balance of Power - Armament and Disarmament - Alliances - Bi-Polar World - Cold War - End of the Cold War - Non-Aligned Movement - Diplomacy and Terrorism - United Nations Role in International Peace and Security - Globalization and their Impact – Non State Actors -Terrorism - Environmental Issues - Human Security - Human Rights.

### **Books Prescribed**

- Amal Ray and Mohit Bhattacharya - Political Theory: Ideas and Institutions
- Norman, D. Palmer and Howard, C. Perkins - International Relations: The World community in Transition.

### **Books for Reference**

- A.C. Kapoor - Principles of Political Sciences.
- Hans J.Margenthan-Politics among Nations.
- Baylis- Introduction to International Relations.



**FINANCIAL AND MANAGEMENT ACCOUNTING**

**CHC3B**

**Objectives of the Course**

*Accounting is the language of business. Financial accounting has its focus on the financial statements which are distributed to stockholders, lenders, financial analysts, and others outside of the company. Topics in financial accounting cover the generally accepted accounting principles which must be followed when reporting the results of a corporation's past transactions on its balance sheet, income statement, statement of cash flows, and statement of changes in stockholders' equity. Management Accounting has its focus on providing information within the company so that its management can operate the company more effectively. Topics in Management Accounting will include topics such as Cost Behavior, Break-Even Point, Profit Planning, Operational Budgeting, Capital Budgeting and Relevant Costs for Decision Making.*

**COURSE OUTLINE**

**UNIT- I**

Meaning and Scope of Accounting, Basic Accounting Concepts and Conventions -Double Entry Book Keeping - Journal, Ledger, Preparation of Trial Balance -Preparation of Cash Book.

**UNIT- II**

Preparation of Final Accounts- Partnership Accounts- Basic concepts of Admission, Retirement, and Death of a Partner -Single Entry System.

**UNIT- III**

Management Accounting -Meaning, Nature, Scope and Functions -Management Accounting Vs Financial Accounting -Analysis and Interpretation of Financial Statement.

**UNIT- IV**

Ratio Analysis -Classification of Ratios -Fund Flow and Cash Flow Analysis.

**UNIT- V**

Investment Decisions -Methods of Capital Budgeting -Net Present Value- Average Rate of Return- Pay Back Period- Internal Rate of Return.

**Books Prescribed**

- R.L.Gupta and V.K.Gupta - Advanced Accounting
- Jain & Narang - Financial Accounting .

**Books for Reference**

- T.S.Reddy & A.Murthy - Financial Accounting.
- S.N.Maheswari -Management Accounting.
- T.S. Reddy & Hari Prasad Reddy -Management Accounting.



**LAW OF CRIMES – I  
(Indian Penal Code)**

**CHC3C**

**Objectives of the Course**

*It is fact that both Crime and Criminal are looked upon with greatest hatred by all the section of the people in the society. Whenever people organized themselves into group- there is a need for some sort of rules to regulate the behaviour of that member. The State has to impose certain penalties upon the wrong doer with the object of prescribing peace in the society at large. Crime and Law are so closely connected with each other that it is very difficult to understand one without knowing the other.*

**COURSE OUTLINE**

**UNIT-I**

**Nature and Scope of Criminal Law**

Definition-Essentials Elements-Strict Responsibility-Mens Rea-Intention and Negligence-Recklessness and Knowledge-Offences Without Conduct - Punishment : Objectives-Basis and Types-Theories of Punishment-Justification of Punishment - General Defences - Excusable Defences-Justifiable Defences-Private Defence - Joint and Constructive Liability-Abetment-Conspiracy-Attempt-Corporate Liability - Jurisdiction-Territorial-Extra Territorial-Personal and Admiralty.

**UNIT-II**

**General Offences**

Offences Against State - Offences Against Public Peace-Unlawful Assembly-Riot -Affray - Offences Against Election-Bribery-Personation-Offences Relating to Religion - Offences Against Public Justice- Administration of Justice-Giving and Fabricating the False Evidence-Disappearance of Evidence.

**UNIT-III**

**Offences against Human Body**

Culpable Homicide and Murder-Suicide-Causing Miscarriage-Hurt-Wrongful Restraint and Wrongful Confinement-Assault-Kidnapping and Abduction-Rape.

**UNIT-IV**

**Offences against Property**

Theft- Extortion- Robbery and Dacoity-Criminal Misappropriation of Property and Trust- Cheating- Mischief- Offences Relating to Documents.

**UNIT-V**

**Offences Relating to Marriage and Reputation**

Mock or Deceitful Marriage-Bigamy-Adultery-Cruelty by Husband or Relatives- Defamation-Intimidation-Attempt to Commit Offences-Thug.

**Statutory Material**

- The Indian Penal Code

**Books Prescribed**

- Kenny - Outlines of Criminal Law (Chapters relating to general principles)
- Ratan Lal - The Indian Penal Code
- M.K.D. Gour - Criminal Law
- Atchuthan Pillai - Criminal Law
- B.M. Gandhi - Indian Penal Code

**Books for Reference**

- Glanville William - Criminal Law
- Russel - Criminal Law
- Ejaz's - Law of Crimes
- Nigam - Law of Crimes (Volume I)
- Dr.H.S. Gour - Penal Law of India
- Raghavan V.V. - Law of Crimes



**FAMILY LAW - I**

**CHC3D**

**Objectives of the Course**

*The course helps in understanding the meaning and concepts that are involved in family system in their Personal Laws. The course also focuses the students to identify the various religious groups particularly Hindus, Muslims and Christians and the application of personal laws in their personal matters relating to Marriage, Matrimonial Reliefs, Adoption, Maintenance, Minority and Guardianship. The course also motivates the students to go through the Statutory Materials and Judgments passed in various matters.*

**COURSE OUTLINE**

**UNIT - I**

**Sources and Schools of Personal Laws**

Application of various Personal Laws - Traditional and Modern Sources of Hindu Law and Muslim Law - The Classical Schools of Hindu Law and Muslim Law - Origin of the Schools -Main Schools and Sub-Schools - Effect of Migration.

**UNIT -II**

**Law on Marriage**

Nature of Marriage - Various forms of marriage and requirements for a valid marriage on a comparative analysis - Void, voidable and valid marriage in different religious texts and statutes-

Laws and Issues on marriage under the Special Marriage Act - Unisex Marriage and question on living together - The demand of Dowry and the concept of Dower under the relevant Personal Laws - Ceremonies of marriage under various religious systems.

**UNIT - III**

**Law on Divorce and Maintenance**

Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage and Divorce - Various grounds and procedure on a comparative analysis - Court's jurisdiction and procedure for the issues raised on Marriage and Divorce - In Camera proceedings - Decree on Proceedings- Maintenance under Hindu, Muslim and Christian Laws - Permanent Alimony - Maintenance during pendency of the Suit - Maintenance under the Special Marriage Act- the Hindu Adoptions and Maintenance Act and the Code of Criminal Procedure- Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

**UNIT - IV**

**Law on Legitimacy of Children and Adoption**

Legitimacy of children born of Void and Voidable Marriages - Their Rights and Legal Issues -Adoption in different religious groups - Requisites, Conditions, Procedure of Adoption - Effect of Adoption - Inter-Country Adoption.

**UNIT - V**

**Law on Minority and Guardianship**

Guardian under the Hindu Minority and Guardianship Act, 1956 - Definition- Types of Guardians- Guardianship under Muslim Law - Procedure for appointment and their powers - Guardian under the Guardian and Wards Act, 1890.

**Statutory Materials:**

- The Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956
- The Hindu Minority and Guardianship Act, 1956
- The Special Marriage Act, 1954
- The Guardian and Wards Act, 1890
- The Dissolution of Muslim Marriage Act, 1939
- The Christian Marriage Act 1872
- Indian Divorce Act, 1869

- Indian Majority Act, 1875
- The Muslim Women (Protection of Rights on Divorce) Act, 1986
- The Family Courts Act, 1984
- The Dowry Prohibition Act, 1961
- The Hindu Widows' Remarriage Act 1856
- Prohibition of Child Marriage Act, 2006

#### **Books Prescribed**

- Mulla - Hindu Law
- N.R. Raghavachari - Hindu Law
- Dr. Paras Diwan - Family Law
- Mulla - Principles of Mahomedan Law
- Fyzee - Outlines of Mahomedan Law

#### **Books for Reference**

- Kusum - Family Law Lectures - Family Law - I
- Mayne - Hindu Law and Usage
- Mitra - Hindu Law



### **CONSTITUTIONAL LAW -I (Constitutional Features and Principles)**

**CHC3E**

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

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. The course also outlines basis of the Constitution to enjoy and enforce the Fundamental Rights; Fundamental Duties; to appreciate the relationship between Part III and Part IV to promote good governance. Finally- the course influences ideas of Citizenship in the minds of the students at large.*

#### **COURSE OUTLINE**

##### **UNIT-I**

##### **Classification of Constitution and Governments**

Definition and Meaning of Constitution- Kinds of Constitution- Meaning of Constitutionalism-Features of Indian Constitution.

Convention - Significance- Parliamentary Supremacy- Theory of Separation of Powers -Latimer House Principle - Doctrine of Checks and Balances- Doctrine of Judicial Review -Significance.

State -Federal- Quasi-Federal- Co-operative Federalism - Essentials of Federalism - Panchayat Raj System - 73rd and 74th Amendment - Constitution -Written and Unwritten- Rigid and Flexible - Executive -Parliamentary- Presidential -Combination of Both Judiciary-Rule of Law.

## **UNIT- II**

### **Preamble, Union and its Territories and Citizenship**

Preamble: Meaning- Scope- Importance- Objectives and Values - Union and its Territories (Art 1-4) - Citizenship: (Art 5-11) -Citizenship at the commencement of the Constitution -

Deprivation and the renunciation of the Citizenship - Parliament power to regulate -Citizenship Act.

## **UNIT- III**

### **State , Laws and Amendment**

State: Definition and meaning- Article 12- New Judicial trends on concept of State -Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws- Various Doctrines like Eclipse- Severability and Ultravires- Judicial Review and Article 13.

Amendment: Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of Constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon Constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule.

## **UNIT- IV**

### **Fundamental Rights**

Right to Equality: General Equality Clause under Article 14- Judicial Interpretation on Equality -Reasonable Classification. Protective Discrimination Clause- Reservation and Social Justice under Articles 15 and 16- Equality and Reservation- Equality of opportunity in public employment -Art 16- Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression - Art 19- Scope and Ambit- Art 19(1) (a) and (2); Balance between individual interest and collective interest- Reasonable

restrictions on Right to Freedom under Article 19(2) to 19(6)- Judicial interpretation on Right to Strike and Bundh - Right to Information.

Rights of the Accused: Article 20 - Rights of the arrested person- Ex-post Facto – Double Jeopardy -Self incrimination- Art 21 - Right to Life and Personal Liberty- Meaning and Scope- Procedure established by law- Judicial Interpretation on Life and Liberty-Applicability of concept of reasonableness. Article 22 -Preventive Detention- Right against Preventive Detention- Exceptions- Safeguards against Preventive Detention.

Freedom of Religion: Articles 25-28- Secularism- Judicial Interpretation- Restrictions on Freedom of religion.

Cultural and Educational Rights: Articles 29-30- Protection for Minorities- Recent trends on Minority Educational Institutions.

Right to Constitutional Remedies: Article 32 and 226- Writ Jurisdiction -Definition- Nature- Scope and functions- Compensatory Jurisprudence- Various Writs -*Habeas Corpus- Mandamus- Quo-Warranto- Prohibition* and *Certiorari*.

## **UNIT- V**

### **Directive Principles of State Policy and Fundamental Duties**

Directive Principles- Directions for Social Change- A new Social Order - Fundamental Rights and Directive Principles - Inter-Relationship - Judicial Balancing - Constitutional Amendments -To Strengthen Directive Principles - Reading Directive Principles into Fundamental Rights- Judicial Approach.

Fundamental Duties: The need and status in Constitutional set up- Interrelationship with Fundamental Rights and Directive Principles- Enforcement of Fundamental Duties.

### Books Prescribed

- Dr. V. N. Shukla -Constitution of India
- M. P. Jain- Indian Constitutional Law- Relevant Volume

### Books for Reference

- D.D.Basu - Shorter Constitution of India
- M.P.Singh(ed.)- V.N.Shukla - Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai - Constitution of India
- G. Austin - Indian Constitution: Corner stone of a Nation (1972).
- M. Galanter- Competing Equalities - Law and the Backward Classes in India
- B. Sivaramayya - Inequalities and the Law.
- S.C.Kashyap - Human Rights and Parliament.
- N.A.Subramaniam -Case law on the Indian Constitution
- T. K. Tope -Constitutional Law
- S. Shiva Rao- Framing of Indian Constitution
- D.J. De -The Constitution of India Vol. I and II.
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



## **COMPUTER FOR MANAGEMENT AND MANAGEMENT INFORMATION SYSTEMS (MIS)**

### **CHC4A**

### **Objectives of the Course**

*This subject is designed to provide such a knowledge-base, introduction to business application of word processing, database management system, Electronic data interchange, internet and its basic concepts and Management information system as a major functional area of business, Knowledge of the indispensable role of information system in business operations, management decision-making and the strategic success of organisation, its goal is to help students become managerial end users who can propose and participate in developing information system solution to business problems.*

### **COURSE OUTLINE**

#### **UNIT –I**

#### **Word Processing**

Introduction- Creating, Editing, Formatting and Printing Documents- Using tools such as Spell Check, Thesaurus, etc., In Work Processors (MS Word), Electronic Spreadsheet, Structure of Spread Sheet and its applications to Accounting, Finance, and Marketing Functions of Business; Creating a Dynamic/Sensitive Worksheet; Concept of Absolute and Relative Cell – Reference ; Using Built-In Functions; Goal Seeking and Solver Tools; Using Graphics and Sharing Data with other Desktop Applications; Strategies of Creating Error – Free Worksheet (MS Excel)



## UNIT – II

### Data Base Management System

Basic concept of DBMS; Sorting, Indexing and Searching Data Records- Designing Queries, and Reports- Linking of Data Files-Developing Menu Driven Applications in Query Language (MS Access)- Electronic Data Interchange (EDI): Introduction of EDI - EDI Standards - Financial EDI (FEDI) FEDI for International Trade Transaction- Applications of EDI, Advantages of EDI- Future of EDI.

## UNIT – III

### The Internet and its Basic Concepts

Development in India: Distributed Computing; Client – Server Computing; Internet Protocol Suite, IP Addresses, Internet Protocol; Domain Name System (DNS); Allocation of Second Level Domains; Applications of Internet in Business, Education, Governance, etc, Allocation of Second Level Domains; Basic Idea of Information Audit; - Difference with the Traditional concepts of Audit; Conduct and Applications of IS Audit in Internet Environment.

## UNIT – VI

### Management Information System

Basic Concepts, MIS sSupport for Planning, Organizing and Controlling- Structure of MIS – Decision Making- System - Concepts, Characteristics and Classifications– Strategic Information System and Competitive Advantage. Computers and Information Processing – Classification of Computers – Input/Output Devices – Storage Devices - Batch and Online Processing- Hardware and Software.

## UNIT – V

### System Analysis and Design

SDLC – Role of System Analyst – Functional Information System – Personnel, Production, Material, Marketing. Decision Support Systems- Group Decision Support Systems – Business Process Outsourcing Functions.

## Books Prescribed

- Agarwala Kamlesh N and Agarwala Deeksha – Business on the Net – Introduction to E- commerce
- Dr. S.P. Rajagopalan - “Management Information Systems and EDP”

## Books for Reference

- Minoli Daniel, Minoli Emma – E- Commerce Technology Handbook.
- Kanter – Managing with Informations
- Goyal – Management Information System.
- Mudrick & Ross - Management Information Systems.



**MANAGERIAL ECONOMICS**

**CHC4B**

**Objectives of the Course**

*Its aim is to strengthen the analytical skills of the students by integrating the theoretical knowledge with decision making.*

**COURSE OUTLINE**

**UNIT - I**

**Nature and Scope of Managerial Economics**

Meaning - Nature and Scope - Scarcity - Choice and allocation - Decision Making Techniques - Marginalism - Equi-Marginalism and Opportunity Cost - Principles - Risk and Uncertainties.

**UNIT - II**

**Demand Analysis and Forecasting**

Demand Theory - Types of Demand - Demand Elasticity - Elasticity of Demand and Marginal Revenue - Uses of Elasticity - Decision making - Estimation of Demand Function- Demand Forecasting - Quantitative and Qualitative Techniques.

**UNIT - III**

**Production Analysis**

Production Function - Returns of Factors - Production Decision - Isoquant-Isocost - Production Possibility - Expansion Path - Optimum Product Mix of Multi-Product Firm - C.S. Function.

**UNIT - IV**

**Cost, Revenue and Profit Analysis**

Cost Theories - Applications and Types of Costs - Derivation of Cost Functions - Revenue - Concepts - Functions - Break

Even Analysis - Economics Scale Vs Economics of Scope - Profit Maximization Vs Sales Maximisation - Accounting Profit Vs Economic Profit - Theories of Firm.

**UNIT - V**

**Market structure and Product Pricing**

Features - Output - Pricing Decisions in Different Markets - Equilibrium of Firm and Industry- Monopoly Power - Welfare Triangle - Pricing and Output Decisions - Differential Pricing - Mark Up Pricing - Government Intervention and Pricing.

**Books Prescribed**

- Rangarajan - Principles of Macro Economics
- P.L. Mehta- Managerial Economics

**Books for Reference**

- Joel Dean - Managerial Economics
- Athmanand R- Managerial Economics
- Peterson Lewis- Managerial Economics
- Stephen Robbins and Timothy Judge - Organizational Behaviour
- Fired Luthana - Organizational Behaviour



**JURISPRUDENCE**

**CHC4C**

**Objectives of the Course**

*Jurisprudence is the study of law, specifically legal philosophy and science. The subject has numerous branches that focus on a range of issues from whether or not law should exist to what penalties are appropriate for violations of the law. The concepts also refer to specific branches of law, such as environmental jurisprudence, medical jurisprudence, etc. The course gives a basic outline about the knowledge of law by describing various theories, schools, concepts and state practice for better administration.*

**COURSE OUTLINE**

**UNIT-I**

**Nature, Definition and Schools of Jurisprudence**

Nature and Definition of Jurisprudence-Analytical Positivism, Natural Law School, Historical School, Sociological School-Economic Interpretation of Law, Indian Jurisprudence-Concept of Dharma, PIL, Social Justice and Compensatory Jurisprudence.

**UNIT-II**

**Nature and Purpose of Law**

Nature and Definition of Law, Constitutional Law and International Law and their nature. Justice- Critical Studies- Feminist Jurisprudence and Art 142 of Constitution-Administration of Justice.

**UNIT-III**

**Sources of Law**

Legislation-Nature of Legislation-Supreme and Subordinate Legislation –Legislation and Sources, Codification and the

Interpretation of Enacted Law- Precedents-The authority of Precedents-Circumstances destroying or weakening the binding force of Precedent, The Hierarchy of Authority-Ratio Decidendi and Judicial Reasoning. Custom: Kinds of Custom, Conventional Custom, Local Custom, Custom And Prescription-The General Custom.

**UNIT-IV**

**Legal Concepts - I**

Legal Rights and Duties –Correlation of Right and Duty-Persons-Nature of Personality -Status of Unborn, Minor, Lunatic, Drunken and Dead Persons-Corporate Personality-Possession and Ownership.

**UNIT-V**

**Legal Concepts - II**

Title, Property, Liability, Obligation and the Procedure Law.

**Books Prescribed**

- Salmond - Jurisprudence
- Paton-Jurisprudence
- Monica David - Jurisprudence
- G.C.V - Jurisprudence

**Books for Reference**

- H.L.A. Hart - Concept of law
- Dias - Jurisprudence
- Bodenheimer-Jurisprudence



**FAMILY LAW-II**

**CHC4D**

**Objectives of the Course**

*The main objective of introducing this subject is to make the students to indentify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law the matters relating to Wakfs, Wills, Gifts and Pre- Emption are given in separate chapters in addition to the Sunni and Shia Law of Inheritance. With reference to Christian Law, a Part of the Indian Succession Act, 1925 relating to Law of Wills and the Christian Law of Inheritance are given in separate chapters.*

**COURSE OUTLINE**

**UNIT-I**

**Joint Hindu Family**

Institution of Joint Family-Coparcenary System-Classification of Properties-Karta -Status, Powers and Duties-Principle of Survivorship and Succession-Partition.

**UNIT-II**

**Intestate Succession**

General Principles of Succession under Hindu Law, Muslim Law and Christian Law-Statutory conditions of Disinheritance and Disentitlement-Comparative analysis of right to property of women under different Religious and Statutory Law- Dwelling House and Right of Pre-Emption.

**UNIT-III**

**Testamentary Succession**

Testamentary Succession under Hindu, Muslim and Christian Law-Limitation to Testamentation under various Religious and Statutory Law-Will and Administration of Will- Codicil - Lapse, Abatement and Ademption of Legacies-Probate, Letters of Administration and Succession Certificate.

**UNIT-IV**

**Gift under Islamic Law**

Hiba-Nature and Characteristics of Hiba-Subject matter of Hiba-Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz-Revocation of Gift.

**UNIT-V**

**Religious Endowments and Wakf**

Hindu Religious Endowments-Wakf: Meaning-Formalities of Creation –Types and Administration of Wakf-Mutawalli and his powers-Muslim religious Institutions and Offices.

**Statutory Material**

- The Hindu Succession Act, 1956 with recent amendments
- Indian Succession Act, 1925
- The Hindu Women’s Right to Property Act, 1937
- The Wakf Acts.

**Books Prescribed**

- Dr. Paras Diwan - Family Law
- Prof. G.C.V. subba Rao - Family Law in India
- Paruck - Indian succession Act
- R. Swaroop - Hindu Law of Succession
- Poonam pradhan Saxena - Family Law Lectures

**Books for Reference**

- Mulla-Principles of Hindu Law
- N.R. Raghavachari - Hindu Law
- D.H. Chaudhari - The Hindu Succession Act, 1956
- Fyzee - Outlines of Mohamedan Law



**CONSTITUTIONAL LAW- II  
(Constitutional Structure and Centre - State Relations)**

**CHC4E**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. To identify the Powers, Functions and Duties to be performed by various Constitutional Functionaries; to appreciate the Doctrine of Separation of Power between Executive and Judiciary and the Independence of Judiciary. The course also help in understanding the Centre-State Relationship in Federal Polity including the role of Constitutional Functionaries like UPSC, CAG, CEC and others. The course also leads to understand the nature and consequences of amendments to the Constitutional law and the relevance of Basic Structure for the purpose of promoting Good Governance in India.*

**COURSE OUTLINE**

**UNIT -I**

**The Union and State Executive**

The Union Executive - The President - Election, Term of Office, Powers and functions, Impeachment - Immunities - Pardoning Power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor - Appointment, Powers and functions - Immunities - Pardoning power - Removal of Governor- Doctrine of Pleasure - State Council of Ministers.

**UNIT - II**

**Legislature and Judiciary**

Composition of Parliament and State Legislatures -Office of the Speaker-Qualification/Disqualification of Members - Legislative Procedures, Legislative Privileges -Judicial Interpretations - Anti Defection Law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) - Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court - Civil, Criminal and in other matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation - Compensatory Jurisprudence - Independence of Judiciary - Tribunals.

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

**UNIT - III**

**Centre - State: Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce**

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject matter of Laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance - Doctrine of Occupied Field- Colourable Legislation - Parliament's Power to Legislate in State List - Implied and Residuary Power - Doctrine of Repugnancy-Administrative Relations - Full Faith and Credit Clause - Centre and Inter-State Conflict Management.

Fiscal Relations - Sharing of Tax - Grants-in-Aid - Restriction on the power of State Legislatures - Doctrine of Immunity of Instrumentality - Borrowing Powers - Constitutional Limitations.

Freedom of Trade, Commerce and Intercourse (Art. 301-307)  
- Meaning of Freedom of Trade, Commerce and Intercourse  
- Power of Parliament - Restrictions - Goods and Service Tax (GST) Impact of Globalization.

#### **UNIT - IV**

##### **Emergency Provisions**

Emergency Provisions- National Emergency - Duty of the Union to protect the States against External Aggression and Internal Disturbance - Power of Union Executive to issue directions and the effect of non- compliance.

State Emergency - Imposition of President's Rule in States - Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)

Financial Emergency (Article 360)-Emergency and Suspension of Fundamental Rights.

#### **UNIT - V**

##### **Other Constitutional Functionaries**

Organisation- Powers and Functions of Election Commission of India- Union Public Service Commission- State Public Commission- Comptroller and Auditor General- Attorney General & Advocate General- Constitutional Safeguards for Civil Servants Art 311 - Protection against Arbitrary Dismissal- Removal or Reduction in Rank - Exceptions to Art 311 - Role of Finance Commission - Planning Commission - Inter- State Council - National Development Council - Local Self Government (Panchayat Raj)

##### **Books Prescribed**

- M. P. Jain- Indian Constitutional Law - Relevant Volumes
- Dr. V. N. Shukla - Constitution of India

#### **Books for Reference**

- D.D.Basu- Shorter Constitution of India.
- Virendra Grover- Centre - State Relations.
- M.P.Singh(ed.)- V.N.Shukla- Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience (1999)
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- M.V.V. Ramana- Inter-State River Water Disputes in India
- Anirudh Prasad-Centre-State Relations in India
- Reports of the Sarkaria- M.M.Punchi-Santhanam Commission on Centre-State Relations
- H.M.Seervai- Constitution of India- Vol.1-3(1992)
- Palanithurai -G. Dynamics of New Panchayati Raj Systems in India Vol. I & II
- D. N. Banerjee -Some aspects of the Indian Constitution
- G. Austin- Indian Constitution: Corner stone of a Nation (1972).
- S.C.Kashyap- Parliamentary Procedure Law Privilege, Practice & Precedents
- N.A.Subramaniam - Case law on the Indian Constitution
- T. K. Tope - Constitutional Law
- D.J. De - The Constitution of India Vol. I and II
- Administrative Reforms Committee Vol I and II
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



**STRATEGIC MANAGEMENT**

**CHC5A**

**Objectives of the Course**

*Strategic Management does not replace traditional management activities such as budgeting, planning, monitoring, marketing, reporting, and controlling. Rather, it integrates them into a broader context, taking into account the external environment, internal organizational capabilities, and organization's overall purpose and direction. Strategic management is congruent with the quality movement's emphasis on continuous improvement. Indeed, the emphasis on anticipating the needs of stakeholders is a critical component of external analysis. Certainly organizations that adopt a total quality management philosophy will be better prepared to meet the challenge of competing in the global economic marketplace. Each organization's experience with strategic management is unique, reflecting the organization's distinct culture, environment, resources, structure, management style, and other organizational features.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Strategy - Strategic Management Process - Developing a Strategic Vision - Setting Objectives - Crafting Strategy - Strategies and Tactics - Importance of Corporate Strategy - The 7-S Framework - Board of Directors: Role and Functions - Board Functioning - Top Management: Role and Skills.

**UNIT- II**

**Society and Business**

Social Responsibility of Business - Corporate Governance and Ethical Responsibility- Corporate Policy: Importance - Characteristics - Objectives - Policy Formulation and

Development -Types of Business Policies - Implementation of Policies.

**UNIT - III**

**Environmental Analysis**

Environmental Scanning - Industry Analysis - The Synthesis of External Factors - Internal Scanning - Value Chain Analysis - SWOT Audit - Stakeholders Expectations - Scenario Planning.

**UNIT- IV**

**Strategy Formulation and Analysis**

Strategy Formulation - Strategic Factors Analysis Summary Matrix - Business Strategy - Corporate Strategy - Functional Strategy - Strategic Choices - Generic, Competitive Strategies.

**UNIT- V**

**Strategy Implementation**

Strategy Implementation - Corporate Culture - Matching Organization Structure to Strategy - Strategic Leadership- Strategic Control: Strategic Control Process- Du Pont's Control Model - Balanced Score Card - Michael Porter's Framework for Strategic Management - Future of Strategic Management - Strategic Information System.

**Books Prescribed**

- David, F.R. - Strategic Management Concepts and Cases

**Books for Reference**

- Dess, G. Lumpkin, G.T and Eisner - A. Strategic Management
- Hill, C.W.L. and Jones, G.R. - Strategic Management.
- Kazmi, A. - Strategic Management and Business Policy
- Pearce II .J ,Robinson, R.B. and Mittal - A Strategic Management.



**FUNDAMENTALS OF MARKETING  
MANAGEMENT**

**CHC5B**

**Objectives of the Course**

*The objective of the course is to familiarize the students with the basic concepts and principles of marketing and to develop their conceptual and analytical skills to be able to manage marketing operations of a business firm.*

**COURSE OUTLINE**

**UNIT - I**

Nature, Scope and Importance of Marketing - Functions and Problems Modern Marketing Concepts- Marketing Environment and Marketing System.

**UNIT- II**

Consumer Behavior - Consumer Buying Decision Process - Market Segmentation -Marketing Research and Marketing Mix -Product Mix - Classification of Products - Product Planning - Stages in New Product Development - Reasons for New Product Failure.

**UNIT- III**

Price Mix - Factors Affecting Price of a Product - Kinds of Pricing -Pricing Policies- Channel of Distribution - Meaning Importance and Nature - Selection of Distribution Channel - Marketing Middlemen Functions and Types.

**UNIT- IV**

Promotion Mix - Advertising - Meaning Importance, Types, Media Decisions - Personal Selling Nature, Importance and Process - Sales Promotion

**UNIT- V**

Marketing of Services - Characteristics - Classification of Services - Marketing Mix for Service Customer Relationship Management - Concept, Nature and Managing Relationship.

**Books Prescribed**

- Dr. Rajan Nair and Sanjith Nair - Marketing
- Dr C.B Gupta and Dr Rajan Nair Dess - Marketing Management

**Books for Reference**

- Philip Kotler - Marketing Management
- Dr Sherlekar - Marketing Management
- Philip Kotler - Marketing Management.
- V.S.Ramaswamy and S.Namakumari - Principles of Marketing
- Sontakki C.N -Marketing Management
- Crrainfied - Marketing Management





**PUBLIC INTERNATIONAL LAW**

**CHC5C**

**Objectives of the Course**

*Public International Law is a Law that regulates the relation between States. The syllabus is designed in such a way to facilitate the students to understand the nature and scope of International Law and its increasing importance in the present day International Relations. International Law has a concern towards several issues starting from State Sovereignty to Human Rights. From earth to satellite mankind requires to be regulated for which International Law plays a vital role thereby the International Community lives in peace.*

**COURSE OUTLINE**

**UNIT -I**

International Law -Definition, Basis and Nature - Codification -International Law Commission- Sources of International Law -Relationship between International Law and Municipal Law -Theories and State Practice.

**UNIT -II**

State and Individual as a subject -Rights and Duties / Responsibilities -State Recognition -Theories -Kinds and Legal Effects -Nationality -Acquisition and Loss related issues -Extradition- Asylum - Territorial Sovereignty -Modes of Acquisition and Loss of Territory -State Jurisdiction -State Succession and liability.

**UNIT -III**

Law of the Sea - Air and Space Law; Diplomatic Law -Agents Consular's, Immunities and Privileges -Refugee Law

**UNIT -IV**

Concept - Definition of International Treaties -Formation of Treaties and its stages -Reservation, Observance of Treaties, Interpretation of Treaties -Suspension and Termination of Treaties.

**UNIT -V**

Origin, Nature & Scope of International Organisations - League of Nations, United Nations and its Organs - International Tribunals.

**Books Prescribed**

- Starke -International Law
- S.K. Kapoor -International Law
- K.K. Bhattachary -International Law
- Agarwal -International Law
- Malcom N. Shah -An Introduction to International Law

**Books for Reference**

- Oppenheim -International Law
- Brierly - International Law
- Schwarzenberger - International Law
- R.P. Anand -Salient Documents in International Law
- Antonio Cassese -International Law
- Ian Brownlie - International Law
- R.P. Anand -New States in International Law
- D.J. Haris -Cases Materials in International Law
- Andreas Zimmermann -Commentary on the Statute of ICJ



**COMPANY LAW**

**CHC5D**

**Objectives of the Course**

*The field of Commerce, Business and Management studies have been assuming importance in the Globalised Era. India adopted the Policies of Liberalisation, Privatisation and Globalisation (LPG); Corporate Governance plays a significant role towards the advancement of the aforesaid area.*

*The objectives of the course are as follows:*

- i. To introduce and help students in understanding the structure of Corporate Organizations.*
- ii. To comprehend the legal aspects pertaining to Funding and Administration of Companies.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

Corporate Personality- The Companies Act 2013- Definition of Company- Types of Association- Illegal Association- Classes of Company- One Person Company.

**UNIT -II**

**Formation**

Formation of a Company -Promoters-Incorporation-Memorandum of Association-Articles of Association-Prospectus -Deposits- Application for Registration and Allotment of Shares.

**UNIT -III**

**Corporate financing**

Shares -Application for and Allotment of Shares- Members and Shareholders- Shares and Share Capital- Debentures- Charges and Debenture Holder- Dividends- Borrowings- Lending- Investments- Contracts.

**UNIT -IV**

**Corporate Governance**

Directors- Independent Directors- Women Directors and Managerial Personnel- Meetings- Accounts and Audits- Internal Auditing- National Financial Reporting Authority- E-Filing and Information Technology Act 2000-Corporate Social Responsibility- Majority Powers And Minority Rights- Prevention of Oppression and Mismanagement- Investigation- Powers of Inspectors- Powers of NCLT- Insider Trading

**UNIT -V**

**Compromises, Arrangements and Winding Up**

Compromises- Arrangements and Amalgamations -Mergers and Acquisitions- Winding Up and Kinds of Winding Up- Administration of NCLT and CLAT and Special Courts - Powers of Liquidators- Removal of Names of Companies from Register of Companies-Defunct Companies and Restoration- Revival and Rehabilitation of Sick Companies.

**Statute Prescribed**

- Companies Act- 2013

**Books Prescribed**

- Avatar Singh -Company Law

**Books for Reference**

- Gower -Company Law
- Mayson-French and Ryamn -Company Law
- Palmer -Company Law



**LEGAL METHODS**

**CHC5E**

**Objectives of the Course**

*The subject aims to impart the Fundamental aspects of Law. It further provides the basis for developing analytical skills. In par with the requirements of provisional competence, the course adopts to law learning methods. The beginners in Law will be adequately supplemented by tools of understanding on Statutes, Judgments and that of basic research. The course work in totality focuses on providing insights to the basics of legal system as such.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction to Law and Legal System**

What Is Law? -Law in Relation to Concepts of Justice, Morality, State, Citizens, Society and the Globe -Theories of Law -Schools of thought on the Nature, Function, Sources and Role of Law -Law and Custom -Introduction to different Legal Systems of the World -Common Law System -Civil Law System -Role and Functions of the Legal Institutions in Such diverse systems -Global Administrative Law -Global Rule of Law.

**UNIT- II**

**Indian Legal System**

Overview of the Indian Legal System and Legal Institutions -Role of the Constitution -Process of Legislation -Delegated Legislation -Ordinances -Rules -Regulations -Orders- Notifications -Bye Laws -Customs Having the Force of Law -Constitutional Conventions- Access to Statutes and Bills - Techniques of Reading and Analyzing the Statutes, Rules and Regulations.

**UNIT- III**

**Judicial Process**

Hierarchy of Courts -Judicial Review -Stare Decisis - Precedent -Law Declared by the Supreme Court -Complete Justice -Quasi Judicial Authorities -Technicalities and analysis of Judicial Decisions -General Principles of Statutory Interpretation -Comparative Judicial Process -Binding Nature of Foreign Decisions -Legal and Logical Reasoning.

**UNIT- IV**

**Legal Research**

Concept of Research -Objectives -Types of Research -Social Science Research -Legal Research

**UNIT- V**

**Socio-Legal Research**

Methodology -Identification of the Research Problem - Framing of Hypothesis –Research Questions -Data Collection -Legal Material, Statutes, Subordinate Legislation, Notifications, Policy Statements -Decisional Materials, Foreign Judgments, Legal Databases, Reports of Commissions and Committees -Statistical and Legal Analysis of Data-Interpretation and Implication of Data – Testing of Hypothesis -Report Writing -Limitations of Report Writing.

**Books Prescribed**

- Prof.Tushar Karti Saha- Legal Methods, Research and Systems.
- Kothari -Introduction to Research Methodology.
- S.K.Verma and Afzal Wani (Editors)- Legal Research and Methodology
- Prof.N.V.Paranjape - Jurisprudence

**Books for Reference**

- William J. Goode and Paul K. Hatt- Methods in Social Research
- Adam Podgorecki- Law and Society
- Oaul Oliver- Writing Your Thesis



**LAW OF EVIDENCE**

**CHC6A**

**Objectives of the Course**

*For the purpose of providing the facts in a trial before the Court of Law, relevant evidence has to be placed according to the procedure established under the Indian Evidence Act. It deals with the facts that are permitted to be proved and the manner of letting in Evidence as per Law and the Evidentiary Value of Evidence in the Administration of Justice.*

**COURSE OUTLINE**

**UNIT -I**

**Preliminary**

Indian Evidence Act, 1872- Scope, Object and Applicability of Indian Evidence Act and Exclusion - Statutory Definition- Indian Law of Evidence and English Law of Evidence - Comparison - Constitutional Perspective of Evidence - Golden Rule Evidence, Presumption of Law and Fact -Kinds of Evidence.

**UNIT -II**

**Relevancy of Facts**

Relevance of Facts and Admissibility of Facts - Res Gestae - Hearsay. Occasion, Cause and Effect etc., - Motive, Preparation and Conduct - Explanatory Facts - Acts of Conspirators - When facts not otherwise relevant become relevant -Facts Determining Quantum of Damages- Customs- State of Mind, Body or Bodily Feeling - Similar Facts - Course of Business, Admission and Confession.

**UNIT -III**

**Relevancy of Third Person Evidence**

Relevancy of statement made by person who cannot be called as Witness- Relevance of Judgements of Courts-Relevance of Opinion of Third Persons - Expert Cases- Law of Forensic

Science - Forensic Institutions - Principles of Forensic Science Proof and Forensic Technology- Forensic Science and Criminal Justice System- Criminal Trial, Scientific Examination and Expert Witness under Section 112A - Relevance of character in Civil and Criminal Cases.

**UNIT -IV**

**Of Proof**

Facts which need not be proved -Judicial Notice - Modes of Proof -Oral Evidence - Hearsay Evidence- Exceptions- Primary and Secondary Evidence- Documentary Evidence- Documents- Public and Private Documents - Presumptions as to the Documents- Exclusion of Oral Evidence by Documentary Evidence- Burden of Proof - Rules relating to Burden of Proof -Doctrine of Estoppel.

**UNIT -V**

**Witnesses**

Witnesses- Categories of Witnesses- Communications- Accomplice- Examination of Witnesses -Questions to be and not to be asked- Hostile Witness -Impeaching Credit of Witness - Refreshing Memory - Judges Question - Appeal against Improper Admission and Rejection of Evidence.

**Books Prescribed**

- Ratanlal -Law of Evidence
- Avatar Singh-Law of Evidence
- Vepa Sarathi-Law of Evidence
- Dr.V.Krishnamachari-Law of Evidence
- P.S. Achutan Pillai-Law of Evidence
- B.R. Shvarma-Forensic Science in Criminal Trial and Investigation

**Books for Reference**

- Sarkar -Law of Evidence
- Sir John Woodroffe and Syed Amir Ali: Law of Evidence
- Walls H.J- Forensic Science



**PUBLIC FINANCE AND IT LAW**

**CHC6B**

**Objectives of the Course**

*In the globalised era the role of finance has become inevitable in all spheres of life and more specifically to the law students. This paper intends to provide basic knowledge about the components of public finance and the financial administration. In addition this paper enables the students to have an overview of the working of the Public Economics and to understand the changing trends in the Public Finance.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction to Public Finance**

Meaning, Nature, Scope and Importance – Need for Public Sector – Provision of Public Goods, Private Goods, Social Goods, Merit Goods and Mixed Goods – Principles of Maximum Social Advantage – Musgrave’s views – Hicks Optima of Public Policy.

**UNIT - II**

**Public Revenue**

Classification of Public Revenue – Tax-Non-Tax – Comparison of Direct and Indirect Tax – Problems of Double Taxation – Principles of Fiscal Neutrality – Boven and Lindhal Models – Incidents and Impacts of Taxes – Shifting of Incidents – Value Added Tax (VAT) in India.

**UNIT – III**

**Public Expenditure and Public Debt**

Meaning – Classification – Canon of Public Expenditure – Causes and Effects of Public Expenditure on Economic Growth – Wagners Law – Public Debt – Classification – Effects – Burden of Public Debt – Public Debt Management – Redemption – Methods of Repayment.

**UNIT - IV**

**Centre State Financial Relations**

Principles of Federal Finance – Constitutional Provisions – Distribution of Resources – Finance Commission – 80<sup>th</sup> Amendment of the Constitutional Act, 2000 – Taxes under Article 268 and 269 – Centre-State Conflict on Finance – Role of Planning Commission and Finance Commission – Taxes of Centre and State Governments.

**UNIT - V**

**Union Budget and Fiscal Policy**

Meaning, Component, Techniques of Budgeting – Zero Based Budgeting – Budget Deficit – Deficit Financing – Effects – Budget Maintenance Act - Fiscal Policy – Meaning Objectives– Instruments - Resource Mobilization – Saving Instrument – Effects.

**Books Prescribed**

- B.P. Tyagi - Public Finance

**Books for Reference**

- Richard A. Musgrave, Peggy B. Musgrave - Public Finance in Theory and Practice
- Harvey S. Rosen - Public Finance
- John Cullis and Philip Jones - Public Finance and Public Choice
- Singh S.K. - Public Finance in Theory and Practice
- Sundharam K.P.M. and K.K. Andly - Public Finance in Theory and Practice
- Mithani D.M. - Principles of Public Finance and Fiscal Policy



**LABOUR LAW - I**

**CHC6C**

**Objectives of the Course**

*Today a Country's development is determined by their development in the industrial field as industry plays an integral role in building the economic structure of the society. Industrial relations play a vital role in the establishment and maintenance of industrial peace and harmony. A quest for industrial harmony is indispensable for economic progress of the country because healthy industrial relations cannot be regarded as a matter in which only the employers and employees are concerned, but vital concern of the community as whole. This could be possible with the cooperation of Labour and Capital. The Prevention of Industrial Dispute thus assumes an important role in National Policy and therefore a number of Legislations have been passed to regulate the relationship between Labour and Management, and their organisation. The workers are ignorant, less organised and less privileged members of the society and they have been exploited by the capitalists. Hence, to prevent exploitation of the weaker section of the society by the employers, it is necessary to regulate the payment of wages and to fix minimum wages in order to secure social justice in the field of industrial relations. The syllabus has been prepared with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Evolution of Labour Legislations**

Origin and Development of Labour Legislation - Object and Nature of Labour Legislation - Evolution of concept of Master and Servant Relationship - Theory of Laissez Faire and State Regulation of Labour Legislation and its Special Features - Role of International Labour Organization in Setting Labour Standards.

**UNIT -II**

**Trade Union Act, 1926**

Definitions - History of Trade Union Movement - Registration of Trade Unions - Rights and Liabilities of Trade Unions - Immunities and Privileges of a Registered Trade Union - Trade Union Funds - Collective Bargaining - Amalgamation and Dissolution of Trade Unions - Recognition of Trade Unions.

**UNIT -III**

**Industrial Disputes Act, 1947**

Scope, Applicability and Definitions - Appropriate Government; Workmen; Industry; Industrial Disputes; Award; Settlement; Public Utility Service; Strike; Lock Out; Retrenchment; Lay Off; Closure - Machinery for the Settlement of Industrial Disputes - Works Committees, Conciliation Officers - Board of Conciliation, Court of Inquiry - Labour Court, Industrial Tribunal - National Industrial Tribunal - Reference Power of The Government - Voluntary Arbitration - Unfair Labour Practices.

**UNIT - IV**

**Industrial Employment (Standing Orders) Act, 1946**

Scope and Definitions - Procedure for Certification of Standing Orders - Duration and Modification of Certified Standing Orders - Domestic Enquiry and Disciplinary Proceedings.

**UNIT -V**

**Law Relating to Wages**

*Minimum Wages Act, 1948:* Theories of Wages and Wage Policy - Concept of Wages - Living Wage, Fair Wage and Minimum Wage - Fixation of Minimum Rates of Wages - Methodology; Procedure; Advisory Boards - Inspectors, Powers, Claims - Exceptions and Offences.

*Payment of Wages Act, 1936:* Definitions - Deductions - Authorities under the Act - Inspectors and their powers - Penalty.

### Statutory Materials

- Industrial Disputes Act, 1947.
- Trade Union Act, 1926
- Industrial Employment (Standing Orders) Act, 1946
- Minimum Wages Act, 1948.
- Payment of Wages Act, 1936.

### Books Prescribed

- Madhavan Pillai- Labour and Industrial Law
- S.N. Mishra- Labour and Industrial Law
- V.G.Goswami - Labour Law

### Books for Reference

- O.P. Malhotra- Industrial Disputes Act
- K.D.Srivastava- Law Relating to Trade Union
- K.D.Srivastava -Industrial Employment (Standing Orders) Act
- K.D. Srivastava- Payment of Wages Act, 1936
- K.D. Srivastava- Payment of Minimum Wages Act,1948



## **ADMINISTRATIVE LAW**

### **CHC6D**

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

*Today, we are living in a ‘Administrative Age’ where there is rising tendency to transfer more and more powers to Executive which include Quasi-Judicial as well as Quasi-Legislative which has become inevitable in modern Democratic State. Therefore, there has been a tremendous increase in powers and functions of the Administrative Authorities and the obvious result, is full of danger of its degeneration and unwanted encroachment on Human Rights and Liberties. Hence, there requires adequate control, safeguard through procedural fairness, Judicial Review and remedies to those affected by the Administration.*

### **COURSE OUTLINE**

#### **UNIT – I**

##### **Introduction to Administrative Law**

Definition, Nature, Scope - Origin and Development of Administrative Law in U.K., U.S.A., France and India - Sources -Administrative Law and Constitutional Law-. Rule of Law Concept, Evaluation of Dicey’s concept of Rule of Law, Modern conception of Rule of Law, Rule of Law in U.K., U.S.A. and India, Rule of Law vis-à-vis Administrative Law- Doctrine of Separation of Powers – Meaning, Origin, Montesquieu’s Doctrine of Separation of Powers, System of Checks and Balances, Position in U.K., U.S.A., and India-. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India- Classification of Administrative Action.

A.Nature of Powers–Executive, Legislative and Judicial  
B.Legislative Function–Quasi Legislative Functions – Administrative Directions.

C. Judicial Function – Quasi Judicial Functions – Tribunals and Administrative Justice.

D. Executive Function – Ministerial Functions and Discretionary Functions.

## **UNIT – II**

### **Delegated Legislation**

Meaning, Nature, Origin, Development and Growth of Delegated Legislation, Types of Delegated Legislation and Constitutionality of Delegated Legislation-Delegated Legislation and Conditional Legislation, Sub-Delegation- Restraints on Delegation of Legislative Power, Doctrine of Excessive Delegation- Control over Delegated Legislation – Judicial, Procedural and Legislative Control - Administrative Directions and Delegated Legislation.

## **UNIT – III**

### **Procedural Fairness and Judicial Review**

Principles of Natural Justice-Concept, Parameters and Application of the Principles of Natural Justice-Rule against Bias-Audi Alteram Partem or the Rule of Fair Hearing – Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing-Reasoned Decisions- Exceptions to the Rule of Natural Justice-Effects of Breach of Natural Justice.

Administrative Process and Judicial Review-Meaning and need for Judicial Review- Scope of Judicial Review, Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136)-Scope and Object of Article 136- Jurisdiction of the High Court-Judicial Review of Administrative Action through Writs-Scope of the Writ Jurisdiction -Against whom the Writ Lies-Territorial extent of Writ Jurisdiction -Relief against an Interim Order – Interim Relief [Art. 226(3)]-Locus-Standi-Kinds of Writ - Grounds for issue of Writs-Principles for the Exercise of Writ Jurisdiction, Alternative Remedy-Laches or Delay-Res Judicata-Public Interest Litigation and Locus-Standi-

Doctrine of Legitimate Expectation and Doctrine of Proportionality.

Statutory Remedies- Injunction- Declaration against the Government - Exclusion of Civil Suits

Privileges and Immunities of Government in Legal Proceedings- Privilege to Withhold Documents - Miscellaneous Privileges of the Government-Notice, Limitation, Enforcement of Court Order-Binding nature of Statutes over the States Action-Promissory Estoppel -Right to Information.

Judicial Control of Administrative Discretion-Meaning, Nature and Need of administrative Discretion -Ground and Extent of Judicial Review -Fundamental Rights and Discretionary Powers.

Liability of the State- Liability of the State in Torts and Contracts

## **UNIT – IV**

### **Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission**

Meaning, Object, Main characteristics, Need and Utility- Origin and Development of the Institution -Ombudsman in New Zealand-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India –Lokpal-Lokayukta in States-Central Vigilance Commission

## **UNIT – V**

### **Administrative Tribunals and Public Undertaking**

Administrative Tribunals- Meaning, Nature, Main characteristics, Origin and Development (U.S.A., U.K. and India)-Franks Committee-Tribunal and Court, Similarity and Difference-Reason for growth of Administrative Tribunals-Merits and Demerits of Administrative Tribunal- Procedure and Powers of Administrative Tribunal (U.K.,



U.S.A. and India)-Tribunal under Constitution -High Court's Superintendence over Tribunals-Appeal to Supreme Court by Special Leave-Working of the Administrative Tribunal-Administrative Tribunals under Administrative Tribunals Act, 1985-Administrative Procedure Act in U.S.A.-Domestic Tribunal.

Public Undertaking- Object, Importance, Characteristics, Classification, Reason for the growth -Working of Public Corporations-Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking.

**Books Prescribed**

- M.P. Jain and S.N. Jain – Principles of Administrative Law
- S.P. Sathe – Administrative Law
- I.P. Massey – Administrative Law
- C.K. Takwani – Administrative Law
- Kailash Rai - Administrative Law

**Books for Reference**

- Wade – Administrative Law
- De Smith – Administrative Law
- Foulkes – Administrative Law
- Indian Law Institute – Cases and Material of Administrative Law
- Markose – Judicial Control of Administrative action
- Griffith and Street – Administrative Law
- Report of the Law Commission – First Report, Second Report, Fourteenth Report
- Report on the Committee of Minister's power - Franks Committee report.



**PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS (Clinical Course - I)**

**CHC6E**

**COURSE OUTLINE**

Professional Ethics, Accountancy for Lawyers and Bar - Bench Relations

This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer's Book on "Advocacy"
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major Judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

Examination rules of the University shall include assessment through Case-Study, Viva, and Periodical Problem Solution besides the Written Tests.

Project on Professional Ethics (Written Submission)	:	25 marks
Case study (BCI, HC and SC Judgments)	:	25 marks
Test (Internal)	:	25 marks
Viva-Voce on Project and Case Study	:	25 marks
<b>Total</b>	:	<b>100 marks</b>



**PROPERTY LAW**

**CHC7A**

**Objectives of the Course**

*The course intends to explain the transfer of immovable property between living persons. The course also covers various general principles of transfer and doctrines for specific transfer. The Easement Act explains various modes of acquisition of easementary rights and extinguishes the same.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles of Transfer**

Concept of Property – Definition of Transfer of Property- Kinds of Interest- Conditional Transfer- Doctrine of Election- Ostensible Owner- Feeding the Grant- Improvement made by Bonafide Purchaser- Lis Pendens- Fraudulent Transfer- Doctrine of Part Performance and other general principles of transfer.

**UNIT – II**

**Specific Transfers – Transfer of Absolute Interest**

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed Gift- Suspension and Revocation of Gift.
- C. Exchange

**UNIT – III**

**Transfer of Limited Interest – Specific Transfer**

- A. Mortgage: Different kinds of Mortgages- Redemption- Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.

B. Charge

C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.

D. Actionable claim

**UNIT – IV**

**Indian Easement Act**

Definition-Acquisition of Easement- Easement of Necessity and Quasi Easements- Easement by Prescription- Extinction- Suspension and Revival of Easements and License.

**UNIT – V**

Indian Registration Act and Stamp Act.

**Books Prescribed**

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- Shah-Principles of Transfer

**Books for Reference**

- W.Friedmann- Law in a changing society
- G.C.V. Subba Rao-Law of Property
- Mulla-Transfer of Property
- Mitra B.B.-Transfer of Property
- Goyle-Transfer of Property
- C.L.Gupta- Law of Transfer of Property
- Khatiar-Law of Easements



**INTELLECTUAL PROPERTY LAWS**

**CHC7B**

**Objectives of the Course**

*The new trends in International trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching Intellectual Property Laws. The new economic policies, it is assumed, will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote International Trade. This is expected to bring in new technology for the industrial and economic development of India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. This demands, India to afford better protection for the Intellectual Property based on the TRIPS Agreement. This course is intended to introduce the different categories of IP, the minimum standard to identify the items of protection. Exposing the students the procedural requirements for the acquisition of IPR and also address the International filing system. Bundle of rights conferred to the right holder and remedies available in the case of infringement are also examined.*

**COURSE OUTLINE**

**UNIT -I**

**Intellectual Property**

Meaning and Concept of Intellectual Property - Need for Protection -The World Intellectual Property Organisation (WIPO) Convention - Origin and Functions of World Trade Organisation (WTO) - Trade Related Intellectual Property Rights (TRIPS) Agreement of WTO and its effects on Intellectual Property Law in India; Dispute Settlement Mechanism.

**UNIT -II**

**Patents**

The Patents Act 1970 - Object - Definitions - Salient Features - Patentable and Non- Patentable Inventions, Product and Process Patents - Persons entitled to apply for Patents, Provisional and Complete Specifications, Priority Dates of Claims, Opposition to grant of Patent, Anticipation, Provisions for secrecy of certain Inventions - Patent Office and Power of Controller - Grant and Sealing of Patents, Rights of Patentees, Rights of Co-Owners of Patents, Term of Patent, Patents of Addition, Assignment and Transmission, Register of Patents - Amendment of Applications and Specifications, Restoration of Lapsed Patents, Rights of Patentees of Lapsed Patents which have been Restored, Surrender and Revocation of Patents - Compulsory Licences, Exclusive Marketing Rights, Licences of Right, Use of Invocation of Patents Purposes of Government, Acquisition of Inventions by Central Government - Remedies for Infringement of Patents - Patent Agents, Scientific Advisers, International Arrangements - International Law - Right of Plant Breeders and Farmers - National Law on Biological Diversity.

**UNIT -III**

**Trade Marks**

The Trade Mark Act (1999), Object, Definitions, Salient Features, Marks Registrable and Non -Registrable, Conditions for Registration, Absolute and Relative Grounds for Refusal of Registration, Procedure for and Duration of Registration, Effects of Registration - Powers and Functions of Registrar - Distinctiveness, Deceptive Similarity, Concurrent Registration, Rectification and Correction of Register - Assignment and Transmission - Use of Trademarks and Registered Users, Collective Marks, Registration of Certification Marks, Trade Mark Agents - Appellate Board - Infringement Action, Passing Off Action - International Treaties - Geographical Indication of Goods

(Registrations And Protection) Act (1999), Objects, Definitions, Conditions for Registration, Prohibition of Registration of Certain Geographical Indications Procedure for and Duration of Registration -Effects of Registration - Special Provisional Relating to Trademark and Prior Users, Remedies for Infringement , International Law.

#### **UNIT -IV**

##### **Copyright**

The Copyright Act (1957) and Recent Amendments: Works in which Copyright Subsists; Meaning of Copyright; Ownership and Rights of the Owner; Assignment; Term of Copyright-Powers and Functions of the Copyright Board - Registration of Copyright; Compulsory Licences; Licence to Produce and Publish Translations; Copyright Societies - Rights of Broadcasting Organisations and of Performers - International Copyright - Acts Constituting and not Constituting Infringement; Remedies for Infringement.

#### **UNIT -V**

##### **Industrial Designs**

The Designs Act 2000 -Definitions - Registration of Designs - Copyright in Registered Designs - Piracy of Registered Designs -Remedies - Powers and Duties of Controller - International Law - Semi Conductor Integrated Circuit Layout.

##### **Statutory Materials**

- The Patents Act, 1970
- The Trade Marks Act, 1999
- The Copyright Act, 1957
- The Designs Act, 2000

##### **Books Prescribed**

- P. Narayanan -Intellectual Property Law
- Dr. B.L. Wadehra -Law relating to patents, trademarks, copyright, design and Geographical Indications

- Dr. S.R. Myneni -Law of Intellectual Property
- P.S. Narayana -Intellectual Property Law in India
- Vikas Vashisht -Law and practice of Intellectual Property in India

##### **Books for Reference**

- W.R. Cornish -Intellectual Property, Patents, Copyright, Trademarks and Allied Rights
- Arad Sherman and Lionel Bently -The Making of Modern Intellectual Property Law
- David I. Bainbridge -International Property
- Allison Coleman -The Legal Protection of Trade Secrets
- W.R. Cornish -Cases and Materials on Intellectual Property



**LABOUR LAW - II**

**CHC7C**

**Objectives of the Course**

*The concept of Social Security is based on ideals of human dignity and social justice. The quest for social security and freedom from want and distress has been the consistent urge of man through the ages. The mutual conflict between the employer and employees over the adequacy of their respective shares in social produce constitutes a serious menace in the society. Work can never be important than the worker because no industry can flourish unless the wage earner who is a partner in the production should be given due status by offering him reasonable working conditions and due share in production. This means social justice and social security has to be restored to the Labour because a contented worker would produce better yields and would increase his efficiency. Therefore, social security is a necessary phenomenon of a welfare state as it is one of the most progressive and dynamic instruments for achieving Socio - Economic Progress. This course shall examine the various dimensions of Labour Security measures and explore the possibility whether or not Labour Security is part of the comprehensive and integrated social security. The syllabus has been prescribed with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction: Social Security and Labour Welfare**

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution - ILO on Social Security.

**UNIT - II**

**Social Security: Industrial Injuries**

*The Employees' Compensation Act, 1923:* Scope, Objects, Coverage and Definitions- Liability of the Employer to Pay Compensation - Personal Injury, Accident arising out of and in the Course of Employment, Doctrine of Notional Extension and Occupational Diseases - Determination and Distribution of Compensation - Principal Employer's Right of Indemnity - Commissioner's Powers and Functions.

**UNIT - III**

**Social Security: Social Insurance**

*The Employee's State Insurance Act, 1948:* Objects, Applications and 'Seasonal Factory' - Definitions - E.S.I. Corporation - E.S.I. Funds, Payment of Contributions - E.S.I. Benefits - Adjudication of Disputes - E.S.I. Court - Penalties.

**UNIT - IV**

**Other Social Security Legislations**

*The Maternity Benefits Act, 1961:* Object and Application - Eligibility and Maternity Benefits - Notice of Claim Prohibition against Dismissal, Wage Deduction - Powers and Duties of Inspectors.

*The Employee's Provident Funds and Miscellaneous Provisions Act, 1952:* Scope, Coverage, Application and Definitions - Authorities, their Powers and Functions Contributions - Employees Provident Fund Scheme, Employees' Pension Scheme and Deposit Linked Insurance Scheme -Penalties.

*The Payment of Bonus Act, 1965:* Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and Extent of Bonus - Calculation of Bonus - Available Surplus, Allocable Surplus, Set On Set Off - Forfeiture of Bonus - Prior Charges - Machinery.

*Payment of Gratuity Act, 1972:* Background, Object and Definitions - Eligibility for Payment of Gratuity - Forfeiture, Exemption, Determination - Controlling Authority - Penalties.

#### **UNIT - V**

##### **Labour Welfare Legislations**

*Factories Act, 1948:* Background and Definitions - Formalities to start a Factory - Health, Safety and Welfare Measures - Working Hours - Employment of Young Persons - Annual Leave with Wages - Special Provisions.

*The Tamil Nadu Shops and Establishment Act, 1947:* Applicability and Person covered by this Act, - Opening and Closing Hours - Employment of Young Persons - Working Hours, Public Holiday, Safety, and Cleanliness - Leave and Annual Leave with Wages.

##### **Books Prescribed**

- S.N.Mishra-Labour and Industrial Law
- V.G.Goswami -Labour Law
- Madhavan Pillai -Labour and Industrial Law
- S.C.Srivastava- Social Security and Labour Laws

##### **Books for Reference**

- K. D. Srivastava- The Employees' Compensation Act, 1923
- K.D. Srivastava- The Employees' State Insurance Act, 1948
- K. D. Srivastava- The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
- K. D. Srivastava- The Payment of Bonus Act, 1965
- K. D. Srivastava- Payment of Gratuity, 1972
- K. D. Srivastava- Factories Act, 1948



### **BANKING LAW (Including Negotiable Instruments Act)**

#### **CHC7D**

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

*Banking Industry has been tremendously impacted due to modernisation in the post capitalisation era. The concept of Nationalisation is also very important in the era of banking regulation. The regulation relating to Banking industry also needs to be dynamic so as to enable smooth developed sector. The students are required to analyse the various provisions relating to Reserve Bank of India. The recent amendments to Negotiable Instruments Act and challenges faced by RBI makes the study of Banking Laws is important and inevitable.*

#### **COURSE OUTLINE**

##### **UNIT -I**

###### **Introduction**

History of Banking- Different types of Banks including Foreign Companies - Nationalisation of Major Banks- RBI's control over Commercial Banks- Special status of RBI and State Bank of India -Subsidiary Banks.

##### **UNIT -II**

###### **Banker and Customer**

Definition of Banker and Customer and relationship between them -Special types of Customer -Banker as Borrower -Different types of accounts -Duties and Rights of the Banker and different types of instruments -Banker - Paying Banker and Collecting Banker.

##### **Unit -III**

###### **Laws Relating to Loans, Advances and Investments by Banks**

Subsidiary Business Operations of Bankers with special reference to Safety Deposit Lockers- Liability of Banker in

Case of Bank Robberies and Fraud by Bank Employees - Vicarious Liability of the Bank Employees - Vicarious Liability of the Bank - Recovery of Loans and Advances - Recovery of Debts Due to Banks, Financial Institutions Act, 1993.

#### **UNIT -IV**

##### **Winding Up of Companies**

Effect of Winding Up of Banking Companies- Rights of Customers on Winding Up of Companies- Necessity for reforms in Indian Banking Law to meet Global Challenges- Banking Ombudsman -Debt Recovery Tribunal - SARFAESI Act.

#### **UNIT -V**

##### **Negotiable Instruments**

Definition and Characteristics - Parties to Negotiable Instruments-Presentation -Negotiation Discharge and Dishonour - Liability -Various kinds of Crossing - Effect of Crossing of Cheque -Rights of Holder and Holder in Due Course against Banker - Civil and Criminal Liability for Dishonour of Cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act.

##### **Statutory Materials**

- Banking Regulation Act, 1949
- Negotiable Instruments Act, 1881

##### **Books Prescribed**

- Tannan's -Banking Law and Practice in India
- Bhashyan and Adiga -Negotiable Instruments

##### **Books for Reference**

- Sir John Paget-Law of Banking
- H.P. Sheldon -The Practice and Law of Banking



### **ALTERNATIVE DISPUTE RESOLUTION MECHANISM (Clinical Course -II)**

#### **CHC7E**

#### **COURSE OUTLINE**

- i) Arbitration Law and Practice including International Arbitration and Arbitration Rules.
- ii) Negotiation Skills to be learnt with Stimulated Program.
- iii) Conciliation Skills

#### **Marks Allocation**

Case Study in Arbitration Centre (Practical / Simulation Exercise Three exercise 10 marks each)	: 30 marks
Test Internal	: 10 marks
Presentation / Viva-Voce on Case Study as mentioned above	: 10 marks
<b>TOTAL</b>	<b>: 50 Marks</b>

#### **Statutory Materials**

- International Conventions
- Arbitration and Conciliation Act, 1996

#### **Books Prescribed**

- Avatar Singh - The Law of Arbitration and Conciliation

#### **Books for Reference**

- O.P. Malhotra and Indu Malhotra - Arbitration to Conciliation
- P.C. Markanda- Law Relating to Arbitration and Conciliation
- Justice Dr. B.P. Saraf and Justice S.M. Jhunjhunwala- Law of Arbitration and Conciliation.
- S.K. Chawla- Law of Arbitration and Conciliation.



**COMPETITION LAW**

**CHC8A**

**Objectives of the Course**

*The subjects concentrates at mitigating and gradually eliminating Monopolies, Unfair Trade Practices by formulating policies that*

- (a) Promote Competition*
- (b) Regulate or Prohibit abuse of Dominant Position*
- (c) Overseas mergers and amalgamations and acquisition of enterprises to combat adverse effects of formation of combinations.*

*The objective of the course is to provide the students:*

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Objective and Nature of Competition Laws-Origin of Competition Laws- Anti Trust Legislation in USA - Sherman Anti Trust Act, 1890 - Federal Trade Commission Act, 1914 - The Clayton Act, 1914 - UK Competition Act, 1998 - The Enterprises Act, 2002 - Treaty on the Functions of the European Union (TFEU) - MRTP Act, 1969 - Ragavan Committee Report, 2000 - Transformation of MRTP Act to Competition Act, 2002 - Distinction between MRTP Act and Competition Act - Object and Scope of Competition Act, 2002.

**UNIT - II**

**Anti Competitive Agreement**

Definition - Tie in Arrangement - Exclusive Supply Agreement- Exclusive Distribution Agreement - Refusal to Deal- Resale Price Maintenance - Cartel - Bidrigging - Exceptions - Protection of IPR.

**UNIT - III**

**Abuse of Dominant Position**

Meaning of Dominant position - Unfair or Discriminatory Trade Practices - Provisions under MRTP and Consumer Protection Act- Limiting Protection or Technical or Scientific Development - Denial of Access to Market - Imposition of Supplementary Obligations - Protection of other Markets - Predatory Price - Unfair Prices

**UNIT - IV**

**Regulation of Combinations**

Acquisition - Merger - Amalgamations - Ban on Combinations- Non Competition Clauses in Merger and Acquisition -Restrictive Trade Practices - Unfair Trade Practices.

**UNIT - V**

**Competition Commission in India**

Composition - Duties, Power and Functions of the Commission- Contraventions of the Orders of the Commission - Penalties - Competition Appellate Tribunal - Competition Advocacy - Miscellaneous.

**Statutory Materials**

- MRTP Act,1969
- Competition Act, 2002

**Books Prescribed**

- Ramappa - Competition Law of India
- S.M.Dugar-Commentaries on MRTP Law, Competition Law and Consumer Protection



- Justice D.P.Wadhwa, N.L.Rajesh - The law of Consumer Protection in India
- P.K.Majumdar - Law of Consumer Protection in India
- Paribas- Consumer Protection Dissent.
- Justice Shri.S.Malik - Commentaries on the Consumer Protection Act,1986
- A.Pximer - The Anti-Trust Law
- Eleanor M. Fox - U.S and E.U Competition Law - A Comparison.

### Books for Reference

- Universal's Guide - Competition Law in India.
- Avtar Singh- Law of Monopolies and Unfair Trade Practices
- Avtar Singh- Competition Law.
- Tripathi- Competition Law



## INTERPRETATION OF STATUTES

### CHC8B

#### Objectives of the Course

*Good enactments are those which have least ambiguities, inconsistencies, contradictions or lacunas. Bad enactments are gold mine for lawyers because for half of the litigation, the legislative draftsmen are undoubtedly the cause. The purpose of the Interpretation of the Statute is to unlock the locks put by the Legislature. For such unlocking, keys are to be found out. These keys may be termed as aids for Interpretation and Principles of Interpretation. It is not within the human powers to foresee the manifold permutations and combinations, that may arise in the actual implementation of the Act and also to provide for each one of them in terms free from all ambiguities. Hence Interpretation of Statutes becomes an ongoing exercise as newer facts and conditions continue to arise. Lord Denning rightly pointed out, “English knowledge is not an instrument of mathematical precision... It would certainly save the judges from the trouble, if the Acts of Parliament were drafted with divine precision and perfect clarity. In the absence of it, when a defect appears, a judge cannot simply fold his hand and blame the draftsman...” This subject gives the basic inputs for the students to know the subject matter.*

### COURSE OUTLINE

#### UNIT -I

##### Law Making

Legislature, Executive and the Judiciary - Principle of Utility - Law and Public Opinion - Law and Social Control - Relevance of John Rawls and Robert Nozick - Individual Interest to Community Interest - Law and Morals -Meaning, Objectives and Scope of ‘Interpretation’, ‘Construction’ and ‘Statute’ -Public Opinion and Law Making.

## **UNIT - II**

### **Nature and Kinds of Indian Laws**

Statutory, Non Statutory, Codified, Uncodified, State made and State Recognised Laws -Parts of a Statute - Commencement, Operation and Repeal and Revival of Statutes - Purpose of Statutory Interpretation -Basic sources of Statutory Interpretation -The General Clauses Act, 1897: Nature, Scope and Relevance -Definition clauses in various Legislations: Nature and Imperative Rule.

## **UNIT-III**

### **Rules of Statutory Interpretation**

Literal and Logical Rules of Interpretation -Legalism and Creativity -Legal Language, Legal Riddles and Logic - Golden Rule and Mischief Rule -Strict construction of Penal Laws and Taxation Laws -Judicial Activism, Judicial Process and Judicial Restraint -Internal Aids and External Aids of Interpretation.

## **UNIT- IV**

### **Interpretation of Constitution**

Principles and Theories - Preamble as a Tool -Reading Directive Principles and Fundamental Duties with Fundamental Rights -Interpretation of International Instruments - Presumptions: Presumption against Ousting Established Jurisdiction - Presumption against Exceeding Territorial Nexus - Presumption against Ouster of Jurisdiction of Courts - Presumption against changes in Common Law - Presumption against including what is Inconvenient or Unreasonable - Presumption against Intending Injustice or Absurdity - Presumption against Retrospective Operation of Law - Presumption against Violation of International Law - Presumption in favour of Constitutionality of a Statute.

## **UNIT -V**

### **Legislative Drafting**

Principles and Process of Legislative Drafting - Simplicity, Preciseness, Consistency, Alignment with Existing Law,

Brevity -Drafting General Laws -Special Laws -Rules - Orders.

### **Statutory Materials**

- General Clauses Act, 1897
- Constitution of India, 1950

### **Books Prescribed**

- Maxwell-Interpretation of Statutes
- P.M. Bakshi-Interpretation of Statutes
- Vepa Sarathi-Interpretation of Statutes
- M.P. Tandon-Interpretation of Statutes
- Bindra-Interpretation of Statutes
- Cross-Interpretation of Statutes
- G.P. Singh-Principles of Statutory Interpretation
- M.P. Jain-Constitutional Law of India
- V.N. Shukla's-Constitution of India
- Indian Law Institute-The Drafting of Laws

### **Books for Reference**

- Jeremy Bentham-Theories of Legislation
- Jeremy Bentham-Principles of Morals and Legislation
- Dicey-Law and Public Opinion
- P.K. Tripathi-Spotlights on Constitutional Interpretation
- Swarup Jagdish-Legislation and Interpretation
- Bindra-Commentary on the General Clauses Act, 1897
- Thornton, G.C-Legislative Drafting



**PRIVATE INTERNATIONAL LAW**

**CHC8C**

**Objectives of the Course**

*In this 21<sup>st</sup> Century, Liberalisation, Privatisation and Globalization (LPG) works beyond National barriers. The course creates an understanding on the conflict of Laws under various Legal Systems pertaining to Jurisdiction, Marriage, Divorce, Adoption, Maintenance and Property. The course also covers Torts and Contracts Laws. In addition the course also highlights the enforcement of Foreign Judgments and Arbitral Awards.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction - Scope of Private International Law - Theories of Private International Law - Conflict of Law or Private International Law - Codification of Private International Law - Hague Conventions - Distinction between Public International Law and Private International Law.

**UNIT - II**

**Jurisdiction**

Jurisdiction - Choice of Law - Domicile - Residence - Renvoi - Forum Convenience.

**UNIT - III**

**Judicial Attitude**

Cases involving Private International Law - Marriage - Divorce - Adoption - Guardianship and Maintenance.

**UNIT - IV**

Contract - Negotiable Instruments - E-contracts - Private International Law Relating to Corporations - Jurisdiction over Corporations - Insolvency Jurisdiction and effects of Foreign Insolvency Proceedings.

**UNIT - V**

**Enforcement**

Enforcement of Foreign Judgements and Decrees - Enforcement of Foreign Arbitral Awards Evidence and Procedure - Stay of Proceeding - Proof of Foreign Laws.

**Statutory Material**

- Hague Convention

**Books Prescribed**

- V. C. Govindaraj - The Conflict of Law in India.
- ParasDiwan - Private International Law.
- Setalvad - Conflict of Laws.

**Books for Reference**

- Cheshire, North and Fawchett - Private International Law.



**INTERNATIONAL TRADE LAW**

**CHC8D**

**Objectives of the Course**

*In this 21st century, the concept of Liberalisation, Privatisation and Globalization (LPG) works beyond the trade barriers. This course helps to understand the dominant role of developed countries in exploiting the developing countries. It conglomerate the finer version of International Economic Law, in particular the notion of New International Economic Order, the object of economic integration with that of the pragmatic approaches of the International Trade Regime. As a matter of compliance of International Trade Practices, various bilateral and regional agreements exist in this scenario. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting International Trade in municipal spheres including Dispute Settlement Bodies. This subject provides basic inputs in International Trade Law.*

**COURSE OUTLINE**

**UNIT-I**

**Genesis of International Trade Law**

Origin and Development-Theories- UN Conventions-Unification of International Trade Law-International Commercial Contracts- International Sale of Goods- Foreign Direct Investments (FDI)- Transnational Companies - Electronic Business Transactions- Elements of International Taxation- Risk Analysis of International Trade.

**UNIT-II**

**International Economic Institutions**

Structure and Functions of International Economic Institutions-International Trade Organisation (ITO)-

Brettonwood Conference-Variou s Rounds of WTO-General Agreement on Tariff and Trade (GATT)-New International Economic Order (NIEO)-International Monetary Fund (IMF)-International Bank for Reconstruction and Development (IBRD)-International Investments.

**UNIT-III**

**World Trade Organisation (WTO)**

Structure and Functions of WTO-WTO and Covered Agreements-Subsidies-Dumping and Anti-dumping-General Agreements of Trade and Services (GATS)-Trade Related Intellectual Property Rights (TRIPS)-Trade Related Investment Measures (TRIMs) - Trade in Agriculture-Technical Barriers of Trade (TBT) United Nations Committee on Trade and Environment (UNCTE)-United Nations Committee on Trade and Development (UNCTAD)-Summits of the WTO.

**UNIT-IV**

**Bilateral and Regional Trade**

Regional Arrangements under the United Nations-Most Favoured nation (MFN) Clause-South Asian Association for Regional Cooperation (SAARC)-Association for South Eastern Asian Nations (ASEAN)-European Union (EU)-Organisation for Petroleum Exporting Countries (OPEC)-North American Free Trade Agreement (NAFTA)-South Asian Free Trade Agreement (SAFTA).

**UNIT-V**

**Settlement of Disputes in International Trade**

Methods of Dispute Settlement-Alternative Dispute Resolution (ADR) and International Trade-UNCITRAL - International Arbitration, Conciliation, Mediation and Litigation-Online Dispute Resolution-Dispute Settlement Body in WTO - Appellate Body (AB) -Consultation-Trade and Environment Controversies - Enforcement and Compliance.

### Books Prescribed

- Myneni- International Trade Law.
- Indira Carr ,Peter Stone -International Trade Law.
- Gupta. R. K -World Trade Organisation
- Autar Krishen Koul -Guide to the WTO and GATT
- Jayanta Bagachi- World Trade Organisation: An Indian Perspective

### Books for Reference

- C. Singhanian-Foreign Collaborations and Investments in India Law and Procedure.
- Correa, Carlos. M - IPRs the WTO and Developing Countries.
- Day, D. M. and Griffin, Bernardette- The Law of International Trade,
- Anupam Goyal-The WTO and International Environmental Law: Towards Conciliation
- Clive M Schmitthoff - Export Trade: The Law and Practice of International Trade.
- Petersmann, Ernst Ulrich -The GATT/WTO Dispute Settlement Systems: International Law, International Organisations and Dispute Settlement.



## **CYBER LAW AND FORENSICS**

### **CHC8E**

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

*After the advent of Internet, in all spheres of life, the regulatory framework analysis has become vital in the era of Digitalisation. The course helps in understanding the regulations relating to E-Contracts, E-Banking, Intellectual Property Issues, Cyber Crimes and E-Taxation. The course intends to analyse the need of Cyberspace Regulation both Jurisdictional and Jurisprudential Aspects of Cyberspace.*

### **COURSE OUTLINE**

#### **UNIT- I**

##### **Introduction**

Cyber Space Introduction and UNCITRAL Model Law - Information Technology Act, 2000 with Recent Amendments - Jurisdictional Issues - Digital Signatures - Regulation of Certifying Authorities - Cyber Regulation Appellate Tribunal

#### **UNIT -II**

##### **Online Contracts**

Formation of Online Contracts - E-Banking Transactions - Online Payment Options - Online Advertising - Electronic and Digital Signature - Taxation Issues in Cyber Space- Indirect Tax-Tax Evasion- Double Tax- International Tax- Permanent Establishment - Protection of Trade Secrets and Deceptive Trade Practices.

#### **UNIT -III**

##### **Cyber Crimes**

Understanding Cyber Crimes – Actus Reus and Mens Rea - Types of Crimes in the Internet- Against Person, Against Property, Against Government - Digital Evidence -

Investigation and Adjudication of Cyber Crimes in India – Cyber Arbitration- Cyber Conflict Investigation.

#### UNIT- IV

##### IPR and Cyber Space

Copyright Issues in the Internet – Protection of Computer Software- Caching- International Regime –OSS- DMCA- DATA PROTECTION DIRECTIVE - Trademark Issues in the Internet – Domain Name- Registration- Domain Name Registration- Domain Name Dispute- ICANN- UDRP Policy- Linking- Framing- Met tagging - Database issues in the internet.

#### UNIT- V

##### Contemporary Issues

Convergence Technologies - Cloud Computing - Online Digital Libraries - Access to Internet: A Human Right Issue - Issue of Censorship - Privacy issues- National Security and Social Security.

##### Books Prescribed

- Nandan Kamath - Law Relating to Computer- Internet and E-Commerce.
- S.K. Verma & Raman Mital- Legal Dimensions of Cyber Space.
- Rahul Mahathan -The Law relating to Computer and Internet.
- Justice Yatindra Singh - Cyber Laws.

##### Books for Reference

- Edtu Chris Reed and Joh Angel -Computer Law
- Roger Leroy Miller & Gaylord A. Jentz.- Law for E-Commerce .



*B.B.A.LL.B. (Hons.)*

*FOURTH YEAR - 8<sup>th</sup> SEMESTER*

### LEGISLATIVE DRAFTING - PROCESS AND PROCEDURES (OPTIONAL)

#### SYLLABUS (Subject Code: CHB8G)

**Forms of Legislative Instruments:** Bills, Acts, Orders, Rules, Schedules, Case laws of Constitutional Law.

**Principles:** As a tool of Power – Object to civil – criminal legislation, anticipated goals – Limitations of legislation as a tool for change in relation to religion, morality and tradition – Factors which influence decision of the legislator – correlation between public opinion and legislative formulation – some major problems and trends in legislative formulation in a modern welfare State.

**Ideals of Drafting:** Simplicity, Preciseness, Consistency, Alignment with Existing law, Brevity Select bibliography.

#### UNIT - II

**Process & Preparation:** General rules, words selection, syntax, style, punctuation- Reference of other related laws, and existing law-Relevancy with constitutional provisions- Required instructions for legislative drafting.

**Other requirements:** punctuation, Marginal notes, Provisions, illustrations, Presumptions, Use of non- obstante clauses, Retrospective effect, exceptions, Fictions, Explanations- Classification of statutes-Amending, consolidating and codifying statues-Subordinate Legislation.

#### UNIT - III

**Legislative Processes** –First Reading – Reference of Bills to Departmentally Related Standing Committees (DRSCs) – Second Reading – Bill before the Select/Joint Committee

– Clause-by-Clause consideration – Third Reading – Constitution Amendment Bills – Bill in the other House – Joint Sitting – Assent of the President – Private Member’s Bills- Committee System in the Indian Parliament – Types of Committees – Parliamentary Committees- Composition – Evolution and growth of the DRSC System – DRSCs – Parliamentary Privileges – Question of Privilege and Working of Committee of Privileges.

#### UNIT - IV

**Types of Questions-** Admissibility- Short Notice Questions- Half-an- Hour Discussion – Committee on Government Assurances – Procedural Devices for Raising Matters of Urgent Public Importance on the Floor of the Houses – Changing Roles of Parliament – Types of Motions – Short Duration Discussions – Private Members’ Resolution – Calling Attention – Matters under Rule 377 and Zero Hour.

#### UNIT - V

**Budgetary Process:** Contents of the Budget- General Discussion on the Budget- Vote on Account – Consideration of Demands for Grants by DRSCs- Cut Motions- Annual Reports of the Ministers – Outcome Budget- Guillotine – Supplementary Demands for Grants, Excess Grants, Token Grants, Votes of Credit and Exceptional Grants- Appropriation Bill- Finance Bill – Budget of a State under Presidents’ Rule.

#### References:

1. **The Constitution of India**, M.P. Jain
2. Indian law Institute, **The Drafting of Laws** (1980)
3. W. Friedman, **Law in a Changing Society** (1970)

4. Zander M., **The law Making Process**, Widenfeld & Icholson, England
5. Renton C’ Hee Report. **Preparation of Legislation**, Sweet & Max Well
6. J. Bentham, **Principles Of Legislation**
7. **Practice and Procedure of Parliament-** M. N Kaul& S. L. Shakhder
8. **People, Legislature, Law Making-** K.N. Baisya
9. **Legislative powers, Ideals and Reality-** P.M Bakshi
10. Allen, **Law in the making**, Sweet and Max Well
11. **Legislative Control over Govt. Expenditure-** B. P Singh
12. **Delegation of Legislative Powers-** Monica Chawla
13. **Administrative Law-** Dr.N.K.Jayakumar



**LAW OF INSURANCE**

**CHC9A**

**Objectives of the Course**

*The concept of Insurance has significantly developed in the present post privatization era. The study of insurance law has various dimensions. The concepts like Insurable Interest, Good Faith Criteria, and Remoteness of Cause have been very important in the area of Insurance Disputes. The IRDA, a new regulator has framed various significant rules for regulating the Insurance Sector.*

*The objective of the course is to provide the students*

- i. To know of the legal dimensions relating to formation and discharge of Insurance Contracts.*
- ii. To understand and appreciate the aspects of various Insurance Contracts.*
- iii. To learn the redressal mechanisms available pertaining to the Insurance Sector.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Insurance Meaning - Risk Management - Kinds of Risks - Insurable - Distinction between Insurance and Assurance- Parties of Insurance - Insurance and Contract Linkage - Extent of applicability of General Principles of Law of Contract viz., Offer, Acceptance, Capacity of Parties, Consideration, Consensus Ad-Idem and Lawful Object - Insurance and Wager - Performance of Insurance Contracts - Discharge of Insurance Contract- Necessity for applying Special Principles of Contract to Law of Insurance - Extent of Applicability- Special Principles: (a) Uberrimae fidae: (b) Indemnity (c) Subrogation, (d) Contribution (e) Proximate Cause - Cover Note and Slip.

**UNIT - II**

**Fire Insurance Contract**

Meaning of the term 'Fire' - Fire Policies - Perils Insured - Fire Claims - Scope of Applicability of Special Principles to Contract of Fire Insurance - Standard Fire Policy - 'Average' in Fire Insurance Contract.

**UNIT - III**

**Marine Insurance Contract**

Significance of Marine Insurance Contract - Maritime Perils - Subject Matter covered by Marine Policy - Kinds of Marine Policies- Scope of Applicability of Special Principles to Contract of Marine Insurance - Principle of 'Change of Voyage' and 'Deviation'- Total Loss- Partial Loss - General Average Sacrifice and Expenditure - Salvage - An overview of Marine Insurance Act, 1963 with special reference to Bill of Lading and Counter Party.

**UNIT - IV**

**Life Insurance Contract**

Introduction - Meaning of Life Insurance and its Significance - Kinds of Life Policies - Extent of Applicability of Special Principles to Life Insurance Contract - 'Suicide' Clause in a Life Policy - Assignment and Nomination - Constitution, Powers and Functions of L.I.C. under L.I.C. Act, 1956 - Ombudsman, IRDA.

**UNIT - V**

**Motor Vehicle Insurance**

Introduction - The Motor Vehicles Act, 1939 (As Amended in 1988) - Compulsory Third Party Insurance of Motor Vehicles - No-fault liability - Chapter VIII A of the Act - Motor Accident Claims Tribunals.

**Books Prescribed**

- Raoul Colinvarx- Law of Insurance
- M.N. Srinivasan- Law of Insurance
- Srinivasan and Murthy- Law of Insurance

**Books for Reference**

- Hardy Ivany - Law of Insurance





**LAW OF CRIMES – II  
(CODE OF CRIMINAL PROCEDURE)**

**(Including Juvenile Justice Care and Protection Act  
and Probation of Offenders Act)**

**CHC9B**

**Objectives of the Course**

*Criminal Law is intended to provide a mechanism for the enforcement of Criminal Justice Administration. Without proper Procedural Law, the Substantive Criminal law which defines Offences and provides Punishment would be almost worthless. Every threat does not deter. Without deterrent effect, the Criminal Law will have hardly any meaning or justification. Thus the Code of Criminal Procedure is meant to be complementary to Criminal Law and has been designated to ensure the process of its Administration.*

**COURSE OUTLINE**

**UNIT - I**

**Criminal Procedure Code-Types and Functionaries**

Aquisitorial, Inquisitorial - Brief history about the Code - Definition- Main functionaries of the Code- Powers of Superior Police Officers and Aid to the Magistrates and Police.

**UNIT - II**

**Pre-Trial Proceedings**

Stages of Investigation - Process compelling for the presence of the accused for Investigation and Trial - Arrest-Procedure for Arrest - Rights of Arrested Persons- Consequences of Non - Compliance of Arrest Procedures - Search and Seizure - Process of Investigation by Police - Investigation of Unnatural and Suspicious Death - Local Jurisdiction of the

Courts in Inquires and Trials - Cognizance of Offence and Commencement of Proceedings - Bail Procedures -Types of Bail - General Provision regarding Bond of Accused and Sureties.

**UNIT - III**

**Trial Procedure**

Principal features of Fair Trial - Charge - Common features of Trial - Disposal of Criminal Cases without Full Trial - Preliminary Plea to Bar Trial - Trial before a Court of Session - Trial of Warrant Cases by Magistrates - Trial Summons Cases and Summary Trial Special Rules of Evidence.

**UNIT - IV**

**Appeal Procedures**

Types of Appeals - Reference and Transfer of Criminal Cases - Execution, Suspension, Remission and Commutation of Sentences - Execution of Sentence -Death Penalty and Imprisonment - Execution of Sentence of Fine - Preventive and Precautionary Measures for Keeping Peace and Good Behaviour - Maintenance Procedures - Conditions for Claiming Maintenance - Cancellation of Maintenance - Muslim Women Protection of Rights on Divorce Act.

**UNIT - V**

**Juvenile Justice Care and Protection Act, 2000 and Probation of Offenders Act, 1958**

Introduction - Object - Definitions - Statutory Bodies for Juveniles under the Act - Reformative Institutions for Juveniles - Special Offences - Probation - Object and Meaning - Criminal Court and Probation - Duties of Probation Officers - Report of the Probation Officers- Conditions and Cancellation of Probation.

### Statutory Material

- Code of Criminal Procedure, 1973
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Probation of Offenders Act, 1958

### Books Prescribed

- Ratanlal - Code of Criminal Procedure
- Sarkar -Code of Criminal Procedure
- Kelkar R.V-Outlines of Criminal Procedure
- Basu - Code of Criminal Procedure
- Dr.Nandhal's -Code of Criminal Procedure
- P. Ramanatha Iyer -Code of Criminal Procedure

### Books for Reference

- Sohoni -Code of Criminal Procedure
- R.B. Sethi -Probation of Offenders Act
- Consuls -Probation of Offenders Act and Rules.
- M.K.Chakrabarathi - Probation System in the Administration of Criminal Justice
- Vedkumari - Treaties on the Juvenile Justice Act.
- S.K. Swasthi -Judgments of Juvenile Justice Act 1986.



## CIVIL PROCEDURE CODE

### CHC9C

### Objectives of the Course

*The course intends to understand the Legislative measures in Procedural. The course also helps in understanding the procedures to be followed by the Civil Courts from the institution of Suits till the Final Disposal. The course tries to understand the Computation of Limitation Period for the Institution of Suit, Appeal and Applications along with Exclusion.*

## COURSE OUTLINE

### UNIT - I

#### Introduction

Definitions - Jurisdiction of Civil Court - Place of Suing - Institution of Suits - Presentation of Plaintiff - Parties to the Suit-Principles of Res Subjudice and Res Judicata.

### UNIT - II

#### Pleadings and Trial

Plaint - Written Statement - Service of Summons - Appearance and Non-Appearance of Parties - Discovery, Inspection and Production of Documents - Admission - Production, Impounding and Returning of Documents-Transfer of Suits-Decree and Judgment -Remand-Restitution - Appeals: First Appeal, Second Appeal, Appeals from Orders and Appeals to Supreme Court - Reference - Review - Revision

### UNIT - III

#### Suits in Particular Cases

Suits by and against Government and Public Officer - Suits by Indigent Person - Suits by or against Minors and Lunatics,

Aliens and Foreign Rulers, Soldiers, Corporation, Firms, Trustees, Executors and Administrators-Suits relating to Family Matters, Mortgages, Public Nuisance and Public Charities- Interpleader Suit-Summary Procedure.

#### **UNIT - IV**

##### **Execution**

General Principles- Courts by which Decree may be Executed- Payment under Decree- Application for Execution- Mode of Execution- Stay of Execution- Questions to be determined by Executing Court- Arrest and Detention- Attachment of Property Sale and Delivery of Property- Distribution of Assets.

#### **UNIT - V**

##### **Limitation Act**

Definitions - Limitation of Suits - Appeals - Computation of Period of Limitation - Acquisition of Ownership by Possession.

##### **Statutory Materials**

- Code of Civil Procedure- 1908
- Limitation Act- 1963

##### **Books Prescribed**

- C. K. Takwani - Civil Procedure Code
- Mulla -Code of Civil Procedure
- M. P. Jain - Code of Civil Procedure
- Pattabiraman -Code of Civil Procedure

##### **Books for Reference**

- Taxmann - Code of Civil Procedure
- M. P. Tandon - Code of Civil Procedure
- C. K. Takkar - Code of Civil Procedure
- P. Basu - Law of Limitation



**B.B.A.LL.B. (Hons.)**

**FIFTH YEAR – 9<sup>th</sup> SEMESTER**

## **LAND LAW**

### **CHC9D**

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

*Land Laws of Tamil Nadu along with the Land Acquisition Act are an important subject to the Law students as the subject has its significance for practicing before the Court of Law. Since, today all the Civil Suits filed are based on Land Acquisition Act and Lease and Rent Control Act, students must know the Local Laws as well as the Central Enactment.*

#### **COURSE OUTLINE**

##### **UNIT-I**

##### **Historical Sketch of Land Reforms/Land Laws**

Concept of Land: Kinds, Ownership and Possession of Land- Land Reforms and Constitutional History: Eminent Domain- Right to Property under Articles 31A, 31B, 31 C of the Constitution- Article 300 A: Protection of Personal Property- Nineth Schedule- Early Revenue Administration in Tamil Nadu- Grants- Inams- Zamindari System: Permanent Settlement- Ryotwari: Rights And Liabilities Of Ryotwari Pattadar- *Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948*

##### **UNIT-II**

##### **Acquisition of Land**

Land Acquisition Act, 1894 (Repealed)-Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act, 2013)- Need for new land acquisition law- Definitions: Affected Family, Land, Land Owner, Holding Of Land etc- Safeguards against indiscriminate land acquisition- Compensation- Rehabilitation and Resettlement- LARR Authority- Apportionment of Compensation- Payment of Compensation- Temporary Occupation of Land- Amendment Ordinance 2014-Time to time amendments.

### UNIT-III

#### Enactments and Cultivating Tenants

The Tamil Nadu Cultivating Tenants Protections Act, 1955: Definition- Landlord not entitled to Evict the Tenant – Right to Restoration of Possession- Special provision for member of Armed Forces- Bar of Jurisdiction of Civil Courts- Revision by High Court- The TN Cultivating Tenants Special Provisions Act, 1968, 2007, 2008, 2010-The TN Cultivating Tenants Arrears of Rent Relief Act, 1972, 1980- Tamil Nadu Cultivating Tenants Protection from Eviction Act, 1983, 1989.

*The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956:* Definitions – Interpretations – Rights and Liabilities of Cultivating Tenants and Land Owner- Fair Rent- Alteration or Revision of Fair Rent- Kaiaeruvaramdar and Mattuvaramdar- Rent Court and Rent Tribunals- Exception- Powers of High Court.

*The Tamil Nadu Agricultural Land Record of Tenancy Right Act, 1969:* Definition- Preparation of Records of Tenancy Rights- Record Officer- Advisory Committee-Modification of Entries in the Draft and Approved Record of Tenancy Rights- Appeals – Revision- Penalty for failure to furnish information- Cognizance of Offence.

*The Tamil Nadu Occupants of Kudiyruppu and Conferment of Ownership Act, 1971:* Definitions – Occupant- Conferment of Ownership- Alternative Site- Prohibition of Alienation- Authorized Officer- Compensation- Offences by Companies.

### UNIT-IV

#### Law and Land Ceiling

*Tamil Nadu Land Reforms Fixation of Ceiling on Land Act, 1961 and Amended Act 1971:* Preliminary- Definitions : Ceiling Area, Family, Stridhana Property, Standard Acre, etc- Fixation of Ceiling on Land Holdings- Land Board- Industrial Undertaking- Publication of Statement- Land Tribunal- Authorized Officer- Determination of Compensation- Exemptions- Special Appellate Tribunal – Courts- Penal Provisions.

### UNIT-V

#### Law - Buildings

Tenancy law:- The TN Buildings (lease and rent control) Act, 1960: Introduction- Definitions- Fixation of Fair Rent – Changes in Fair Rent – Agreed Rent – Procedures for avoid default in payment of rent – Grounds for eviction of tenant- Jurisdiction of the Rent Controller- Execution- Proceedings by Legal Representatives or against Legal Representatives – Appeal.

*Tamil Nadu Apartment Ownership Act, 1994:* Definition- Ownership, Heritability and Transferability of Apartment- Deeds of Apartment and its Registration- Societies or Association of Apartment Owners, its Bye-Laws and Functions.

#### Books Prescribed

- K.Venkata Rao- The Tamil Nadu Land Reforms Act
- V.N.Krishnamoorthy- The Tamil Nadu Buildings Lease and Rent Control Act, 1960
- Prof. A. Chandrasekar- Land Laws of Tamil Nadu

#### Books for Reference

- Beverley.H – Commentaries on the Land Acquisition Acts
- Maheswaraswamy – “Land Laws”
- Maheswaraswamy – Land Law under the Constitution of India
- V.G.Ramachandran – Law of land Acquisition and Compensation.



**MOOT COURT  
(Clinical Course - III)**

**CHC9E**

**COURSE OUTLINE**

**Moot Court Exercise and Internship**

This paper may have three components of 30 marks each and a viva for 10 marks.

**(A) Moot Court (30 marks)**

Every student may be required to do at least three Moot Courts in a year with 10 marks for each. The Moot Court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral Advocacy.

**(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks)**

Students may be required to attend two Trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-trial Preparations and Internship Diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the Suit/Petition. This will be recorded in the diary, which will carry 15 marks.

**(D) Viva Voce Examination**

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.



**ENVIRONMENTAL LAW  
(Including Animal Welfare Laws)**

**CHCXA**

**Objectives of the Course**

*The objectives of the course are to make Environmental Law familiar to the students by understanding all dimensions of the subject. The contribution of Constitution and Constitutional Courts by recognising the right to wholesome Environment as a Fundamental Human Right with the aid of Public Interest Litigation and Principles of Environmental Law are also explored. It is necessary to explore the Laws enacted by the Union and State Governments by incorporating the International commitment under the various Conventions and Declarations. The Policies and Strategies of the Governments towards Environmental protection are also focused.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction to Ecosystem - Environment and Environmental Law - Factors responsible for Environmental Pollution - Socio and Economic Impacts of Environmental Pollution - History of Environmental Protection in India - Constitutional Obligation on Environmental Protection- Civil Society and Environmental Management.

**UNIT - II**

**International Environmental Law**

Fundamental Principles of Environmental Law - Role of United Nations - Multilateral Environmental Agreements - Stockholm Declaration on Human Environment, 1972 - United Nations Environment Programme - Nairobi Declaration, 1982 - Brundtland Report, 1987 - Rio Declaration on Environment and Development, 1992 -

Agenda 21 - United Nations Commission on Sustainable Development - Climate Change Convention and Protocol - Convention on Biological Diversity - Johannesburg Summit on Sustainable Development 2002 - Rio plus 20

### **UNIT - III**

#### **Pollution Control Laws**

Water (Prevention and Control of Pollution) Act, 1974 - Air (Prevention and Control of Pollution) Act, 1981 - Environment (Protection) Act, 1981 - Power of Central Government to make Environmental Rules - Rules relating to Management of Hazardous, Plastic Waste, Bio-Medical Waste, E-Waste, Municipal Solid Wastes and Batteries - Noise Pollution Rules, 2002 & 2000 - Environmental Impact Assessment - Coastal Regulation Zone Notification - Disaster Management Act, 2005.

### **UNIT - IV**

#### **Resource Conservation and Animal Welfare Laws**

Indian Forest Act, 1927 - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Biological Diversity Act, 2002 - Prevention of Cruelty to Animals Act, 1960 - Chennai Metropolitan Area Groundwater Authority (Regulation) Act, 1987 - Rain Water Harvesting- Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 - Role of Local Bodies.

### **UNIT - V**

#### **Remedies for Environmental Pollution**

Common Law Remedies- Remedies under Law of Tort - Penal Remedies - Indian Penal Code and Code of Criminal Procedure - Remedies under Constitutional Law - Writs - Public Interest Litigation - Public Liability Insurance Act, 1991 - The National Green Tribunal Act, 2010.

### **Books Prescribed**

- P. Leelakrishnan- Environmental Law in India
- P. Leelakrishnan- Environmental Case Book
- S. Shanthakumar -Environmental Law - An Introduction
- Shyam Diwan and Armin Rosencranz- Environmental Law and Policy in India
- N. Maheswaraswamy- Law relating to Environmental Pollution and Protection
- Jaiswal- Environmental Law

### **Books for Reference**

- Alan Boyle and Patricia Bernie- International Law and Environment.
- Philippe Sands- Principles of International Environmental Law.
- Elli Louka- International Environmental Law.
- A Citizen's Report- Centre for Science and Environment, The State of India's Environment.
- R.N. Choudhry - Law of Forests in India.
- Encyclopedia of Environmental Pollution and its control.
- Saksena K.D- Environmental Planning, Policies and Programmes in India.



**LAW OF ELECTIONS**

**CHCXB**

**Objectives of the Course**

*The main objective of the course is to make the students to understand the Election and its Commission, Electoral Practices, Disputes and Corrupt Practices in Election. It helps the students to seek solutions to pressing problems under Democracy and Good Governance. It aims to create awareness among the students and develop their abilities to deal with the Electoral issues and take up professional practice in the field of Electoral Laws.*

**COURSE OUTLINE**

**UNIT-I**

**Democracy and Representation**

Evolution of Democracy and Election System- Types of Election- Direct and Indirect, General, Bye and Mid-Term Election - Types of Representation - General Principles of Election - Election of President and Vice-President - Qualification and Disqualification of Members of Parliament and State Legislature under the Constitution and Appropriate Legislations - Special Provisions for Scheduled Castes and Scheduled Tribes – Reservation for Scheduled Castes and Tribes – Women Reservation – Local Bodies Election.

**UNIT- II**

**Election Commission**

Composition, Powers and Functions of the Election Commission - General Electoral Roll - Preparation and its Revision - Supervisory Powers of the Election Commission - Process of Removal of Member and Chief Election Commissioner - Political Parties - Registration and Recognition as National and State Parties - Symbols - Election Expenses - Auditing of Party Funds -Public

Financing of Elections - State Election Commissions- Monitoring of Electoral Expenditure of the Political Parties.

**UNIT - III**

**Electors and Electoral Practices**

Universal Adult Suffrage - System of Voting - Right to Vote and Contest- Candidates and their Eligibility to Contest - Notification of Election - Constituencies and Delimitation and its Commission- Gerry Meanderings- Nomination, Scrutiny and Withdrawal of Candidature - Grounds for Rejection - Effect of Death- Election Campaign - Code of Conduct - Poll-Ballot Papers Including Postal Ballot and Electronic Voting Machine (EVM)- Hiring of Vehicles - Retuning, Presiding and Polling Officers - Elector's Identity Card -'None of the Above' (NOTA) and Declaration of Results - Voter Verified Paper Audit Trail (VVPAT) - Systematic Voters Education and Electoral Participation (SVEEP) - NRI Voting Options - Electoral Manifesto Guidelines – Freebies- Freedom of Expression - Right to Know - Media and Exit Poll.

**UNIT-IV**

**Electoral Disputes**

Defection - Election Petitions - Electoral Offences - Bribery, Undue Influence, Appeal on Grounds of Caste, Religion etc - Electoral Fraud and Other Crimes Against Electoral System- Corporate Funding of Political Parties and Roll of Black Money - Jurisdiction of Courts - Safeguard against Impersonation - Criminalization of Politics - Publication of False or Defamatory Statements.

**UNIT – V**

**Corrupt Practices**

Prevention of Corruption Act - Lok Ayuktha Act and Lok Pal Act- Electoral Reforms.

### **Statutory Materials**

- Constitution of India, 1950
- Representation of People Act, 1950 and 1951
- The Presidential and Vice-Presidential Elections Act, 1952
- The Conduct of Election Rules, 1961
- The Election Symbols (Reservation and Allotment) Order, 1968
- The Delimitation Act, 1972

### **Books Prescribed**

- S.K. Mendiratta -Are You Want to Know about Indian Elections
- R.N. Choudhry- Election Laws and Practices in India
- V.S.Rama Devi and S.K. Mendiratta - How India Votes, Election Laws, Practices and Procedures
- Justice T.S. Doabia- Law of Election Petitions
- Rajesh Kumar Thakur- Indian Electoral Law and Process: An Imperative for Good Governance
- K.C. Saha- Model Code of Conduct – Handbook Elections in India
- K.C. Saha - Election: Model Code of Conduct

### **Books for Reference**

- Rajni Kothari - Rethinking Democracy
- Manoranjan Mohanty - Theorizing India's Democracy, in Indian Democracy: Meanings and Practices.
- Atul Kohli -The Success of India's Democracy

- Sunil Khilnani- India's Democratic Career in Democracy
- Niraja Gopal Jayal- Democracy and the State, Welfare, Secularism and Development in Contemporary India
- Suhas Palshikar- Who's Democracy Are We Talking About, in Indian Democracy: Meanings and Practices.
- Ramesh Thakur- Government and Politics of India.
- Francine R Frankel- Contextual Democracy: Intersections of Society, Culture and Politics in India.





**LAW OF TAXATION**

**CHCXC**

**Objectives of the Course**

*The course intends to understand the Taxing System in India. The Taxing System is helping the Governments for the proper implementation of various programmes and schemes for the welfare of the people. The course helps in understanding the various modes of Taxation like Direct Tax, Indirect Tax and types of Taxes like Income Tax, Property Tax, Wealth Tax, Service Tax, Sales Tax, Value Added Tax, etc,. This course benefits the students in understanding the importance of payment of Tax and extending the people support for the development of Nation as a whole.*

**COURSE OUTLINE**

**UNIT - I**

**General Introductory Aspects**

Definition of 'Tax' - Distinction between 'Tax' and 'Fee'- Mutual relationship between Income Tax Act and Finance Act - Canons of Taxation - Kinds of Taxes ; Progressive, Proportion; Regressive and Digressive - Direct and Indirect Taxes - Applicability of Doctrines under the Constitution to Taxation Laws - Interpretation of Tax Laws.

**UNIT - II**

**The Indian Income Tax Act, 1961**

Preliminaries: Concepts; 'Income', 'Agricultural Income', 'Casual Income', 'Assesse Person'- Residential Status - Previous Year - Assessment Year - General Charging Section and Specific Charging Section - Income - Received - Arising - 'Accrual'- Scope and Total Income - Exempted Income; Tax Liability under 'Specific Heads': (i) Income from 'Salaries'(ii)

Income from 'House Property' (iii)Income from 'Business or Profession' (iv)Income from 'Capital Gains' (v) Income from 'Other Sources'; Clubbing of Income: Income of other persons in Assessee's Total Income - Treatment of Losses - Set-Off and Carry Forward of Losses- Procedure for Assessment- Deduction allowed in certain cases - Chapter VIA Deductions- Assessment of Special Class of Assesses.

**UNIT - III**

**The Wealth Tax Act**

Definition of Person, Meaning of Wealth, Net Wealth- Exempted Wealth - Valuation Date - Procedure for Assessment.

**UNIT - IV**

**The Central Sales Tax**

Meaning - Constitutional Validity of Central Sales Tax Act - Sales in the course of Inter-State Trade or Commerce - Sale in the course of Import Into and Export Out of the Territory of India - Sale Outside a State - Declared Good's - 'C' From - Customs Frontiers - Liability in Special Cases.

**UNIT - V**

**The Tamil Nadu General Sales Tax Act**

Meaning - 'Dealer', Registered Dealer', 'Casual Dealer', Turnover', Total turnover', Taxable turnover - Sale and Works Contract - Single Point Tax V - Multipoint Tax - Value Added Tax - Procedure for Assessment - Kinds of Assessment - Hierarchy of Authorities-Advantages and Disadvantages of VAT.

**Books Prescribed**

- Girish Ahuja - Law& procedure : Professional Approaches to Direct Taxes
- Taxmann - Income Tax Act
- Gulumurthy - Sales Taxation in Tamil Nadu

- Dinager Pagre - Direct Taxes and Indirect Taxes
- Manoharan - Income Tax Act
- Dr. Bagawathi Prasad - Income Tax Law - Practice

**Books for Reference**

- Sukumar Battacharya - Income Tax Law - Practice
- N.A. Palkiwala - Income Tax



**CRIMINOLOGY AND PENOLOGY**

**CHCXD**

**Objectives of the Course**

*The course aims to provide understanding regarding the concept of scientific study of criminal behaviour of the person who tends to commit crime. There is an inter link between Criminology, Penology and Criminal Law. Basically Criminal Law provides definition and punishment for the crime. The Criminology reveals the reasons that constitute the crime either individually or socially. The penal sanctions depend upon the characteristics of the criminal and the ability to reform through punishments. Thus the course provides the students to understand the criminal behaviour and imposition of punishments scientifically.*

**COURSE OUTLINE**

**UNIT-I**

**Introduction**

Meaning and Significance of Crime-Concept of Crime and basis of Criminalization- Definition of Crime -Criminology-Criminological Reminiscence: Global Scenario-Renaissance-Modern Age-Focus on the need for Criminological Study - Ingredients of Crime-Distinguish Crime from Non-Crime - Classification of Crimes -Development of Criminal Law-Sources of Crime Data-Crime Reporting-Uses of Crime Data-Schools of Criminology.

**UNIT-II**

**Crime Causation**

Individual Centric Causes -Societal Centric Causes-Theories on Crime Causation- Juvenile Delinquency-Legislation- Juvenile Justice (Care and Protection of Children) Act, 2000- Statutory Bodies and Procedure-Reformatory Institutions under the Act- Rehabilitation Process-Case Law.

### **UNIT-III**

#### **Types of Crime**

White-Collar Crime and Blue-Collar Crime: Implications of White Collar Crimes- White Collar Crimes in India-Santhanam Committee Report- Wanchoo Committee Report - 47th Law Commission Report- Detection and Investigation-Trial of White-Collar Crimes-Case Law.

Crime and Women: Dowry Prohibition (Amendment) Act, 1986 - Female Criminality-Crimes of Passion-New Legislation-Prostitution -Immoral Traffic Offender (Prevention) Act- Medical Termination of Pregnancy Act-Pre Conception and Pre Natal Diagnosis Techniques (Regulation) Act- Domestic Violence Act- Criminal Law Amendment Act,2013.

Terrorism: Definition– Nature of Terrorism-Causative Factors - Funds for Terrorism-Kinds of Terrorism-Terroristic Spectrum-Punishments and Measures for Coping with TADA-POTA-Criticism-Anti-Terrorist Measures-Communal Violence-Causes and Cures.

Marginal and Victimless Crimes: Social Deviance and Marginal Crimes-Kinds of Marginal Crimes -Victimless Crimes-Hidden victims-Drug and Crime-Depiction of Offences and Punishments-NDPS Act.

Modern Crimes and International Crimes: Computer Crime -Kinds of Computer Crimes - Definition of Computer Crime-Information Technology Act, 2000-Human Organ Crimes-International Crime-Environmental Crimes.

### **UNIT-IV**

#### **The Police and Criminal Justice System**

Police: Organizational Structure of Indian Police-Police Bureaucracy -Police Setup-Custodial Deaths-Modernization in Police-Crime Records Management - Traditional Vis-a-Vis Modern Crime Records Management - Police Community Relations-Thana Level Committee-Police Advisory

Committees-Media and Police-Discipline and Lawlessness-Interpol.

Criminal Justice System: Objectives of Criminal Justice System- Rights of Accused and Arrested person-Plea Bargaining-Human Rights and Administration of Criminal Justice.

### **UNIT-V**

#### **Correctional Institution and Crime Prevention**

Probation and Parole: Origin -Salient features of Probation of Offenders Act, 1958 -Parole -Parole Regulations-Parole Recommendations.

Prison: Prison System in India- Problems of Prisoners-Organised Setup -Prison Discipline-Prison Labour-Prison Education-Open Prison-The Prison Community-Prison Reform in India-Dr. Wreckless Committee Report-International Perspective.

Crime Prevention: Theories of Punishment-Kinds of Punishment-Recidivism-Variou forms of Recidivist-Prevention of Crime and Delinquency.

#### **Books Prescribed**

- Ahamed Siddique-Criminology Problems and Perspectives
- Dr. M. Ponnian-Criminology and Penology
- Dr. Rajendra K. Sharma-Criminology and Penology
- Dr. Sirohi-Criminology
- Paranjape-Criminology

#### **Books for Reference**

- Bames and Teeters-New Horizons of Criminology
- Sutherland-Criminology
- Taft and England-Criminology
- Siegel-Criminology



**DRAFTING, PLEADING AND CONVEYANCING  
(Clinical Course - IV)**

**CHCXE**

**COURSE OUTLINE**

- A. Drafting:** General principles of Drafting and relevant substantive Rules shall be taught.
- B. Pleadings:**
- a. Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Articles 226 and 32 of the Constitution of India.
  - b. Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
  - c. Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
  - d. Drafting of Writ Petition and PIL Petition.

Instructions class and simulation exercises, preferably with assistance of practising lawyers/ retired judges will be provided for the students.

Apart from teaching the relevant provisions of law, the course may included not less than 15 practical exercises in Drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be allotted for Viva Voce.



**(ALL EVEN SEMESTERS)**

**Internship Goals and Objectives:**

Internship represents capstone of a budding Litigative Lawyer/Corporate Lawyer/Administrator/LPO'S (Legal Process Outsource) formal academic training and his/her smooth induction into the profession. The general mission and philosophy of the training programme, is designed in such a way to assist Interns in developing clinical knowledge, soft skills, communication skills, nuances of Drafting & Pleading skills, Presentation of Arguments before the Court of Law and also to learn the finer points of the administration.

- 1) To train the law students in the profession of advocacy and other corporate management skills to which they are opting;
- 2) To train the law students to broaden the scope of their services beyond those provided to litigants.
- 3) To train the law students to develop and to be guided by their professional identity.

The Internship must be undertaken in all the even semesters, i.e. 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> of the 5 year Integrated (Hons.) Degree Courses and 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> of the 3 year (Hons.) Degree Course, students have to undergo Internship programme compulsorily and earn 2 credits for each even semester in order to qualify for the degree programme and the same may not be taken into account to qualify for the Degree like other core subjects prescribed for the respective course of study.

The students who are undertaking the Twinning Programme under Choice Based Credit System in foreign Universities or in other Law Schools located in India during the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and during the

4<sup>th</sup> semester of the 3 year (Hons.) Degree Course they have to follow the prescribed curriculum of the concerned foreign University or in concerned National Law Schools of India and They need not undertake internship, separately and despite that automatically two credits will be awarded to them, if they submit the certificate of their course of study in other National Law Schools located in India or in other recognized Foreign Universities where English is the language of instruction.

Moreover, internship programme has overarching goals that guide the Interns with a duration of 30 hours in case of attending theory or tutorial classes/remedial classes/60 hours in the field work during the concerned semester period.

**Guidelines for calculation of credit for the Internship (2 Credits for Internship for every even semester):-**

Students are at liberty to under take the following internship at any time during the concerned academic year though the internship is prescribed only for the even semester of the said academic year.

Internship may be classified into (i.) attending theory oriented internship and (ii.) field work oriented internship. In the event of a student undertaking theory oriented internship he/she has to undergo 30 hours of work in that internship. In the field work oriented internship he/she has to undertake internship for 60 hours. A student has to be permitted to undertake the above two types of internship together in an academic year to accrue two credits for the even semester.

**The following are considered as the theory oriented internship:- (30 hours participation)**

- (i.) 1 credit = 15 periods of 60 minutes each - Participation in theory class beyond the class hours/remedial course classes/Computer Labs beyond the class hours /

proceedings of Courts/ proceedings of State Legislative /Tribunals / Commissions/ Seminars / Conferences/ Workshops/Moot Court competitions and any other function organized by the University / Departments of the University. If a student claims OD, Internship credit will not be given to him/her.

**The following are considered as the field work oriented internship:- (60 hours participation)**

- (ii.) 1 period = 120 minutes of field work, therefore (1 credit= 30 hours and for 2 credits = 60 hours) - Participation in special camp of NSS/Regular Activities of the NSS/Legal aid camp/YRC/Lok adalat/advocate chamber visits /Blood donation camp/Marathon/ rally.

- **Source of Internship for the 2<sup>nd</sup> & 4<sup>th</sup> Semester of the 5 year Integrated (Hons.) Degree Courses –** Participation in Special Camp of NSS; regular activities of the NSS, participation in functions organized by the University/Departments of the University; Seminars organized by other educational institutions/Courts & Tribunals/ proceedings of State Legislative /State Human Rights Commission/National Human Rights Commission/ Supreme Court Visit/Participation in Moot Court Competitions organized by other institutions/ Universities/High Courts/YRC; etc. On completion of 60/ 30 hours of the Internship the student has to submit Attendance Certificate from the Programme Officers in case of NSS/YRC and from the concerned Authorities who organized the programme. Further the student has to submit 20 pages of write-up pertaining to the nature of his/her Internship.
- **Sources of Internship for the 6<sup>th</sup> semester of the 5 year Integrated (Hons.) and 2<sup>nd</sup> Semester of the 3 year (Hons.) Degree Courses –** Undertaking Internship in any one of the Advocate's Chamber whose practice has exceeds more than 10 years in the Bar.

On completion of 60 hours of the Internship the student has to submit Attendance Certificate from the concerned Advocate and further the student has to submit 20 pages of write-up pertaining to what they learnt from the Advocate's Office in course of his/her Internship.

- **Sources of Internship for the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and 4<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Undertaking Internship in any one of the Advocate's Chamber whose practice exceeds been more than 10 years in the Bar and to visit the Courts to observe the trial proceedings specifically on petition/application matters. On completion of 60 hours of the Internship the student has to submit Attendance Certificate and they have to submit a write up relating to observation of the Court Proceedings (either Civil or Criminal Court Proceedings only in the sub-ordinate Courts) pertaining to what they learnt from the Advocate's Office in course of Internship.
- **Sources of Internship for the 10<sup>th</sup> semester of the 5 year Integrated (Hons.) and for the 6<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Observe the Appellate Tribunal Proceedings (State Human Rights Commission, National Human Rights Commission, IPR Appellate Tribunals, Tax Appellate Tribunals, proceedings of State Legislative ,Labour Court Proceedings/Hon'ble High Court Proceedings) under the guidance and direct supervision of an Advocate who has more than 10 years of practice in the Bar. On completion of 30 hours of the Internship the student has to submit Attendance Certificate from the concerned advocate and they have to submit a write up relating to observation of the Court Proceedings pertaining to the course of his/her Internship.





**THE TAMIL NADU  
Dr. AMBEDKAR LAW UNIVERSITY**



(State University Established by Act No. 43 of 1997)

M.G.R. Salai, Perungudi, Chennai - 600 113.

## **SYLLABUS**

**B.B.A.LL.B. (Hons.)**

**DEGREE COURSE**

**2016 - 2017 BATCH**

**Compiled by**

**Dr. S.K. RAMANI, Assistant Professor (SG), SOEL**

**Dr. LUCKY GEORGE, Assistant Professor (SS), SOEL**

**Dr. S. RAJALAKSHMI, Assistant Professor (SS), SOEL**

**B.B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.
	S. No.	Code			Internal	External	
1st	1	CHC1A	ENGLISH-I	5	30	70	1
	2	CHC1B	PRINCIPLES OF ECONOMICS	5	30	70	8
	3	CHC1C	BUSINESS MANAGEMENT AND ETHICS	5	30	70	11
	4	CHC1D	LAW OF TORTS	5	30	70	13
	5	CHC1E	CONTRACTS-I	5	30	70	15
2nd	6	CHC2A	BUSINESS ENGLISH	5	30	70	17
	7	CHC2B	HUMAN RESOURCE MANAGEMENT AND ORGANIZATIONAL BEHAVIOUR	5	30	70	19
	8	CHC2C	SOCIOLOGY	5	30	70	22
	9	CHC2D	LEGAL AND CONSTITUTIONAL HISTORY	5	30	70	24
	10	CHC2E	CONTRACTS -II	5	30	70	26
		CHC2F	INTERNSHIP	2	30	70	131
3rd	11	CHC3A	POLITICAL SCIENCE	5	30	70	29
	12	CHC3B	FINANCIAL AND MANAGEMENT ACCOUNTING	5	30	70	32
	13	CHC3C	LAW OF CRIMES - I (IPC)	5	30	70	34
	14	CHC3D	FAMILY LAW - I	5	30	70	36
	15	CHC3E	CONSTITUTIONAL LAW-I	5	30	70	39

**B.B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.
	S. No.	Code			Internal	External	
4th	16	CHC4A	COMPUTER FOR MANAGEMENT AND MANAGEMENT INFORMATION SYSTEM (MIS)	5	30	70	43
	17	CHC4B	MANAGERIAL ECONOMICS	5	30	70	46
	18	CHC4C	JURISPRUDENCE	5	30	70	48
	19	CHC4D	FAMILY LAW -II	5	30	70	50
	20	CHC4E	CONSTITUTIONAL LAW-II	5	30	70	52
5th		CHC4F	INTERNSHIP	2	30	70	131
	21	CHC5A	STRATEGIC MANAGEMENT	5	30	70	56
	22	CHC5B	FUNDAMENTALS OF MARKETING MANAGEMENTS	5	30	70	58
	23	CHC5C	PUBLIC INTERNATIONAL LAW	5	30	70	60
	24	CHC5D	COMPANY LAW	5	30	70	62
	25	CHC5E	LEGAL METHODS	5	30	70	64
6th	26	CHC6A	LAW OF EVIDENCE	5	30	70	66
	27	CHC6B	PUBLIC FINANCE AND IT LAW	5	30	70	68
	28	CHC6C	LABOUR LAW - I	5	30	70	70
	29	CHC6D	ADMINISTRATIVE LAW	5	30	70	73
	30	CHC6E	PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR-BENCH RELATIONS (CC-I)	4	100	70	77
	CHC6F	INTERNSHIP	2	30	70	131	



**B. B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.	
		Nature of the Course (Core or Foundational Elective or Elective)	Code			L	P		C
7th	31	Core	CHC7A	PROPERTY LAW	5	5	30	70	78
	32	Elective	CHC7B	INTELLECTUAL PROPERTY LAW	5	5	30	70	80
	33	Core	CHC7C	LABOUR LAW -II	5	5	30	70	84
	34	Elective	CHC7D	BANKING LAW	5	5	30	70	87
	35	Core	CHC7E	ALTERNATE DISPUTE RESOLUTION MECHANISMS (CC-II)	4	1	50		89
8th	36	Elective	CHC8A	COMPETITION LAW	5	5	30	70	90
	37	Elective	CHC8B	INTERPRETATION OF STATUTES	5	5	30	70	93
	38	Elective	CHC8C	PRIVATE INTERNATIONAL LAW	5	5	30	70	96
	39	Elective	CHC8D	INTERNATIONAL TRADE LAW	5	5	30	70	98
	40	Elective	CHC8E	CYBER LAW AND FORENSIC	5	5	30	70	101
			Optional	CHC8G	LEGISLATIVE DRAFTING- PROCESS AND PROCEDURES INTERNSHIP	2	2	30	70
			CHC8F						

**B. B.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.	
		Nature of the Course (Core or Foundational Elective or Elective)	Code			L	P		C
9th	41	Core	CHC9A	LAW OF INSURANCE	5	5	30	70	106
	42	Core	CHC9B	LAW OF CRIMES-II (CR-PC)	5	5	30	70	108
	43	Core	CHC9C	CIVIL PROCEDURE CODE	5	5	30	70	111
	44	Core	CHC9D	LAND LAW	5	5	30	70	113
	45	Core	CHC9E	MOOT COURT (CC-III)	4	1	100		116
10th	46	Core	CHCXA	ENVIRONMENTAL LAW	5	5	30	70	117
	47	Core	CHCXB	LAW OF ELECTIONS	5	5	30	70	120
	48	Core	CHCXC	LAW OF TAXATION	5	5	30	70	124
	49	Elective	CHCXD	CRIMINOLOGY AND PENOLOGY (ELECTIVE/OPTIONAL)	5	5	30	70	127
	50	Core	CHCXE	DRAFTING PLEADING AND CONVEYANCING (CC-IV) INTERNSHIP	4	1	100		130 131
			CHCXF						
Total no. of credits for the entire programme						260			

**ENGLISH - I**

**CHD1A**

**Objectives of the Course**

*The objective of the course is to train the student to upgrade English language skills for effective communication. Linguistics and Phonetics help in good articulation, intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Giving meaning to words and idiomatic phrases and using those in sentences go a long way for betterment of language skills. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction**

English Language and Linguistics: Tracing the Historical Development of English Language-Indo - European Language Tree - Eastern and Western Language Groups - Germanic Groups- Old English - Middle English - Modern English.

Vocabulary: Development of Vocabulary in English Language - Influence of other Languages on English Vocabulary - Etymology - Semantics.

**UNIT- II**

**Phonetics; Transcription Exercises**

Phonetics: R.P. Phonemes - Identification and Classification - Vowels, Diphthongs and Consonants.

Transcription Exercises: Accent - Rhythm in Connected Speech - Kinds of Accent Intonation- Falling Tone and Rising Tone.

### UNIT- III

#### Prose Section

Gettysburg Address - Abraham Lincoln

Advice to a Young Man Interested in Going into Law - Felix Frank Further

Methods of Study - Glanville Williams.

Court Scene - Merchant of Venice - William Shakespeare.

The Law is a Jealous Mistress - A Popular Fallacy - Joseph W. Plank.

### UNIT- IV

The Hypotheses of Failure - O. Henry

Civil Disobedience - Henry David Thoreau

On Truth - Francis Bacon

On Liberty Chapter I - John Stuart Mill

Aringnar Anna's Maiden Speech in Rajya Sabha - 1962

### UNIT- V

#### Grammar

Words often confused (I Semester)

Idioms and Phrases

Synonyms and Antonyms

Phrases and Clauses

Reported Speech.

#### Books Prescribed

- Bhat Nagar -Law and Language
- Glanville Williams - Learning the Law

#### Books for Reference

- Essays of Francis Bacon
- William Shakespeare -Merchant of Venice
- David Green -Contemporary English Grammar Structure and Composition
- J.C. Nesfield - English Grammar Composition and Usage

### APPENDIX I

#### Expressions and Phrases - English (Paper - II)

1. To make both ends meet - to live within one's income
2. To eat one's word - to retract one's statements
3. To set one's face against - to sternly oppose
4. To play fast and loose - say something and do another
5. To win one's spurs - to make one's reputation
6. To make one to test - to rebuke
7. To turn a deaf ear to - to disregard
8. By hook or by crook - by fair or foul means
9. Without reserve - fully
10. To take exception to - to object to
11. To pay off old scores - to wreck revenge
12. On and off - at intervals
13. Off and on - now and then
14. In good part - without offence
15. To put a spoke in the wheel - to thwart the execution of one's designs.
16. To make one's mark - to distinguish oneself
17. To put one's foot down - to take a resolute stand.
18. To make up one's mind - to resolve
19. To turn over a new leaf - to change for the better
20. No love lost (between them) - not on good terms
21. To throw cold water - to discourage
22. Hands in glove - connive with
23. To turn one's errors to account - to profit by errors
24. To sit on the fence - to remain undecided
25. At issue - in dispute
26. To bring to light - to disclose
27. To burn one's fingers - to get into trouble
28. To live by one's wits - to earn one's livelihood by ingenuity
29. To bid fair - fairly to
30. To strain every nerve - to put forth one's utmost efforts
31. Beside himself - out of his mind
32. At sixes and sevens - In disorder or confusion
33. To put on airs - to behave arrogantly

34. To be on alert - ready to act
35. Order of the day - Prevailing state of things
36. To get into hot water - to get into trouble
37. To get the better of one - to overcome
38. To get of easily - to get a light sentence
39. Washing dirty linen in public - to talk about one's short comings in public.
40. To have a finger in the pie - to meddle with all affairs
41. To hit the nail on the head - to say or do exactly the right thing.
42. To have an axe to grind - to have personal interest in the matter
43. To have the gift of the gab - to have talent for speaking
44. To throw out of gear - to disturb the working of
45. Gall and wormwood - Hateful, unacceptable
46. To be in the good books of - to enjoy the patronage of
47. To stand in one's own light - to act against one's own interest
48. To put one's foot in - to involve
49. To fight tooth and nail - to fight bitterly
50. To make clean breast of - to confess without reserve
51. To stand one's ground - to maintain one's position
52. Where the shoe pinches - where the difficulty or trouble exist.
53. To take to one's heels - to run away
54. To the letter - to adhere to every detail
55. To keep in the dark - to keep one in ignorance
56. To die in harness - to die while in office
57. To have too many irons in the fire - to be engaged in too many enterprises
58. To be at one's wit's end - puzzled, completely at a loss to act
59. To fall foul of - to quarrel with
60. To go back on - to fail to keep
61. To lend ear to - to listen to
62. To read between the lines - to read a hidden meaning not apparent

63. Thorn in one's side - to be a constant source of annoyance
64. To smell a rat - to suspect
65. To nip in the bud - to put an end to in the beginning itself
66. The long and short of it - the whole matter in a few words
67. To take stock of - to assess
68. To keep one's own counsel - to preserve a discrete silence
69. To be born with silver spoon in one's mouth - to be born in wealth and luxury
70. To stand to reason - to be logical
71. To stand in good stead - to be of good service
72. To take wind out of one's sail - to render one's work or action ineffectively.
73. To pay back in one's coin - to treat one in the same way
74. To take one's life in one's hands - to undergo great risks
75. To fight shy of - to avoid due to a feeling of mistrust
76. To end in smoke - to come to nothing
77. To leave no stone unturned - to use all available means
78. To harp on the same string - to swell tediously on same subject
79. To give a piece of one's mind - to scold one
80. To make good the loss - to compensate for the loss
81. To kick up a row - to make great noise or fuse
82. To be ill at ease - to be uneasy
83. To rise to the occasion - to show oneself equal to deal with the emergency
84. To do the handsome thing by one - to behave towards one in a magnanimous manner.
85. To take the edge of one's argument - to make or argument ineffective
86. To hang in the balance - to remain in suspense
87. To put in the market - to offer for sale

88. To fall short of one's expectations - to disappoint
89. On the spur of the moment - instantly
90. To burn the candle at both the ends - to overtax one's energy.
91. To bury the hatchet - to cease fighting, to make peace
92. To feather one's own nest - to make money unfairly
93. To blow one's own trumpet - to praise oneself
94. To keep one's head above water - to keep out of debt
95. To have two strings to one's bow - to have two sources income to rely upon
96. To make a pile - to save a fortune
97. To be beside the man - to be irrelevant
98. To be under the water of - to be completely under control of
99. To be on tender roof - to be in a state of suspense anxiety
100. To move heaven and earth - to make every possible event

## APPENDIX II

### Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous

17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate - Extenuate
49. Artful - Artificial



**PRINCIPLES OF ECONOMICS**

**CHD1B**

**Objectives of the Course**

*The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in India.*

**COURSE OUTLINE**

**UNIT-I**

**Micro Economic Concepts**

Definitions-Basic Concepts-Basic Economic Problems-Methods of Economics-Nature and Scope -Demand-Law of Demand-Elasticity-Methods-types-Determinants-Demand Forecasting Meaning, Significance and Methods-Cardinal Utility Theory-Applications and Uses-Indifference Curve Analysis-MRS relationship between Normal and Giffen Good-Consumer Surplus.

**UNIT-II**

**Theory of Supply and Market**

Law of Supply and Theories of Production: Supply Analysis-Law of Supply-Supply Elasticity- Factors of Production-Production Functions-Law of Variable Proportions-Laws of Returns to Scale.

Theory of Market: Market Structure-Price and Output Determination-Perfect-Monopoly-Monopolistic -Oligopoly-Market Application-Managerial Decision-Markup Pricing Theory.

**UNIT-III**

**Macro Economic Principles**

Definition-National Income Accountings-Circular Flow of Income-Marginal Productivity Theory of Distribution-Rent-Wages- Interest- Profits- Consumption and Saving Choices-Keynesian Theory of Income - Output and Employment - General Equilibrium-Trade Cycle-Inflation.

**UNIT -IV**

**Macro Economic Policies and Public Finance**

Macro Economic Policies: Fiscal Policies-Tools-Objectives-Targets - Monetary Policies-Objectives-Tools -Targets-Labour Regulations-Social Security Schemes-EXIM Policies-New Economic Policy 1991.

Principles of Public Finance: Public Expenditure-Public Revenue-Pubic Debt-Tax-Characteristics of Good Tax System-Kinds-Effects-Deficit Financing-Taxes of Central and State Government.

**UNIT- V**

**Indian Economy**

Indian Economic Problems: Features-Population-Causes-Trends-Consequences-Population Policy 2000-Poverty-Concepts-Causes-Measurement-Trends-Poverty Alleviation Programmes - Unemployment- Causes-Types-Trends-Programmes- HDI.

Problems of Agricultural and Industry: Features-Land Reforms- Green Revolution -Agricultural Marketing-Agricultural Credit-Problems of Agricultural Labour-Industry-Role-Problems-Industrial Policies- Industrial Dispute -Industrial Relations.

### Books Prescribed

- H.L.Ahuja - Principles of Economics
- Ruddar Dutt and KPM Sundaram - Indian Economy
- Quotinis - Modern Micro Economics
- Srivatsava - History of Economic Thought

### Books for Reference

- David O' Corner - The Basics of Economics
- D.N.Divedi - Macro Economic Theory and Policy
- H.C.Bhatia - N.K. Sachdeva - Macro Economics
- M.L. Jhrijan - Macro Economics Theory
- Boa & Sodereston - International Economics
- Francis Cherunilam - International Economics
- Prof. Krishna and G.Kulkarn - Readings in International Economics
- B.P. Tyagi - Public Finance
- M.C.Vaish - Monetary Economics
- Reddar Datt and K.P.M.Sundharam - Indian Economy
- Alak Ghosh - Indian Economy
- W. Arthur Lewis -The Theory of Economic Growth

### Journals for Reference

- Economic and Political Weekly,
- Kurukshetra, Indian Journal of Agriculture,
- RBI Bulletin.



## **COMPUTER FUNDAMENTALS AND OFFICE AUTOMATION**

### **CHD1C**

#### **Objective of the course**

*This course introduces the details about the concepts of Computer fundamentals and MS-Office.*

#### **COURSE OUTLINE**

##### **UNIT- I**

Fundamentals of Computers - Characteristics of Computers. Computer Language -Operating Systems - Generation of Computers. Number Systems - Conversion from one number system to another.

##### **UNIT-II**

Complements - Binary Codes - Binary Logic - Logic Gates – Truth Tables. Boolean Algebra -Axioms- Sequential Logic- RS,JK,D and T Flip Flops -Registers-Counters.

##### **UNIT -III**

Truth Table Simplification of Boolean Function –K-Map Method ( Upto 5 Variables) -Mc-Clausky Tabulation Method- Adders-Subtractors- Decoder-Encoder-Multiplexer- Demultiplexer.

##### **UNIT-IV**

MS-Office, Introduction to MS Word-Menus- Shortcuts Create a Word Document, Opening a File - Saving, Editing Text Documents, Cut, Copy, Paste, Formatting a Document, Alignments, Font Styles, Indents, Creating Tables -Merging, Splitting, Drawing- Shapes, Pictures, Tools- Mail Merge, Spell Check, Macros, Templates, Using Wizards.MS-Excel, Introduction-Working Spread Sheets, Formatting Spread Sheets, Creating Charts, Formula Usage.

## UNIT-V

MS-Power Point- Creating Presentation, Formatting a Presentation, Adding Graphics to a Presentation , Adding Effects to the Presentation -MS-Access- Database Concepts, Design a Table, Creation of Table, Design a Form-Creation of Form -GUI, Forms, Design a Report-Creating and Printing a Report- Creating Queries- SQL Statements.

### Books Prescribed

- M.M.Mano- Digital Logic and Computer Design, Pearson Education.
- V.Rajaraman- Fundamentals of Computers
- Microsoft Office 2003- The Complete Reference

### Books for Reference

- T.C.Bartee - Computer Architecture and Logical Design
- Microsoft Office 2000 -Training Guide

## MS-OFFICE — LAB EXERCISES

### MS- WORD

1. Text Manipulations.
2. Usage of Numbering, Bullets, Footer and Headers.
3. Usage of Spell check, and Find and Replace.
4. Text Formatting.
5. Picture insertion and alignment.
6. Creation of documents, using templates.
7. Creation templates.
8. Mail Merge Concepts.
9. Copying Text and Pictures from Excel.

### MS - EXCEL

10. Cell Editing.
11. Usage of Formulae and Bulit-in Functions.
12. File Manipulations.
13. Data Sorting (both number and alphabets).
14. Worksheet Preparation.
15. Drawing Graphs.
16. Usage of Auto Formatting.

## POWER POINT

17. Inserting Clip arts and Pictures.
18. Frame movements of the above.
19. Insertion of new slides.
20. Preparation of Organisation Charts.
21. Presentation using Wizards.
22. Usage of design templates.





**LAW OF TORTS**

**CHD1D**

**Objectives of the Course**

*In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses. Torts can be intentional torts, negligent torts, or strict liability torts. Employers must be aware that in many circumstances, their employees may create liability in tort. This chapter explains the different kind of torts, as well as available defences to tort claims.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles**

Nature and Scope- Definition- Distinction between Tort and Crime - Tort and Contract- Foundation of Tortious Liability - Elements of Torts - General Defences.

**UNIT- II**

**Liability for the wrong committed by other person**

Vicarious Liability - Joint Tortfeasors- Capacity to Sue and be Sued - Remedies.

**UNIT- III**

**Specific Torts**

Negligence- Contributory Negligence- Nuisance- Remoteness of Damage- Nervous Shock.

**UNIT- IV**

**Torts against Human Being and Property**

Assault- Battery- Distress- Malicious Prosecution- Conspiracy- False Imprisonment- Defamation- Trespass: To Land- To Goods- Passing Off.

**UNIT- V**

**No Fault Liability**

No Fault Liability - Strict Liability- Absolute Liability - Motor Vehicles Act- 1988.

**Book Prescribed**

- B. M. Gandhi -Law of Torts
- P. S. A. Pillai - The Law of Torts
- Ratanlal and Dhiraj Lal -The Law of Torts
- R. K. Bangia - Law of Torts including Motor Vehicles Act

**Books for Reference**

- Ramaswamy Iyer - Law of Tort
- Winfield - Law of Tort
- Salmond - Law of Tort



**CONTRACTS - I**

**CHD1E**

**Objectives of the Course**

*Contract law plays a pivotal role in the society as almost all exchanges between persons and*

*Enterprises alike come within the ambit and are regulated by Law of Contracts. This is the basis of all commercial interactions and all legislations relating to trade and commerce. But for the existence of statutory provisions pertaining to Contract Law, many a private, voluntarily made agreements wouldn't be enforceable due to lack of legal force. Also, it is appropriate to state that Contract Law is quintessential to transactions relating to goods and services.*

**The following are the board objectives of this course:**

- a) *An understanding of the Legal dimensions of the law relating to the formation of contracts.*
- b) *An insight into the legal provisions, which buttress the operative performance of contracts.*
- c) *To comprehend & appreciate the significance of the various modes in which contracts may be discharged.*
- d) *To familiarize with the redressal mechanisms available to the aggrieved parties.*

**COURSE OUTLINE**

**UNIT-I**

Basic Nature of Contract-Formation of Contract-Offer-Acceptance- Revocation- Lapse of Offers and Acceptance-Intention to Create Legal Relationship –Terms of Contract and Standard Form Contracts.

**UNIT-II**

Consideration-Past- Present- Future Considerations-Privity as to Consideration - Value and Adequacy of Consideration-Rule in Pinnel's Case-Exceptions To Consideration-Capacity

to Contract-Free Consent-Factors Which Vitiates Free Consent-Objects of a Contract-Unlawful and Illegal Objects or Considerations-Valid- Voidable- Void Agreements.

**UNIT-III**

Performance of Contract-Privity of Contract-Tender of Performance - Time as Essence to Performance-Law Relating to Time- Place and Order of Performance-Performance of Reciprocal Promises- Contingent Contracts- Joint Promises-Appropriation of Payments.

**UNIT-IV**

Discharge of Contracts by Impossibility of Performance-Discharge by Agreement-Novation- Rescission- Alteration-Discharge by Breach - Waiver - Accord and Satisfaction-Material Alteration-Damages-Types and Measures.

**UNIT-V**

Quasi Contracts-Quantum Meruit-Specific Relief Act- 1963-Recovery of Possession-Specific Performance of Contracts-Rectification- Cancellation of Instruments-Rescission-Declaratory Decrees-Injunctions.

**Statutory Material**

- Indian Contract Act- 1872
- Specific Relief Act- 1963

**Books Prescribed**

- Dr. Avatar Singh-Law of Contract and Specific Relief.
- Anson's Law of Contract.
- Venkatesh Iyer-Indian Contract Law
- M. Krishnan Nair-Indian Contract Law.

**Books for Reference**

- Cheshire and Fifoot-Law of Contracts.
- Mulla-Indian Contract Act.
- Sarkar-Specific Relief Act.
- Basu-Specific Relief Act.
- Smith and Thomas-A Casebook on Contract.



**BUSINESS ENGLISH**

**CHD2A**

**Objectives of the Course**

*The course analyses the ways and principles of effective communication and the barriers to it. The students are given an understanding of various types of correspondence writing reports, tabling minutes, office orders etc., the modern forms of communication and the ways of communication through it for business purpose are also covered in this subject.*

**COURSE OUTLINE**

**UNIT-I**

**Communication**

Definition-Methods-Types-Principles of Effective Communication-Barriers to Communication-Relevance and Importance of Business Communication - Four Skills of Language Acquisition-Understanding Spoken Language-Speaking -Written Language-Writing.

**UNIT - II**

**Business letters**

Kinds of Business Letters - Layout-Interview-Appointment-Acknowledgement-Promotion-Enquiries-Replies-Orders-Sales-Circular-Complaints.

**UNIT - III**

**Correspondence**

Bank Correspondence-Insurance Correspondence-Agency Correspondence -Correspondence with Shareholders-Correspondence with Directors.

**UNIT-IV**

**Reporting Writing**

Reports Writing-Agenda, Minutes of Meeting-Memorandum-Office Order-Circular-Notes.

**UNIT-V**

**E - Communication**

Communication in a Globalised world after LPG (Liberalisation, Privatisation and Globaliation) –Modern forms of Communication - Fax - Email-Video Conferencing-Internet-Websites and their use in Business.

**Books Prescribed**

- Rajendra Pal and J. S. Korlahalli - Essentials of Business Communication
- Shirley Taylor - Communication for Business

**Books for Reference**

- Bovee, Thill, Schatzman- Business Communication Today
- Penrose, Rasbery, Myers - Advanced Business Communicaiton,
- Simon Collin - Doing Business on the Internet
- Mary Ellen Guffey, Business Communication- Process and Product.
- David Annousamy - The Language Riddlle.



**PROGRAMMING IN ‘C’ AND ALGORITHMS**

**CHD2B**

**Objective of Course**

*This course introduces the basic programming concepts and fundamentals of Programming Language C and Algorithm*

**COURSE OUTLINE**

**UNIT- 1**

C Fundamentals Character Set-Identifier and Keywords - Data Types – Constants-Variables- Declarations- Expressions -Statements -Operators -Library Functions- Data Input Output Functions -Simple C Programs -Flow of Control- If, If-Else, While, Do-While, For Loop, Nested Control Structures- Switch, Break and Continue, Go To Statements- Comma Operator

**UNIT-II**

Functions –Definition- Proto-Types- Passing Arguments- Recursions- Storage Classes- Arrays - Defining and Processing- Passing Arrays to Functions - Multi-Dimension Arrays- Arrays and String. Structures- User Defined Data Types- Passing Structures to Functions -Self-Referential Structures –Unions- Bit Wise Operations.

**UNIT-III**

Fundamentals of Algorithms - Notion of an Algorithm- Pseudo-Code Conventions like Assignment Statements and Basic Control Structures -Analysis of Algorithms- Running Time of an Algorithm- Worst and Average Case Analysis.

**UNIT-IV**

Sorting Algorithms - Bubble, Selection- Insertion and Merge Sort- Efficiency of Algorithms-Implement Using C- Searching Algorithms-Linear Search and Binary Search - Graph Algorithms- BFS, DFS, Shortest Paths - Single Source and All Pairs.

**UNIT-V**

Pointers –Declarations -Passing Pointers to Functions- Operation in Pointers –Pointer and Arrays -Arrays of Pointers -Structures and Pointers -Files- Creating, Processing, Opening and Closing a Data File.

**Books Prescribed**

- E.Balagursamy-Programming in ANSI C.
- Horowitz, S. Salmi and S. Rajasekaran - Computer Algorithms

**Books for Reference**

- B. W. Kernighan and D. M. Ritchie- The C Programming Language
- J.R.Hanly and E.B.Koffman- Problem solving and program design in C
- H.Schildt, C -The Complete Reference

**PRACTICAL EXERCISES- PROGRAMMING IN C AND ALGORITHMS**

**I. Recursion**

1. nPr,nCr
2. GO) of two numbers
3. Fibonacci sequence
4. Maximum & Minimum
5. Towers of Hanoi.

## II Summation of Series

1. Sin(x)
2. Cos(x)
3. Exp(x) (Comparison with built in functions)

## III String Manipulation

1. Counting the no. of vowels, consonants, words, white spaces in a line of text and array of lines
2. Reverse a string & check for palindrome.
3. Substring detection, count and removal
4. Finding and replacing substrings

## IV Matrix Manipulation

1. Addition & Subtraction
2. Multiplication
3. Transpose, and trace of a matrix
4. Determinant of a Matrix

## V Sorting and Searching

1. Insertion Sort
2. Bubble Sort
3. Linear Search
4. Binary Search



## **SOCIOLOGY**

### **CHD2C**

### **Objectives of the Course**

*The focus of this course is primarily to introduce students to diversity and universality of ways of life of man as a social being. This paper is intended to familiarize the students with the context in which sociology emerged as a distinctive discipline. It also helps the students gain an understanding of the society through various concepts and its relevance to its contemporary concerns.*

### **COURSE OUTLINE**

#### **UNIT -I**

#### **The Emergence of Sociology and Structure of Indian Society**

Definition of Sociology -Origin, Development and Scope of Sociology -A Brief Historical Sketch of Indian civilization - Nature of Diversity in India-Unity and National Integration.

#### **UNIT -II**

#### **Social Stratification and Caste System in India**

Social Stratification : Meaning and definition - Characteristics and Functions -Forms of Social Stratification  
Caste System : Meaning and Definition -Characteristics - Theories -Changing Trends -Caste System in Contemporary India.

#### **UNIT -III**

#### **Social Groups and Social Institutions**

Social Groups: Definition - Types of Groups -Characteristics -Functions -Differences -Reference Group. Social Institutions: Marriage -Family -Kinship -Types -Importance and its Functions -Social Significance of Institutions in Contemporary India.

#### UNIT -IV

##### **Empowerment of Women in India**

Social Status of Women - Ascribed to Achieved Status - Development and Changing Status of Women -Role of Women - SHG's, - NGO's -Feminist -Programmes Related to Empowerment of Women -Hurdles Faced by Women in Modern India.

#### UNIT -V

##### **Social control and Social Deviance**

Social Control: Definition - Nature of Social Control -Types of Social Control -Agencies of Social Control.

Social Deviance: Definition and types of Deviance -Factors Facilitating Deviance -Social Significance of Deviant Behaviour -Contemporary Development in Deviance -Mass Media and Social Deviance.

##### **Books Prescribed**

- Vidhya Bhushan and Sachdeva, D.R. - An Introduction to Sociology
- Oomen, T.K and Venugopal C. N. - Sociology for Law Students.
- Shankar Rao, C.N - Sociology of Indian Society.

##### **Books for Reference**

- Kuppaswamy, B. - Social Change in India.
- Gisbert Pasual- Fundamentals of Sociology.
- Davis Kinsley- Human Society.
- Bottomore , T.B - Introduction to Sociology
- Giddens. A -Sociology.
- Uberoi. Patricia- Family, Kinship and Marriage in India.
- Oomen. T.K and Venugopal C. N - Sociology for Law Students.
- Merton. R. K. - Social Theory and Social Structure.
- Ginsberg.Morris - Studies in Sociology.



#### **LEGAL AND CONSTITUTIONAL HISTORY**

##### **CHD2D**

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

*The course is a foundation course for Constitutional Law paper. It traces the development of the legal system and judiciary from 1600 till the time British left India in 1947. The changing structure of governance and legal system, the charters and the Acts are given in detail, an understanding of which is of vital importance to a Law student.*

##### **COURSE OUTLINE**

###### **UNIT -I**

Administration of Justice in the Presidency Towns of Madras, Bombay and Calcutta from 1600 -1726 and the Development of Courts and Judicial Institutions - Mayor's Court and The Charter Of 1726 - Warren Hasting's Plans of 1772, 1774 And 1780 - Supreme Court at Calcutta, its Composition, Powers and Functions -The Settlement Act of 1781 -Judicial Measures of Cornwallis 1787, 1790 and 1793.

###### **UNIT -II**

Dual System of Administration of Justice -Amalgamation of the Two Systems of Courts -The High Court's Act 1861 - Federal Court -High Court Act under The Constitution - Development of the Rule of Law - Separation of Powers and the Independence of Judiciary - Privy Council as a Court of Appeal and its Jurisdiction -Abolition of the Jurisdiction of the Privy Council - History of Law Reporting in India.

###### **UNIT -III**

Legislative Authority of the East India Company under The Charters Of 1600, 1661 and 1726-Regulating Act, 1773, The Pitts India Act of 1784 -Powers and Functions of The Governor -General and Council - Charter Acts of 1793, 1813,

1833 and 1853 - The Government of India Act 1858, The Indian Councils Acts of 1861 and 1892.

#### **UNIT -IV**

The Minto -Morley Reforms of 1909 - The Mont -Ford Reforms of 1919 -Dyarchy -Bicameral Legislature -Powers and Functioning of Dyarchy - The Government of India Act 1935 -Federal Assembly and The Council of States -Provincial Autonomy -Governor -State Legislature -Council of Ministers in The Provinces and their Powers and Functions.

#### **UNIT -V**

Development of Legal Profession Till 1724 -Legal Profession under The Supreme Court -Provision for Enrolment of Advocates under The Legal Practitioners Act -Provision for Enrolment of The Advocates under The Courts Act 1861 - Bar Committee of 1923 and Bar Council of 1926 -The Committee, 1951 - The Advocates Act 1961, The All India Bar Council and State Provisions Relating to Enrolment-Maintenance of Discipline - Development of Legal Education.

#### **Books Prescribed**

- M.P.Jain- Outlines of Indian Legal History.
- V.D.Kulshreshtha- Landmarks in Indian Legal and Constitution.

#### **Books for Reference**

- V.D.Mahajan- Constitutional History of India.
- M.Rama Jois- The Constitutional History of India.



**B.C.A.LL.B. (Hons.)**

**FIRST YEAR – 2<sup>nd</sup> SEMESTER**

### **CONTRACTS-II**

**(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)**

#### **CHD2E**

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

*The subject of Special Contract is developing in all spheres after the impact of Liberalisation, Privatisation and Globalisation (LPG). Many contractual disputes have been reported in specific areas of contract based on the interpretation of the provisions of Contract Act and other related Laws. The growing demands make it imperative to study the various special natures of contractual dealings.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Indemnity and Guarantee**

Definition - English and Indian -Distinction between Indemnity and Guarantee-Rights of the Indemnity Holder-Rights of the Indemnifier-Implied Indemnity -Codification not exhaustive-Principles of Equity applicable-Definition - English and Indian Definitions-Essentials and nature of Guarantee-Distinction between Guarantee and Indemnity -Guarantee and Insurance- Elements of Consideration in a Contract of Guarantee-Nature and Quantum of Surety's Liability- Kinds of Guarantee -Surety ship arises on Contract and not on Notice-Position in English Law- Duty of Disclosure in Guarantee-Rights of Surety -Difference in English Law- Discharge of Surety.

#### **UNIT-II**

##### **Bailment**

Definition - Indian and English Definitions-Essentials of Bailment and classification of Bailment- Distinction between Bailment and Pledge-Deposit-Sale-Agency-Rights

and Duties of the Bailor and Bailee-Difference in English Law-Pledge-Definition-Rights of the Pawner and Pawnee-Pledge by Non-Pawners-Lien-kinds of Lien-Their nature and incidents - How lost.

### **UNIT-III**

#### **Sale of Goods**

Definition of Sale and Agreement to Sell - Distinction between Sale and Agreement to Sell - Contract of Work and Layout. Hire Purchase Agreement - Bailment - Exchange-Gift-Definition-Goods-Specific Goods-Future Goods-Mercantile Agent-Documents of Title of Goods-How is Sale made-Rules for Fixing Price and effect of goods getting Damaged or Perished in a Contract of Sale-Stipulation as to time and other stipulation-Conditions and Warranties-Effect of Breach-Ex-Post Facto Warranty –When condition is treated as Warranty-Implied conditions and Warranties in a Contract of Sale-Exemption clauses effect

Of Fundamental Breach-Rule as to Passing Off property-Sale by Non-Owners, Exception to *Nemo Dat Quod Non Habet*-Rules as to Delivery-Unpaid Vendor-His rights or Lien and stoppage in transit-Remedies available to seller and buyer-Auction Sale.

### **UNIT-IV**

#### **Agency**

Definition of Contract of Agency-Creation of Agency-kinds of Agency-Distinction between Agent and Servant and Independent Contractor-Who may be an Agent-Kinds of Agent-Authority of the different kinds of Agent-Authority of Agents-Ostensible and Emergency Authority –Delegation of Authority-Delegates Non Protest Delegate-Sub Agent –Substituted Agent-Essential of Ratification and its effect-Effect of Notice to Agent-Necessary conditions to bind Principal-Principal and Third Parties-The doctrine of Undisclosed Principal and Concealed Principal-Termination of Agency and when it becomes irrevocable.

### **UNIT-V**

#### **Partnership**

Definition of 'Partnership–Essential of Partnership–Joint Hindu– Partnership-Distinction between Partnership and Co-Ownership-Joint Hindu Family –Incorporation Companies-Contract of Service-Legal Notion and Mercantile Notion-Kinds of Partners and Duration of Partnership-Mutual Rights and Duties of Partners-Minor as a Partner-Difference in English Law-Rights of Legal Representative and Surviving Partners-Authority of Partners-Implied and Emergency-Liability of the Partners of the Acts of the Firm and for the Wrongful Acts of other Partner-Nature of Liability-Principle of Agency in Partnership-Partnership Property-Tests-Settlement of Accounts-Goodwill and its Disposal-Distribution of Assets-Retirement of Partners-Dissolution of Firm and Modes and Circumstances-Effect Of Non-Registration of Firm.

#### **Statutory Material**

- Indian Contract Act,1872
- Sale of Goods Act,1930
- Indian Partnership Act,1932

#### **Books Prescribed**

- Dr. Avatar Singh -The Law of Contracts
- Mulla - Sale of Goods Act
- Krishna Nair -Law of Contracts
- Anson -Law of Contracts

#### **Books for Reference**

- Cheshire & Fifoot-Law of Contracts.
- Mulla-Indian Contract Act.
- Sarkar-Specific Relief Act.
- Basu-Specific Relief Act.
- Smith & Thomas-A Casebook on Contract.





**POLITICAL SCIENCE**

**CHD3A**

**Objectives of the Course**

*Political Science has a very close link with Legal Studies. The course intends to make the students to understand the basic concepts connected with Political Science such as, state and its functions, origin of state, various theories of origin of state and different form of government. The course also covers basic political concepts like, Sovereignty, Liberty, Equality, Citizenship, Rights, and Duties. Finally the course focuses on the International relations connect with Realism, Political Power, National Power, Balance of Power, Diplomacy, Cold War and Alliances and the Structure and Functions of International and Regional Institutions.*

**COURSE OUTLINE**

**UNIT - I**

Meaning, Nature, Scope and Importance of Political Science - Methodology -Political Science and Allied Studies - Approaches to the study of Political Science - Traditional Approach -Modern Approach – Behavioralism- Systems Approach- Structural Functional Analysis- Marxist Approach- Theories of the Origin of State -Divine Origin Theory - Force Theory - Patriarchal and Matriarchal Theories -Social Contract Theories of Hobbes, Locke and Rousseau -Evolutionary Theory - State - Elements of State - State and Society -State and Nation - The distinctive features of the State - State and its Functions .

**UNIT - II**

Basic Political Concepts: -Sovereignty -characteristics and types of Sovereignty -Justice - Meaning and kinds of Justice - Liberty – Meaning- Kinds of Liberty - Civil Liberty -Political Liberty -Safeguards of Liberty - Equality -Meaning -Kinds

of Equality -Extent of Equality in Modern Times - Citizenship - Rights and Duties -Fundamental Rights recognized by States - Human Rights recognized by International bodies.

**UNIT - III**

Classification of Government - Aristotle's classification - Modern classification -Merits and Demerits of Democracy, Merits and Demerits of Monarchy, Merits and Demerits of Dictatorship- Role of Law in Governance- Laissez Faire and Welfare Governments. Parliamentary and Presidential- Unitary and Federal - SOP and Checks and Balances - Unicameral and bicameral legislatures - Cabinet form of government - Role of Political Parties - Public opinion -Limits of governments - Revolution.

**UNIT - IV**

Introduction to International Relations - Relationship between International Relations and International Law Theories of International Relations - Moralistic Theory: Merits and Demerits - Realistic' Theory - Concept of Political Power - Importance and Relevance of Political Power of the State - Concept of National Power - Elements of National Power - Limitations on National Power - Role of Political Power in International Relations - Two World Wars and their Impact.

**UNIT - V**

Balance of Power - Techniques of Balance of Power - Armament and Disarmament - Alliances - Bi-Polar World - Cold War - End of the Cold War - Non-Aligned Movement - Diplomacy and Terrorism - United Nations Role in International Peace and Security - Globalization and their Impact – Non State Actors -Terrorism - Environmental Issues - Human Security - Human Rights.

### Books Prescribed

- Amal Ray and Mohit Bhattacharya - Political Theory: Ideas and Institutions
- Norman, D. Palmer and Howard, C. Perkins - International Relations: The World community in Transition.

### Books for Reference

- A.C. Kapoor - Principles of Political Sciences.
- Hans J.Margenthan-Politics among Nations.
- Baylis- Introduction to International Relations.



**B.C.A.LL.B. (Hons.)**

**SECOND YEAR – 3<sup>rd</sup> SEMESTER**

## **OPERATING SYSTEMS AND MICRO PROCESSOR AND ITS APPLICATIONS**

**CHD3B**

### **Objectives of the Course**

*This course introduces the fundamental concepts of Operating Systems with case studies on UNIX and Windows and basics concepts in Microprocessor with 8085 and 8086.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Introduction**

Multiprogramming - Time Sharing - Distributed System - Real-Time Systems - I/O Structure - General System Architecture - Operating System Services - System Calls - System Programs-System Design and Implementation-Process Management: Process Concept - Concurrent Process - Scheduling Concepts- CPU Scheduling - Scheduling Algorithms, Multiple Processor Scheduling.

#### **UNIT-II**

##### **Process Management**

Process Synchronization - Critical Section -Synchronization Hardware - Semaphores, Classical Problem of Synchronization, Interprocess Communication. Deadlocks: Characterization, Prevention, Avoidance and Detection-Storage Management - Paging - Segmentation - Paged Segmentation, Virtual Memory - Demand Paging - Page Replacement and Algorithms, Thrashing.

#### **UNIT-III**

##### **Secondary Storage Management**

Disk Structure - Free Space Management - Allocation Methods - Files and Protection - File System Organization - File Operations - Access Methods - Consistency Semantics

- Directory Structure Organization - File Protection - Implementation Issues - Security - Encryption - Case Studies: Unix and Windows Operating Systems.

#### **UNIT -IV**

##### **Introduction to Microprocessors**

Concept and need for Microprocessors - Evolution - General Architecture - Control Unit - Internal Registers - Arithmetic and Logic Unit - State Transition - Architecture of 8085 and 8086 - Instruction Set and Programming Addressing Modes - Instruction Set Summary of 8085 - Overview of 8086 Instruction Set.

#### **UNIT- V**

##### **Assembly Language Programming**

Arithmetic And Logic - Code Conversion - Counters And Delay Routines - Interrupts And Dma Data Transfer Techniques- Interrupt Structure Of 8085- Memory & I/O Interfacing.

##### **Books Prescribed**

- Silberschatz P.B. Galvin- Operating System Concepts
- Ramesh S.Gaonkar- Microprocessor Architecture, Programming and Applications with 8085

##### **Books for Reference**

- H.M. Deitel- An Introduction to Operating Systems
- D.M. Dhamdhare -Operating System
- A.S. Tanenbaum -Operating Systems: Design and Implementation
- K. Ray and Bhurchandi -Advanced Microprocessors And Peripherals
- Douglas V.Hall- Microprocessors and Interfacing Programming and Hard



**B.C.A.LL.B. (Hons.)**

**SECOND YEAR – 3<sup>rd</sup> SEMESTER**

### **LAW OF CRIMES – I (Indian Penal Code)**

#### **CHD3C**

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

*It is fact that both Crime and Criminal are looked upon with greatest hatred by all the section of the people in the society. Whenever people organized themselves into group- there is a need for some sort of rules to regulate the behaviour of that member. The State has to impose certain penalties upon the wrong doer with the object of prescribing peace in the society at large. Crime and Law are so closely connected with each other that it is very difficult to understand one without knowing the other.*

#### **COURSE OUTLINE**

##### **UNIT-I**

###### **Nature and Scope of Criminal Law**

Definition-Essentials Elements-Strict Responsibility-Mens Rea-Intention and Negligence-Recklessness and Knowledge-Offences Without Conduct - Punishment : Objectives-Basis and Types-Theories of Punishment-Justification of Punishment - General Defences - Excusable Defences-Justifiable Defences-Private Defence - Joint and Constructive Liability-Abetment-Conspiracy-Attempt-Corporate Liability - Jurisdiction-Territorial-Extra Territorial-Personal and Admiralty.

##### **UNIT-II**

###### **General Offences**

Offences Against State - Offences Against Public Peace-Unlawful Assembly-Riot -Affray - Offences Against Election-Bribery-Personation-Offences Relating to Religion - Offences Against Public Justice- Administration of Justice-Giving and Fabricating the False Evidence-Disappearance of Evidence.

### UNIT-III

#### Offences against Human Body

Culpable Homicide and Murder-Suicide-Causing Miscarriage-Hurt-Wrongful Restrain and Wrongful Confinement-Assault-Kidnapping and Abduction-Rape.

### UNIT-IV

#### Offences against Property

Theft- Extortion- Robbery and Dacoity-Criminal Misappropriation of Property and Trust- Cheating- Mischief- Offences Relating to Documents.

### UNIT-V

#### Offences Relating to Marriage and Reputation

Mock or Deceitful Marriage-Bigamy-Adultery-Cruelty by Husband or Relatives- Defamation-Intimidation-Attempt to Commit Offences-Thug.

#### Statutory Material

- The Indian Penal Code

#### Books Prescribed

- Kenny - Outlines of Criminal Law (Chapters relating to general principles)
- Ratan Lal - The Indian Penal Code
- M.K.D. Gour - Criminal Law
- Atchuthan Pillai - Criminal Law
- B.M. Gandhi - Indian Penal Code

#### Books for Reference

- Glanville William - Criminal Law
- Russel - Criminal Law
- Ejaz's - Law of Crimes
- Nigam - Law of Crimes (Volume I)
- Dr.H.S. Gour - Penal Law of India
- Raghavan V.V. - Law of Crimes



### FAMILY LAW - I

#### CHD3D

#### Objectives of the Course

*The course helps in understanding the meaning and concepts that are involved in family system in their Personal Laws. The course also focuses the students to identify the various religious groups particularly Hindus, Muslims and Christians and the application of personal laws in their personal matters relating to Marriage, Matrimonial Reliefs, Adoption, Maintenance, Minority and Guardianship. The course also motivates the students to go through the Statutory Materials and Judgments passed in various matters.*

#### COURSE OUTLINE

### UNIT - I

#### Sources and Schools of Personal Laws

Application of various Personal Laws - Traditional and Modern Sources of Hindu Law and Muslim Law - The Classical Schools of Hindu Law and Muslim Law - Origin of the Schools -Main Schools and Sub-Schools - Effect of Migration.

### UNIT -II

#### Law on Marriage

Nature of Marriage - Various forms of marriage and requirements for a valid marriage on a comparative analysis - Void, voidable and valid marriage in different religious texts and statutes-

Laws and Issues on marriage under the Special Marriage Act - Unisex Marriage and question on living together - The demand of Dowry and the concept of Dower under the relevant Personal Laws - Ceremonies of marriage under various religious systems.

### UNIT - III

#### Law on Divorce and Maintenance

Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage and Divorce - Various grounds and procedure on a comparative analysis - Court's jurisdiction and procedure for the issues raised on Marriage and Divorce - In Camera proceedings - Decree on Proceedings- Maintenance under Hindu, Muslim and Christian Laws - Permanent Alimony - Maintenance during pendency of the Suit - Maintenance under the Special Marriage Act- the Hindu Adoptions and Maintenance Act and the Code of Criminal Procedure- Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

### UNIT - IV

#### Law on Legitimacy of Children and Adoption

Legitimacy of children born of Void and Voidable Marriages - Their Rights and Legal Issues -Adoption in different religious groups - Requisites, Conditions, Procedure of Adoption - Effect of Adoption - Inter-Country Adoption.

### UNIT - V

#### Law on Minority and Guardianship

Guardian under the Hindu Minority and Guardianship Act, 1956 - Definition- Types of Guardians- Guardianship under Muslim Law - Procedure for appointment and their powers - Guardian under the Guardian and Wards Act, 1890.

#### Statutory Materials:

- The Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956
- The Hindu Minority and Guardianship Act, 1956
- The Special Marriage Act, 1954
- The Guardian and Wards Act, 1890
- The Dissolution of Muslim Marriage Act, 1939
- The Christian Marriage Act 1872
- Indian Divorce Act, 1869

- Indian Majority Act, 1875
- The Muslim Women (Protection of Rights on Divorce) Act, 1986
- The Family Courts Act, 1984
- The Dowry Prohibition Act, 1961
- The Hindu Widows' Remarriage Act 1856
- Prohibition of Child Marriage Act, 2006

#### Books Prescribed

- Mulla - Hindu Law
- N.R. Raghavachari - Hindu Law
- Dr. Paras Diwan - Family Law
- Mulla - Principles of Mahomedan Law
- Fyjee - Outlines of Mahomedan Law

#### Books for Reference

- Kusum - Family Law Lectures - Family Law - I
- Mayne - Hindu Law and Usage
- Mitra - Hindu Law



**CONSTITUTIONAL LAW -I  
(Constitutional Features and Principles)**

**CHD3E**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. The course also outlines basis of the Constitution to enjoy and enforce the Fundamental Rights; Fundamental Duties; to appreciate the relationship between Part III and Part IV to promote good governance. Finally- the course influences ideas of Citizenship in the minds of the students at large.*

**COURSE OUTLINE**

**UNIT-I**

**Classification of Constitution and Governments**

Definition and Meaning of Constitution- Kinds of Constitution- Meaning of Constitutionalism-Features of Indian Constitution.

Convention - Significance- Parliamentary Supremacy- Theory of Separation of Powers -Latimer House Principle - Doctrine of Checks and Balances- Doctrine of Judicial Review -Significance.

State -Federal- Quasi-Federal- Co-operative Federalism - Essentials of Federalism - Panchayat Raj System - 73rd and 74th Amendment - Constitution -Written and Unwritten- Rigid and Flexible - Executive -Parliamentary- Presidential -Combination of Both Judiciary-Rule of Law.

**UNIT- II**

**Preamble, Union and its Territories and Citizenship**

Preamble: Meaning- Scope- Importance- Objectives and Values - Union and its Territories (Art 1-4) - Citizenship:

(Art 5-11) -Citizenship at the commencement of the Constitution - Deprivation and the renunciation of the Citizenship - Parliament power to regulate -Citizenship Act.

**UNIT- III**

**State, Laws and Amendment**

State: Definition and meaning- Article 12- New Judicial trends on concept of State -Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws- Various Doctrines like Eclipse- Severability and Ultravires- Judicial Review and Article 13.

Amendment: Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of Constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon Constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule.

**UNIT- IV**

**Fundamental Rights**

Right to Equality: General Equality Clause under Article 14- Judicial Interpretation on Equality -Reasonable Classification. Protective Discrimination Clause- Reservation and Social Justice under Articles 15 and 16- Equality and Reservation- Equality of opportunity in public employment -Art 16- Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression - Art 19- Scope and Ambit- Art 19(1) (a) and (2); Balance between individual interest and collective interest- Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)- Judicial interpretation on Right to Strike and Bundh - Right to Information.

Rights of the Accused: Article 20 - Rights of the arrested person- Ex-post Facto – Double Jeopardy -Self

incrimination- Art 21 - Right to Life and Personal Liberty- Meaning and Scope- Procedure established by law- Judicial Interpretation on Life and Liberty-Applicability of concept of reasonableness. Article 22 -Preventive Detention- Right against Preventive Detention- Exceptions- Safeguards against Preventive Detention.

Freedom of Religion: Articles 25-28- Secularism- Judicial Interpretation- Restrictions on Freedom of religion.

Cultural and Educational Rights: Articles 29-30- Protection for Minorities- Recent trends on Minority Educational Institutions.

Right to Constitutional Remedies: Article 32 and 226- Writ Jurisdiction -Definition- Nature- Scope and functions- Compensatory Jurisprudence- Various Writs -*Habeas Corpus- Mandamus- Quo-Warranto- Prohibition* and *Certiorari*.

#### **UNIT- V**

#### **Directive Principles of State Policy and Fundamental Duties**

Directive Principles- Directions for Social Change- A new Social Order - Fundamental Rights and Directive Principles - Inter-Relationship - Judicial Balancing - Constitutional Amendments -To Strengthen Directive Principles - Reading Directive Principles into Fundamental Rights- Judicial Approach.

Fundamental Duties: The need and status in Constitutional set up- Interrelationship with Fundamental Rights and Directive Principles- Enforcement of Fundamental Duties.

#### **Books Prescribed**

- Dr. V. N. Shukla -Constitution of India
- M. P. Jain- Indian Constitutional Law- Relevant Volume

#### **Books for Reference**

- D.D.Basu - Shorter Constitution of India
- M.P.Singh(ed.)- V.N.Shukla - Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai - Constitution of India
- G. Austin - Indian Constitution: Corner stone of a Nation (1972).
- M. Galanter- Competing Equalities - Law and the Backward Classes in India
- B. Sivaramayya - Inequalities and the Law.
- S.C.Kashyap - Human Rights and Parliament.
- N.A.Subramaniam -Case law on the Indian Constitution
- T. K. Tope -Constitutional Law
- S. Shiva Rao- Framing of Indian Constitution
- D.J. De -The Constitution of India Vol. I and II.
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



**PRINCIPLES OF SOFTWARE ENGINEERING  
AND SOFTWARE TESTING**

**CHD4A**

**Objective of the Course**

*The course introduces the details about the concepts of life cycle of software and software testing.*

**COURSE OUTLINE**

**UNIT -I**

Introduction to Software Engineering -Definition -Some Size Factors - Quality and Productivity Factors -Managerial Issue. Planning a Software Project: Defining the Problem - Developing a Solution Strategy - Planning the Development Process - Planning an Organization Structure -Other Planning Activities.

**UNIT-II**

Software Cost Estimation: Software -Cost Factors - Software Cost Estimation Techniques -Specification Techniques - Level Estimation - Estimating Software Maintenance Costs-The Software Requirements Specification -Formal Specification Techniques - Languages and Processors for Requirements Specification.

**UNIT- III**

Software Design: Fundamental Design Concepts -Modules and Modularizing Criteria Design Notations - Design. Techniques - Detailed Design Consideration - Real Time and Distributed System Design -Test Plan -Mile Stones Walk Through and Inspection.

**UNIT-IV**

Introduction: Purpose - Productivity and Quality in Software - Testing Vs Debugging - Model for Testing -Bugs - Types of Bugs -Testing and Design Style.

**UNIT-V**

Flow/Graphs and Path Testing - Achievable Paths - Path Instrumentation - Application -Transaction Flow Testing Techniques.

**Books Prescribed**

- Richard E.Fairly - Software Engineering Concepts
- B. Beizer -Software Testing Techniques
- K.V.KK. Prasad -Software Testing Tools
- Srinivasan Desikan -Software Testing Principles and Practices

**Books for Reference**

- R.S.Pressman-Software Engineering
- Rajib Mall -Fundamentals of Software Engineering
- R.Rajani and P.P.Oak -Software Testing





**RELATIONAL DATABASE MANAGEMENT  
SYSTEMS (RDBMS)**

**CHD4B**

**Objective of the Course**

*This course introduces the details about the concepts of Relational Database Management Systems.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction**

Purpose of Database System - Views of Data – Data Models - Database Languages -Database System Architecture - Database Users and Administrator - Entity-Relationship Model (E-R model ) - E-R Diagrams -Introduction to Relational Databases.

**UNIT- II**

**Relational Model**

The Relational Model - The Catalog- Types- Keys -Relational Algebra - Domain Relational Calculus - Tuple Relational Calculus -Fundamental operations - Additional Operations- SQL fundamentals - Integrity -Triggers - Security - Advanced SQL Features -Embedded SQL- Dynamic SQL Missing Information- Views - Introduction to Distributed Databases and Client/Server Databases.

**UNIT- III**

**Database Design**

Functional Dependencies - Non-Loss Decomposition - Functional Dependencies - First, Second, Third Normal Forms, Dependency Preservation - Boyce/Codd Normal Form-Multi-Valued Dependencies and Fourth Normal Form - Join Dependencies and Fifth Normal Form.

**UNIT- IV**

**Transactions**

Transaction Concepts - Transaction Recovery - ACID Properties - System Recovery -Media Recovery - Two Phase Commit - Save Points - SQL Facilities for Recovery - Concurrency - Need for Concurrency -Locking Protocols - Two Phase Locking - Intent Locking - Deadlock-Serializability - Recovery Isolation Levels - SQL Facilities for Concurrency.

**UNIT -V**

**Implementation Techniques**

Overview of Physical Storage Media -Magnetic Disks - RAID - Tertiary storage - File Organization - Organization of Records in Files - Indexing and Hashing -Ordered Indices - B+ tree Index Files - B Tree Index Files - Static Hashing - Dynamic Hashing -Query Processing Overview - Catalog Information for Cost Estimation - Selection Operation - Sorting - Join Operation - Database Tuning.

**Books Prescribed**

- Abraham Silberschatz, Henry F. Korth, S. Sudharshan- Database System Concepts
- C.J.Date, A.Kannan, S.Swamynathan- An Introduction to Database Systems

**Reference Books**

- Ramez Elmasri, Shamkant B. Navathe- Fundamentals of Database Systems
- Raghu Ramakrishnan- Database Management Systems
- S.K.Singh- Database Systems Concepts, Design and Applications

## RELATIONAL DATABASE MANAGEMENT SYSTEMS — LAB EXERCISES

Creation of a Database and performing the operations given below using a Menu Driven Program.

a) Insertion b) Deletion c) Modification d) Generating a Simple report for the following:

1. Payroll
2. Mark sheet processing
3. Saving bank account for banking
4. Inventory system
5. Invoice system
6. Library information system
7. Student information system
8. Income tax processing system
9. Electricity bill preparation system
10. Telephone directory maintenance.



**B.C.A.LL.B. (Hons.)**

**SECOND YEAR - 4<sup>th</sup> SEMESTER**

## JURISPRUDENCE

**CHD4C**

### **Objectives of the Course**

*Jurisprudence is the study of law, specifically legal philosophy and science. The subject has numerous branches that focus on a range of issues from whether or not law should exist to what penalties are appropriate for violations of the law. The concepts also refer to specific branches of law, such as environmental jurisprudence, medical jurisprudence, etc. The course gives a basic outline about the knowledge of law by describing various theories, schools, concepts and state practice for better administration.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Nature, Definition and Schools of Jurisprudence**

Nature and Definition of Jurisprudence-Analytical Positivism, Natural Law School, Historical School, Sociological School-Economic Interpretation of Law, Indian Jurisprudence-Concept of Dharma, PIL, Social Justice and Compensatory Jurisprudence.

#### **UNIT-II**

##### **Nature and Purpose of Law**

Nature and Definition of Law, Constitutional Law and International Law and their nature. Justice- Critical Studies- Feminist Jurisprudence and Art 142 of Constitution-Administration of Justice.

#### **UNIT-III**

##### **Sources of Law**

Legislation-Nature of Legislation-Supreme and Subordinate Legislation –Legislation and Sources, Codification and the Interpretation of Enacted Law- Precedents-The authority

of Precedents-Circumstances destroying or weakening the binding force of Precedent, The Hierarchy of Authority- Ratio Decidendi and Judicial Reasoning. Custom: Kinds of Custom, Conventional Custom, Local Custom, Custom And Prescription-The General Custom.

#### **UNIT-IV**

##### **Legal Concepts I**

Legal Rights and Duties –Correlation of Right and Duty- Persons-Nature of Personality -Status of Unborn, Minor, Lunatic, Drunken and Dead Persons-Corporate Personality- Possession and Ownership.

#### **UNIT-V**

##### **Legal Concepts II**

Title, Property, Liability, Obligation and the Procedure Law.

##### **Books Prescribed**

- Salmond - Jurisprudence
- Paton-Jurisprudence
- Monica David - Jurisprudence
- G.C.V - Jurisprudence

##### **Books for Reference**

- H.L.A. Hart - Concept of law
- Dias - Jurisprudence
- Bodenheimer-Jurisprudence



**B.C.A.LL.B. (Hons.)**

**SECOND YEAR - 4<sup>th</sup> SEMESTER**

## **FAMILY LAW - II**

### **CHD4D**

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

*The main objective of introducing this subject is to make the students to indentify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law the matters relating to Wakfs, Wills, Gifts and Pre- Emption are given in separate chapters in addition to the Sunni and Shia Law of Inheritance. With reference to Christian Law, a Part of the Indian Succession Act, 1925 relating to Law of Wills and the Christian Law of Inheritance are given in separate chapters.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Joint Hindu Family**

Institution of Joint Family-Coparcenary System- Classification of Properties-Karta -Status, Powers and Duties-Principle of Survivorship and Succession-Partition.

#### **UNIT-II**

##### **Intestate Succession**

General Principles of Succession under Hindu Law, Muslim Law and Christian Law-Statutory conditions of Disinheritance and Disentitlement-Comparative analysis of right to property of women under different Religious and Statutory Law- Dwelling House and Right of Pre-Emption.

### UNIT-III

#### Testamentary Succession

Testamentary Succession under Hindu, Muslim and Christian Law-Limitation to Testamentation under various Religious and Statutory Law-Will and Administration of Will- Codicil - Lapse, Abatement and Ademption of Legacies-Probate, Letters of Administration and Succession Certificate.

### UNIT-IV

#### Gift under Islamic Law

Hiba-Nature and Characteristics of Hiba-Subject matter of Hiba-Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz-Revocation of Gift.

### UNIT-V

#### Religious Endowments and Wakf

Hindu Religious Endowments-Wakf: Meaning-Formalities of Creation –Types and Administration of Wakf-Mutawalli and his powers-Muslim religious Institutions and Offices.

#### Statutory Material

- The Hindu Succession Act, 1956 with recent amendments
- Indian Succession Act, 1925
- The Hindu Women's Right to Property Act, 1937
- The Wakf Acts.

#### Books Prescribed

- Dr. Paras Diwan - Family Law
- Prof. G.C.V. subba Rao - Family Law in India
- Paruck - Indian succession Act
- R. Swaroop - Hindu Law of Succession
- Poonam pradhan Saxena - Family Law Lectures

#### Books for Reference

- Mulla-Principles of Hindu Law
- N.R. Raghavachari - Hindu Law
- D.H. Chaudhari - The Hindu Succession Act, 1956
- Fyzee - Outlines of Mahomedan Law



### CONSTITUTIONAL LAW- II

#### (Constitutional Structure and Centre - State Relations)

#### CHD4E

#### Objectives of the Course

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. To identify the Powers, Functions and Duties to be performed by various Constitutional Functionaries; to appreciate the Doctrine of Separation of Power between Executive and Judiciary and the Independence of Judiciary. The course also help in understanding the Centre-State Relationship in Federal Polity including the role of Constitutional Functionaries like UPSC, CAG, CEC and others. The course also leads to understand the nature and consequences of amendments to the Constitutional law and the relevance of Basic Structure for the purpose of promoting Good Governance in India.*

#### COURSE OUTLINE

#### UNIT -I

##### The Union and State Executive

The Union Executive - The President - Election, Term of Office, Powers and functions, Impeachment - Immunities - Pardoning Power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor - Appointment, Powers and functions - Immunities - Pardoning power - Removal of Governor- Doctrine of Pleasure - State Council of Ministers.

#### UNIT - II

##### Legislature and Judiciary

Composition of Parliament and State Legislatures -Office of the Speaker-Qualification/Disqualification of Members -

Legislative Procedures, Legislative Privileges -Judicial Interpretations - Anti Defection Law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) - Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court - Civil, Criminal and in other matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation - Compensatory Jurisprudence - Independence of Judiciary - Tribunals.

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

### **UNIT - III**

#### **Centre - State: Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce**

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject matter of Laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance - Doctrine of Occupied Field- Colourable Legislation - Parliament's Power to Legislate in State List - Implied and Residuary Power - Doctrine of Repugnancy-Administrative Relations - Full Faith and Credit Clause - Centre and Inter-State Conflict Management.

Fiscal Relations - Sharing of Tax - Grants-in-Aid - Restriction on the power of State Legislatures - Doctrine of Immunity of Instrumentality - Borrowing Powers - Constitutional Limitations.

Freedom of Trade, Commerce and Intercourse (Art. 301-307) - Meaning of Freedom of Trade, Commerce and Intercourse

- Power of Parliament - Restrictions - Goods and Service Tax (GST) Impact of Globalization.

### **UNIT - IV**

#### **Emergency Provisions**

Emergency Provisions- National Emergency - Duty of the Union to protect the States against External Aggression and Internal Disturbance - Power of Union Executive to issue directions and the effect of non- compliance.

State Emergency - Imposition of President's Rule in States - Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)

Financial Emergency (Article 360)-Emergency and Suspension of Fundamental Rights.

### **UNIT - V**

#### **Other Constitutional Functionaries**

Organisation- Powers and Functions of Election Commission of India- Union Public Service Commission- State Public Commission- Comptroller and Auditor General- Attorney General & Advocate General- Constitutional Safeguards for Civil Servants Art 311 - Protection against Arbitrary Dismissal- Removal or Reduction in Rank - Exceptions to Art 311 - Role of Finance Commission - Planning Commission - Inter- State Council - National Development Council - Local Self Government (Panchayat Raj)

#### **Books Prescribed**

- M. P. Jain- Indian Constitutional Law - Relevant Volumes
- Dr. V. N. Shukla - Constitution of India

## Books for Reference

- D.D.Basu- Shorter Constitution of India.
- Virendra Grover- Centre - State Relations.
- M.P.Singh(ed.)- V.N.Shukla- Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience (1999)
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- M.V.V. Ramana- Inter-State River Water Disputes in India
- Anirudh Prasad-Centre-State Relations in India
- Reports of the Sarkaria- M.M.Punchi-Santhanam Commission on Centre-State Relations
- H.M.Seervai- Constitution of India- Vol.1-3(1992)
- Palanithurai -G. Dynamics of New Panchayati Raj Systems in India Vol. I & II
- D. N. Banerjee -Some aspects of the Indian Constitution
- G. Austin- Indian Constitution: Corner stone of a Nation (1972).
- S.C.Kashyap- Parliamentary Procedure Law Privilege, Practice & Precedents
- N.A.Subramaniam - Case law on the Indian Constitution
- T. K. Tope - Constitutional Law
- D.J. De - The Constitution of India Vol. I and II
- Administrative Reforms Committee Vol I and II
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



## OBJECT ORIENTED PROGRAMMING LANGUAGE – JAVA AND WEB TECHNOLOGY

### CHD5A

#### Objective of the Course

*To understand the concepts of object-oriented, event driven, and concurrent programming paradigms and develop skills in using these paradigms using Java and Java Script.*

#### COURSE OUTLINE

##### UNIT- I

Object Oriented Programming Concepts - Objects - Classes - Methods and Messages - Abstraction and Encapsulation - Inheritance - Abstract Classes -Polymorphism.- Objects and Classes in Java - Defining Classes - Methods -Method Overloading- Method Overriding-Access Specifiers - Static Members -Constructors - Finalize Method

##### UNIT- II

Arrays - Strings - Packages - Java-Doc Comments - Inheritance -Class Hierarchy - Interfaces-Polymorphism - Dynamic Binding - Final Keyword - Abstract Classes-Exception Handling - Exception Hierarchy - Throwing and Catching Exceptions.

##### UNIT- III

Multi-Threaded Programming - Interrupting Threads - Thread States -Thread Properties - Thread Synchronization - Executors – Synchronizers- I/O Streams - Character and Byte Streams- Working with Files.

##### UNIT- IV

An Introduction to HTML History- Versions- Some Fundamental HTML Elements-Relative Urls-Lists-Tables-

Frames-Forms- The Java Script Language- History and Versions Introduction

Javascript in Perspective-Syntax-Variables and Data Types-Statements-Operators-Literals-Functions-Objects-Arrays-Built in Objects-Java Script Debuggers

### UNIT -V

Browsers and the DOM-Introduction to the Document Object Model DOM History and Levels-Intrinsic Event Handling-Modifying Element Style-The Document Tree-DOM Event Handling.

### Books Prescribed

- Cay S. Horstmann and Gary Cornell- Core Java: Volume I -Fundamentals.
- JeffreyC.Jackson-Web Technologies—A Computer Science Perspective.

### Books for Reference

- K. Arnold and J. Gosling- The JAVA Programming Language.
- Timothy Budd- Understanding Object-Oriented Programming with Java.
- C. Thomas Wu- An introduction to Object-Oriented Programming with Java.

### JAVA PROGRAMMING

1. Java programming to find the factorial and the Fibonacci series
2. Program to display the calendar class
3. A simple java program to create a calculator
4. Java program to implement exception handling
5. A program to implement multithreading
6. To implement method overloading and method overriding in java.

### WEB TECHNOLOGY LAB

1. To create a HTML program to display tables and forms
2. To create a HTML program to link to another page in another directory.
3. To create a frame set with three different search engines (namely Microsoft, Google and Yahoo) with radio buttons. If the radio button is clicked the relevant search engine to open in the adjacent frame
4. To create a digital clock using Java script
5. Create a web page in which an image is inserted and changes to another image when the mouse moves over the image.
6. To implement a web page which displays the cubes, squares and square roots of a given number.



**COMPUTER NETWORKS AND NETWORK SECURITY**

**CHD5B**

**Objectives of the Course**

*This course introduces the fundamental concepts and terminology of computer network models, design issues, network security and management.*

**COURSE OUTLINE**

**UNIT-I**

Overview of Computer Networks - Applications - Line Configuration-Topology - Transmission Modes - Categories of Network: LAN, MAN, WAN - Reference Models - OSI and TCP/IP Models -Physical Layer- Theoretical Basis for Data Communication - Guided Transmission Media.

**UNIT-II**

Data Link Layer: Error Detection - Error Correction - Elementary Data Link Protocols - Sliding Window Protocols- Data Link Layer in the Internet -Medium Access Layer- Channel Allocation Problem, Multiple Access Protocols. Network Layer - Design Issues - Routing Algorithms - Congestion Control Algorithms.

**UNIT-III**

Network Layer: IP protocol- IP Address- Internet Control Protocol. Transport Layer - Design Issues - Connection Management - Addressing, Establishing and releasing a Connection- Simple Transport Protocol- Internet Transport Protocol (TCP).

**UNIT-IV**

Network Security Overview-Symmetric Ciphers: Classical Encryption Techniques Symmetric Ciphers: Block Ciphers

and the Data Encryption Standards Public key Encryption and Hash Functions: Public-Key Cryptography and RSA.

**UNIT-V**

Network Security Practices: Authentication Applications- Electronic Mail Security: IP Security-Web Security - Firewall.

**Books Prescribed**

- LA. S.Tanenbaum- Computer Networks
- B. Forouzan -Introduction to Data Communications in Networking

**Books for Reference**

- William Stallings- Data and Computer Communication.
- William Stallings- Cryptography & Network Security,
- Website, E-learning resources: <http://authors.phptr.com/tanenbaumcn4/>





**PUBLIC INTERNATIONAL LAW**

**CHD5C**

**Objectives of the Course**

*Public International Law is a Law that regulates the relation between States. The syllabus is designed in such a way to facilitate the students to understand the nature and scope of International Law and its increasing importance in the present day International Relations. International Law has a concern towards several issues starting from State Sovereignty to Human Rights. From earth to satellite mankind requires to be regulated for which International Law plays a vital role thereby the International Community lives in peace.*

**COURSE OUTLINE**

**UNIT -I**

International Law -Definition, Basis and Nature - Codification -International Law Commission- Sources of International Law -Relationship between International Law and Municipal Law -Theories and State Practice.

**UNIT -II**

State and Individual as a subject -Rights and Duties / Responsibilities -State Recognition -Theories -Kinds and Legal Effects -Nationality -Acquisition and Loss related issues -Extradition- Asylum - Territorial Sovereignty -Modes of Acquisition and Loss of Territory -State Jurisdiction -State Succession and liability.

**UNIT -III**

Law of the Sea - Air and Space Law; Diplomatic Law -Agents Consular's, Immunities and Privileges -Refugee Law

**UNIT -IV**

Concept - Definition of International Treaties -Formation of Treaties and its stages -Reservation, Observance of Treaties, Interpretation of Treaties -Suspension and Termination of Treaties.

**UNIT -V**

Origin, Nature & Scope of International Organisations - League of Nations, United Nations and its Organs - International Tribunals.

**Books Prescribed**

- Starke -International Law
- S.K. Kapoor -International Law
- K.K. Bhattachary -International Law
- Agarwal -International Law
- Malcom N. Shah -An Introduction to International Law

**Books for Reference**

- Oppenheim -International Law
- Brierly - International Law
- Schwarzenberger - International Law
- R.P. Anand -Salient Documents in International Law
- Antonio Cassese -International Law
- Ian Brownlie - International Law
- R.P. Anand -New States in International Law
- D.J. Haris -Cases Materials in International Law
- Andreas Zimmermann -Commentary on the Statute of ICJ



**COMPANY LAW**

**CHD5D**

**Objectives of the Course**

*The field of Commerce, Business and Management studies have been assuming importance in the Globalised Era. India adopted the Policies of Liberalisation, Privatisation and Globalisation (LPG); Corporate Governance plays a significant role towards the advancement of the aforesaid area.*

*The objectives of the course are as follows:*

- i. To introduce and help students in understanding the structure of Corporate Organizations.*
- ii. To comprehend the legal aspects pertaining to Funding and Administration of Companies.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

Corporate Personality- The Companies Act 2013- Definition of Company- Types of Association- Illegal Association- Classes of Company- One Person Company.

**UNIT -II**

**Formation**

Formation of a Company -Promoters-Incorporation- Memorandum of Association-Articles of Association- Prospectus -Deposits- Application for Registration and Allotment of Shares.

**UNIT -III**

**Corporate financing**

Shares -Application for and Allotment of Shares- Members and Shareholders- Shares and Share Capital- Debentures-

Charges and Debenture Holder- Dividends- Borrowings- Lending- Investments- Contracts.

**UNIT -IV**

**Corporate Governance**

Directors- Independent Directors- Women Directors and Managerial Personnel- Meetings- Accounts and Audits- Internal Auditing- National Financial Reporting Authority- E-Filing and Information Technology Act 2000-Corporate Social Responsibility- Majority Powers And Minority Rights- Prevention of Oppression and Mismanagement- Investigation- Powers of Inspectors- Powers of NCLT- Insider Trading

**UNIT -V**

**Compromises, Arrangements and Winding Up**

Compromises- Arrangements and Amalgamations -Mergers and Acquisitions- Winding Up and Kinds of Winding Up- Administration of NCLT and CLAT and Special Courts - Powers of Liquidators- Removal of Names of Companies from Register of Companies-Defunct Companies and Restoration- Revival and Rehabilitation of Sick Companies.

**Statute Prescribed**

- Companies Act- 2013

**Books Prescribed**

- Avatar Singh -Company Law

**Books for Reference**

- Gower -Company Law
- Mayson-French and Ryamn -Company Law
- Palmer -Company Law



**LEGAL METHODS**

**CHD5E**

**Objectives of the Course**

*The subject aims to impart the Fundamental aspects of Law. It further provides the basis for developing analytical skills. In par with the requirements of provisional competence, the course adopts to law learning methods. The beginners in Law will be adequately supplemented by tools of understanding on Statutes, Judgments and that of basic research. The course work in totality focuses on providing insights to the basics of legal system as such.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction to Law and Legal System**

What Is Law? -Law in Relation to Concepts of Justice, Morality, State, Citizens, Society and the Globe -Theories of Law -Schools of thought on the Nature, Function, Sources and Role of Law -Law and Custom -Introduction to different Legal Systems of the World -Common Law System -Civil Law System -Role and Functions of the Legal Institutions in Such diverse systems -Global Administrative Law -Global Rule of Law.

**UNIT- II**

**Indian Legal System**

Overview of the Indian Legal System and Legal Institutions -Role of the Constitution -Process of Legislation -Delegated Legislation -Ordinances -Rules -Regulations -Orders- Notifications -Bye Laws -Customs Having the Force of Law -Constitutional Conventions- Access to Statutes and Bills -Techniques of Reading and Analyzing the Statutes, Rules and Regulations.

**UNIT- III**

**Judicial Process**

Hierarchy of Courts -Judicial Review -Stare Decisis - Precedent -Law Declared by the Supreme Court -Complete Justice -Quasi Judicial Authorities -Technicalities and analysis of Judicial Decisions -General Principles of Statutory Interpretation -Comparative Judicial Process -Binding Nature of Foreign Decisions -Legal and Logical Reasoning.

**UNIT- IV**

**Legal Research**

Concept of Research -Objectives -Types of Research -Social Science Research -Legal Research

**UNIT- V**

**Socio-Legal Research**

Methodology -Identification of the Research Problem - Framing of Hypothesis -Research Questions -Data Collection -Legal Material, Statutes, Subordinate Legislation, Notifications, Policy Statements -Decisional Materials, Foreign Judgments, Legal Databases, Reports of Commissions and Committees -Statistical and Legal Analysis of Data-Interpretation and Implication of Data - Testing of Hypothesis -Report Writing -Limitations of Report Writing.

**Books Prescribed**

- Prof.Tushar Karti Saha- Legal Methods, Research and Systems.
- Kothari -Introduction to Research Methodology.
- S.K.Verma and Afzal Wani (Editors)- Legal Research and Methodology
- Prof.N.V.Paranjape - Jurisprudence

**Books for Reference**

- William J. Goode and Paul K. Hatt- Methods in Social Research
- Adam Podgorecki- Law and Society
- Oaul Oliver- Writing Your Thesis



**LAW OF EVIDENCE**

**CHD6A**

**Objectives of the Course**

*For the purpose of providing the facts in a trial before the Court of Law, relevant evidence has to be placed according to the procedure established under the Indian Evidence Act. It deals with the facts that are permitted to be proved and the manner of letting in Evidence as per Law and the Evidentiary Value of Evidence in the Administration of Justice.*

**COURSE OUTLINE**

**UNIT -I**

**Preliminary**

Indian Evidence Act, 1872- Scope, Object and Applicability of Indian Evidence Act and Exclusion - Statutory Definition- Indian Law of Evidence and English Law of Evidence - Comparison - Constitutional Perspective of Evidence - Golden Rule Evidence, Presumption of Law and Fact -Kinds of Evidence.

**UNIT -II**

**Relevancy of Facts**

Relevance of Facts and Admissibility of Facts - Res Gestae - Hearsay. Occasion, Cause and Effect etc., - Motive, Preparation and Conduct - Explanatory Facts - Acts of Conspirators - When facts not otherwise relevant become relevant -Facts Determining Quantum of Damages- Customs- State of Mind, Body or Bodily Feeling - Similar Facts - Course of Business, Admission and Confession.

**UNIT -III**

**Relevancy of Third Person Evidence**

Relevancy of statement made by person who cannot be called as Witness- Relevance of Judgements of Courts-Relevance of Opinion of Third Persons - Expert Cases- Law of Forensic

Science - Forensic Institutions - Principles of Forensic Science Proof and Forensic Technology- Forensic Science and Criminal Justice System- Criminal Trial, Scientific Examination and Expert Witness under Section 112A - Relevance of character in Civil and Criminal Cases.

**UNIT -IV**

**Of Proof**

Facts which need not be proved -Judicial Notice - Modes of Proof -Oral Evidence - Hearsay Evidence- Exceptions- Primary and Secondary Evidence- Documentary Evidence- Documents- Public and Private Documents - Presumptions as to the Documents- Exclusion of Oral Evidence by Documentary Evidence- Burden of Proof - Rules relating to Burden of Proof -Doctrine of Estoppel.

**UNIT -V**

**Witnesses**

Witnesses- Categories of Witnesses- Communications- Accomplice- Examination of Witnesses -Questions to be and not to be asked- Hostile Witness -Impeaching Credit of Witness - Refreshing Memory - Judges Question - Appeal against Improper Admission and Rejection of Evidence.

**Books Prescribed**

- Ratanlal -Law of Evidence
- Avatar Singh-Law of Evidence
- Vepa Sarathi-Law of Evidence
- Dr.V.Krishnamachari-Law of Evidence
- P.S. Achutan Pillai-Law of Evidence
- B.R. Shvarma-Forensic Science in Criminal Trial and Investigation

**Books for Reference**

- Sarkar -Law of Evidence
- Sir John Woodroffee and Syed Amir Ali: Law of Evidence
- Walls H.J- Forensic Science



**LABOUR LAW - I**

**CHD6B**

**Objectives of the Course**

*Today a Country's development is determined by their development in the industrial field as industry plays an integral role in building the economic structure of the society. Industrial relations play a vital role in the establishment and maintenance of industrial peace and harmony. A quest for industrial harmony is indispensable for economic progress of the country because healthy industrial relations cannot be regarded as a matter in which only the employers and employees are concerned, but vital concern of the community as whole. This could be possible with the cooperation of Labour and Capital. The Prevention of Industrial Dispute thus assumes an important role in National Policy and therefore a number of Legislations have been passed to regulate the relationship between Labour and Management, and their organisation. The workers are ignorant, less organised and less privileged members of the society and they have been exploited by the capitalists. Hence, to prevent exploitation of the weaker section of the society by the employers, it is necessary to regulate the payment of wages and to fix minimum wages in order to secure social justice in the field of industrial relations. The syllabus has been prepared with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Evolution of Labour Legislations**

Origin and Development of Labour Legislation - Object and Nature of Labour Legislation - Evolution of concept of Master and Servant Relationship - Theory of Laissez Faire and State Regulation of Labour Legislation and its Special Features - Role of International Labour Organization in Setting Labour Standards.

**UNIT -II**

**Trade Union Act, 1926**

Definitions - History of Trade Union Movement - Registration of Trade Unions - Rights and Liabilities of Trade Unions - Immunities and Privileges of a Registered Trade Union - Trade Union Funds - Collective Bargaining - Amalgamation and Dissolution of Trade Unions - Recognition of Trade Unions.

**UNIT -III**

**Industrial Disputes Act, 1947**

Scope, Applicability and Definitions - Appropriate Government; Workmen; Industry; Industrial Disputes; Award; Settlement; Public Utility Service; Strike; Lock Out; Retrenchment; Lay Off; Closure - Machinery for the Settlement of Industrial Disputes - Works Committees, Conciliation Officers - Board of Conciliation, Court of Inquiry - Labour Court, Industrial Tribunal - National Industrial Tribunal - Reference Power of The Government - Voluntary Arbitration - Unfair Labour Practices.

**UNIT - IV**

**Industrial Employment (Standing Orders) Act, 1946**

Scope and Definitions - Procedure for Certification of Standing Orders - Duration and Modification of Certified Standing Orders - Domestic Enquiry and Disciplinary Proceedings.

**UNIT -V**

**Law Relating to Wages**

Minimum Wages Act, 1948: Theories of Wages and Wage Policy - Concept of Wages - Living Wage, Fair Wage and Minimum Wage - Fixation of Minimum Rates of Wages - Methodology; Procedure; Advisory Boards - Inspectors, Powers, Claims - Exceptions and Offences.

Payment of Wages Act, 1936: Definitions - Deductions - Authorities under the Act - Inspectors and their powers - Penalty.

### Statutory Materials

- Industrial Disputes Act, 1947.
- Trade Union Act, 1926
- Industrial Employment (Standing Orders) Act, 1946
- Minimum Wages Act, 1948.
- Payment of Wages Act, 1936.

### Books Prescribed

- Madhavan Pillai- Labour and Industrial Law
- S.N. Mishra- Labour and Industrial Law
- V.G.Goswami - Labour Law

### Books for Reference

- O.P. Malhotra- Industrial Disputes Act
- K.D.Srivastava- Law Relating to Trade Union
- K.D.Srivastava -Industrial Employment (Standing Orders) Act
- K.D. Srivastava- Payment of Wages Act, 1936
- K.D. Srivastava- Payment of Minimum Wages Act,1948



## **INFORMATION SECURITY AND DIGITAL FORENSICS**

### **CHD6C**

### **Objectives of the Course**

*The use of computers, mobile phones and other digital devices across the globe has increased dramatically. These devices are more susceptible to information security attacks and thus they also possess huge evidences which shall be used during crime scene investigation. This makes the course on digital forensics an inevitable one for the security professionals which provides better understanding on basic information about cyber security and different forms of evidences in many digital devices, collection and interpretation of the same.*

### **COURSE OUTLINE**

#### **UNIT - I**

##### **Internet Crimes**

Introduction to IT laws and Cyber Crimes – Classification of Conventional and Cyber Crime - Malicious Codes, Hacking, Cracking, Viruses, Virus Attacks, Polymorphism, Steganography, Pornography, Hardware and Software Piracy, Intellectual Property, Legal System of Information Technology, Social Engineering, Mail Bombs, Bug Exploits - Operating System Attacks, Application Attacks, Reverse Engineering and Cracking Techniques and Financial Frauds - Money Laundering - Commercial Espionage and Commercial Extortion Online – Offences and Penalties under Information Technology Act and its Adjudicating Bodies - Offences Related with Digital Signature and Electronic Signature under Information Technology Act – Role of Certifying Authorities – Cyber Regulations Appellate Tribunal.

## **UNIT - II**

### **Digital Forensics**

Introduction to Cyber Forensics - Investigation and Investigation Tools, E-Discovery, Digital Evidence Collection, Evidence Preservation, Evidential Potential of Digital Devices: Closed vs. Open Systems, Evaluating Digital Evidence Potential - Device Handling: Seizure Issues, Device Identification, Networked Devices and Contamination - E-Mail Investigation, E-Mail Tracking, IP Tracking, E-Mail Recovery, Encryption and Decryption Methods, Search and Seizure of Computers, Password Cracking- Digital Forensics Examination Principles: Previewing, Imaging, Continuity, Hashing and Evidence Locations- Seven Element Security Model- Developmental Model of Digital Systems- Audit and Logs- Evidence Interpretation - Data Content and Context - Distributed System Security- Public Key Cryptography -VPN - Forensic Photography - Forensic Audio and Video Analysis.

## **UNIT – III**

### **Data and Evidence Recovery**

Introduction to Deleted File Recovery, Formatted Partition Recovery, Data Recovery Tools, Data Recovery Procedures and Ethics, Preserve and Safely Handle Original Media, Complete Time Line Analysis of Computer Files based on File Creation, File Modification and File Access, Recover Internet Usage Data, Recover Swap Files - Temporary Files - Cache Files, Forensic Tool Kit (FTK) - History Tracking, Working on Duplicate Media, Working on Live System, Methods and Procedure, Presentation of Evidence

## **UNIT – IV**

### **Wireless Technologies and Security**

Personal Area Networks, Wireless Local Area Networks, Metropolitan Area Networks, Wide Area Networks. Wireless Threats, Vulnerabilities and Security: War Driving, War Chalking, War Flying, Common Wi-Fi Security Recommendations, PDA Security, Cell Phones and Security,

Wireless Dos Attacks, GPS Jamming, Identity Theft - CIA Triad in Mobile Phones - Voice, SMS and Identification - Data Interception in GSM - Introduction, Practical Setup and Tools, Implementation- Software and Hardware Mobile Phone Tricks - Net Monitor, GSM Network Service Codes, Mobile Phone Codes, Catalog Tricks and AT Command Set-SMS Security Issues - Crime and Mobile Phones, Evidences, Forensic Procedures, Files Present in SIM Card, Device Data, External Memory Dump, Evidences in Memory Card, Operators Systems- Android Forensics - Procedures for Handling an Android Device, Imaging Android USB Mass Storage Devices, Logical and Physical Techniques.

## **UNIT – V**

### **Information Security and Management**

Cyber Security and its Problem - Intervention Strategies: Redundancy, Diversity and Autarchy - Private Ordering Solutions, Regulation and Jurisdiction for Global Cyber Security, Copy Right - Source of Risks, Pirates, Internet Infringement, Fair Use, Postings, Criminal Liability, Data Losing - Security Management of IT Systems: Network Security Management - Firewalls, Intrusion Detection System (IDS) and In-Plane Switching (IPS) Configuration Management - Web and Wireless Security Management - General Server Configuration Guidelines and Maintenance - Information Security Management Information Classification - Access Control Models, Role-Based and Lattice Models - Mandatory and Discretionary Access Controls - Linux and Windows Case Studies - Technical Controls for Authentication and Confidentiality - Password Management and Key Management for Users- Case Study of Kerberos.

## Books Prescribed

- The Information Technology Act, 2000 and Its Amendment and Allied Rules
- Ali Jahangiri -Live Hacking: The Ultimate Guide to Hacking Techniques and Counter Measures for Ethical Hackers and IT Security Experts.
- Angus M. Marshall, John -Digital Forensics: Digital Evidence in Criminal Investigation.
- Micki Krause, Harold F.Tripton -Information Security Management Handbook.
- Dr.(Smt)Rukmani Krishnamurthy-Introduction to Forensic Science in Crime Investigation.

## Books for Reference

- Swiderski, Frank -Threat Modeling
- William Stallings And Lawrie Brown -Computer Security: Principles and Practice.
- Joseph M Kizza -Computer Network Security
- Thomas Calabres And Tom Calabrese- Information Security Intelligence: Cryptographic Principles And Application.
- John R. Vacca -Computer Forensics: Computer Crime Scene Investigation.
- Christof Paar, Jan Pelzl -Understanding Cryptography: A Textbook For Students And Practitioners.
- Computer Forensics: Investigating Network Intrusions And Cyber Crime, Ec-Council Press Series: Computer Forensics, 2010
- Gregory Kipper -Wireless Crime and Forensic Investigation.
- Iosif I. Androulidakis -Mobile Phone Security and Forensics: A Practical Approach.

- Jonathan Rosenoer - Cyber Law: The Law Of The Internet,
- Mark F Grady, Fransesco Parisi -The Law and Economics of Cyber Security.
- Eoghan Casey -Digital Evidence And Computer Crime.
- Stefan Katzenbelsser and Fabien A. P. Petitcolas-Information Hiding Techniques For Steganography And Digital Watermarking
- Jessica Fridrich- Steganography in Digital Media-Principles, Algorithms, and Applications





**ADMINISTRATIVE LAW**

**CHD6D**

**Objectives of the Course**

*Today, we are living in a ‘Administrative Age’ where there is rising tendency to transfer more and more powers to Executive which include Quasi-Judicial as well as Quasi-Legislative which has become inevitable in modern Democratic State. Therefore, there has been a tremendous increase in powers and functions of the Administrative Authorities and the obvious result, is full of danger of its degeneration and unwanted encroachment on Human Rights and Liberties. Hence, there requires adequate control, safeguard through procedural fairness, Judicial Review and remedies to those affected by the Administration.*

**COURSE OUTLINE**

**UNIT – I**

**Introduction to Administrative Law**

Definition, Nature, Scope - Origin and Development of Administrative Law in U.K., U.S.A., France and India - Sources -Administrative Law and Constitutional Law-. Rule of Law Concept, Evaluation of Dicey’s concept of Rule of Law, Modern conception of Rule of Law, Rule of Law in U.K., U.S.A. and India, Rule of Law vis-à-vis Administrative Law-Doctrine of Separation of Powers – Meaning, Origin, Montesquieu’s Doctrine of Separation of Powers, System of Checks and Balances, Position in U.K., U.S.A., and India-. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India- Classification of Administrative Action.

- A.Nature of Powers–Executive, Legislative and Judicial
- B.Legislative Function–Quasi Legislative Functions – Administrative Directions.

C.Judicial Function – Quasi Judicial Functions – Tribunals and Administrative Justice.

D.Executive Function – Ministerial Functions and Discretionary Functions.

**UNIT – II**

**Delegated Legislation**

Meaning, Nature, Origin, Development and Growth of Delegated Legislation, Types of Delegated Legislation and Constitutionality of Delegated Legislation-Delegated Legislation and Conditional Legislation, Sub-Delegation- Restraints on Delegation of Legislative Power, Doctrine of Excessive Delegation- Control over Delegated Legislation – Judicial, Procedural and Legislative Control - Administrative Directions and Delegated Legislation.

**UNIT – III**

**Procedural Fairness and Judicial Review**

Principles of Natural Justice-Concept, Parameters and Application of the Principles of Natural Justice-Rule against Bias-Audi Alteram Partem or the Rule of Fair Hearing – Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing-Reasoned Decisions- Exceptions to the Rule of Natural Justice-Effects of Breach of Natural Justice.

Administrative Process and Judicial Review-Meaning and need for Judicial Review- Scope of Judicial Review, Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136)-Scope and Object of Article 136- Jurisdiction of the High Court-Judicial Review of Administrative Action through Writs-Scope of the Writ Jurisdiction -Against whom the Writ Lies-Territorial extent of Writ Jurisdiction -Relief against an Interim Order – Interim Relief [Art. 226(3)]-Locus-Standi-Kinds of Writ - Grounds for issue of Writs-Principles for the Exercise of Writ Jurisdiction, Alternative Remedy-Laches or Delay-Res Judicata-Public Interest Litigation and Locus-Standi-

Doctrine of Legitimate Expectation and Doctrine of Proportionality.

Statutory Remedies- Injunction- Declaration against the Government - Exclusion of Civil Suits

Privileges and Immunities of Government in Legal Proceedings- Privilege to Withhold Documents - Miscellaneous Privileges of the Government-Notice, Limitation, Enforcement of Court Order-Binding nature of Statutes over the States Action-Promissory Estoppel -Right to Information.

Judicial Control of Administrative Discretion-Meaning, Nature and Need of administrative Discretion -Ground and Extent of Judicial Review -Fundamental Rights and Discretionary Powers.

Liability of the State- Liability of the State in Torts and Contracts

#### **UNIT – IV**

##### **Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission**

Meaning, Object, Main characteristics, Need and Utility- Origin and Development of the Institution -Ombudsman in New Zealand-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India –Lokpal-Lokayukta in States-Central Vigilance Commission

#### **UNIT – V**

##### **Administrative Tribunals and Public Undertaking**

Administrative Tribunals- Meaning, Nature, Main characteristics, Origin and Development (U.S.A., U.K. and India)-Franks Committee-Tribunal and Court, Similarity and Difference-Reason for growth of Administrative Tribunals-Merits and Demerits of Administrative Tribunal-Procedure and Powers of Administrative Tribunal (U.K.,

U.S.A. and India)-Tribunal under Constitution -High Court's Superintendence over Tribunals-Appeal to Supreme Court by Special Leave-Working of the Administrative Tribunal-Administrative Tribunals under Administrative Tribunals Act, 1985-Administrative Procedure Act in U.S.A.-Domestic Tribunal.

Public Undertaking- Object, Importance, Characteristics, Classification, Reason for the growth -Working of Public Corporations-Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking.

#### **Books Prescribed**

- M.P. Jain and S.N. Jain – Principles of Administrative Law
- S.P. Sathe – Administrative Law
- I.P. Massey – Administrative Law
- C.K. Takwani – Administrative Law
- Kailash Rai - Administrative Law

#### **Books for Reference**

- Wade – Administrative Law
- De Smith – Administrative Law
- Foulkes – Administrative Law
- Indian Law Institute – Cases and Material of Administrative Law
- Markose – Judicial Control of Administrative action
- Griffith and Street – Administrative Law
- Report of the Law Commission – First Report, Second Report, Fourteenth Report
- Report on the Committee of Minister's power - Franks Committee report.



**PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS (Clinical Course - I)**

**CHD6E**

**COURSE OUTLINE**

Professional Ethics, Accountancy for Lawyers and Bar - Bench Relations

This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer’s Book on “Advocacy”
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major Judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

Examination rules of the University shall include assessment through Case-Study, Viva, and Periodical Problem Solution besides the Written Tests.

Project on Professional Ethics (Written Submission)	: 25 marks
Case study (BCI, HC and SC Judgments)	: 25 marks
Test (Internal)	: 25 marks
Viva-Voce on Project and Case Study	: 25 marks
Total	: 100 marks



**PROPERTY LAW**

**CHD7A**

**Objectives of the Course**

*The course intends to explain the transfer of immovable property between living persons. The course also covers various general principles of transfer and doctrines for specific transfer. The Easement Act explains various modes of acquisition of easementary rights and extinguishes the same.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles of Transfer**

Concept of Property – Definition of Transfer of Property- Kinds of Interest- Conditional Transfer- Doctrine of Election- Ostensible Owner- Feeding the Grant- Improvement made by Bonafide Purchaser- Lis Pendens- Fraudulent Transfer- Doctrine of Part Performance and other general principles of transfer.

**UNIT – II**

**Specific Transfers – Transfer of Absolute Interest**

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed Gift- Suspension and Revocation of Gift.
- C. Exchange

**UNIT – III**

**Transfer of Limited Interest – Specific Transfer**

- A. Mortgage: Different kinds of Mortgages- Redemption- Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.

- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable claim

#### UNIT – IV

##### Indian Easement Act

Definition-Acquisition of Easement- Easement of Necessity & Quasi Easements- Easement by Prescription- Extinction- Suspension and Revival of Easements and License.

#### UNIT – V

Indian Registration Act & Stamp Act.

##### Books Prescribed

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- Shah-Principles of Transfer

##### Books for Reference

- W.Friedmann- Law in a changing society
- G.C.V. Subba Rao-Law of Property
- Mulla-Transfer of Property
- Mitra B.B.-Transfer of Property
- Goyle-Transfer of Property
- C.L.Gupta- Law of Transfer of Property
- Khatiar-Law of Easements



## INTELLECTUAL PROPERTY LAW

### CHD7B

#### Objectives of the Course

*The new trends in International trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching Intellectual Property Laws. The new economic policies, it is assumed, will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote International Trade. This is expected to bring in new technology for the industrial and economic development of India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. This demands, India to afford better protection for the Intellectual Property based on the TRIPS Agreement. This course is intended to introduce the different categories of IP, the minimum standard to indentify the items of protection. Exposing the students the procedural requirements for the acquisition of IPR and also address the International filing system. Bundle of rights conferred to the right holder and remedies available in the case of infringement are also examined.*

#### COURSE OUTLINE

##### UNIT -I

##### Intellectual Property

Meaning and Concept of Intellectual Property - Need for Protection -The World Intellectual Property Organisation (WIPO) Convention - Origin and Functions of World Trade Organisation (WTO) - Trade Related Intellectual Property Rights (TRIPS) Agreement of WTO and its effects on Intellectual Property Law in India; Dispute Settlement Mechanism.

## **UNIT -II**

### **Patents**

The Patents Act 1970 - Object - Definitions - Salient Features - Patentable and Non- Patentable Inventions, Product and Process Patents - Persons entitled to apply for Patents, Provisional and Complete Specifications, Priority Dates of Claims, Opposition to grant of Patent, Anticipation, Provisions for secrecy of certain Inventions - Patent Office and Power of Controller - Grant and Sealing of Patents, Rights of Patentees, Rights of Co-Owners of Patents, Term of Patent, Patents of Addition, Assignment and Transmission, Register of Patents - Amendment of Applications and Specifications, Restoration of Lapsed Patents, Rights of Patentees of Lapsed Patents which have been Restored, Surrender and Revocation of Patents - Compulsory Licences, Exclusive Marketing Rights, Licences of Right, Use of Invocation of Patents Purposes of Government, Acquisition of Inventions by Central Government - Remedies for Infringement of Patents - Patent Agents, Scientific Advisers, International Arrangements - International Law - Right of Plant Breeders and Farmers - National Law on Biological Diversity.

## **UNIT -III**

### **Trade Marks**

The Trade Mark Act (1999), Object, Definitions, Salient Features, Marks Registrable and Non -Registrable, Conditions for Registration, Absolute and Relative Grounds for Refusal of Registration, Procedure for and Duration of Registration, Effects of Registration - Powers and Functions of Registrar - Distinctiveness, Deceptive Similarity, Concurrent Registration, Rectification and Correction of Register - Assignment and Transmission - Use of Trademarks and Registered Users, Collective Marks, Registration of Certification Marks, Trade Mark Agents - Appellate Board - Infringement Action, Passing Off Action - International Treaties - Geographical Indication of Goods (Registrations And Protection) Act (1999), Objects,

Definitions, Conditions for Registration, Prohibition of Registration of Certain Geographical Indications Procedure for and Duration of Registration -Effects of Registration - Special Provisional Relating to Trademark and Prior Users, Remedies for Infringement , International Law.

## **UNIT -IV**

### **Copyright**

The Copyright Act (1957) and Recent Amendments: Works in which Copyright Subsists; Meaning of Copyright; Ownership and Rights of the Owner; Assignment; Term of Copyright-Powers and Functions of the Copyright Board - Registration of Copyright; Compulsory Licences; Licence to Produce and Publish Translations; Copyright Societies - Rights of Broadcasting Organisations and of Performers - International Copyright - Acts Constituting and not Constituting Infringement; Remedies for Infringement.

## **UNIT -V**

### **Industrial Designs**

The Designs Act 2000 -Definitions - Registration of Designs - Copyright in Registered Designs - Piracy of Registered Designs -Remedies - Powers and Duties of Controller - International Law - Semi Conductor Integrated Circuit Layout.

### **Statutory Materials**

- The Patents Act, 1970
- The Trade Marks Act, 1999
- The Copyright Act, 1957
- The Designs Act, 2000

### **Books Prescribed**

- P. Narayanan -Intellectual Property Law
- Dr. B.L. Wadehra -Law relating to patents, trademarks, copyright, design and Geographical Indications
- Dr. S.R. Myneni -Law of Intellectual Property

- P.S. Narayana -Intellectual Property Law in India
- Vikas Vashisht -Law and practice of Intellectual Property in India

#### **Books for Reference**

- W.R. Cornish -Intellectual Property, Patents, Copyright, Trademarks and Allied Rights
- Arad Sherman and Lionel Bently -The Making of Modern Intellectual Property Law
- David I. Bainbridge -International Property
- Allison Coleman -The Legal Protection of Trade Secrets
- W.R. Cornish -Cases and Materials on Intellectual Property



**B.C.A.LL.B. (Hons.)**

**FOURTH YEAR - 7<sup>th</sup> SEMESTER**

### **LABOUR LAW - II**

**CHD7C**

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

*The concept of Social Security is based on ideals of human dignity and social justice. The quest for social security and freedom from want and distress has been the consistent urge of man through the ages. The mutual conflict between the employer and employees over the adequacy of their respective shares in social produce constitutes a serious menace in the society. Work can be never be important than the worker because no industry can flourish unless the wage earner who is a partner in the production should be given due status by offering him reasonable working conditions and due share in production. This means social justice and social security has to be restored to the Labour because a contented worker would produce better yields and would increase his efficiency. Therefore, social security is a necessary phenomenon of a welfare state as it is one of the most progressive and dynamic instruments for achieving Socio - Economic Progress. This course shall examine the various dimensions of Labour Security measures and explore the possibility whether or not Labour Security is part of the comprehensive and integrated social security. The syllabus has been prescribed with these objectives.*

#### **COURSE OUTLINE**

##### **UNIT - I**

##### **Introduction: Social Security and Labour Welfare**

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution - ILO on Social Security.

##### **UNIT - II**

##### **Social Security: Industrial Injuries**

The Employees' Compensation Act, 1923: Scope, Objects, Coverage and Definitions- Liability of the Employer to Pay

Compensation - Personal Injury, Accident arising out of and in the Course of Employment, Doctrine of Notional Extension and Occupational Diseases - Determination and Distribution of Compensation - Principal Employer's Right of Indemnity - Commissioner's Powers and Functions.

### **UNIT - III**

#### **Social Security: Social Insurance**

The Employee's State Insurance Act, 1948: Objects, Applications and 'Seasonal Factory' - Definitions - E.S.I. Corporation - E.S.I. Funds, Payment of Contributions - E.S.I. Benefits - Adjudication of Disputes - E.S.I. Court - Penalties.

### **UNIT - IV**

#### **Other Social Security Legislations**

The Maternity Benefits Act, 1961: Object and Application - Eligibility and Maternity Benefits - Notice of Claim Prohibition against Dismissal, Wage Deduction - Powers and Duties of Inspectors.

The Employee's Provident Funds and Miscellaneous Provisions Act, 1952: Scope, Coverage, Application and Definitions - Authorities, their Powers and Functions Contributions - Employees Provident Fund Scheme, Employees' Pension Scheme and Deposit Linked Insurance Scheme -Penalties.

The Payment of Bonus Act, 1965: Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and Extent of Bonus - Calculation of Bonus - Available Surplus, Allocable Surplus, Set On Set Off - Forfeiture of Bonus - Prior Charges - Machinery.

Payment of Gratuity Act, 1972: Background, Object and Definitions - Eligibility for Payment of Gratuity - Forfeiture, Exemption, Determination - Controlling Authority - Penalties.

### **UNIT - V**

#### **Labour Welfare Legislations**

Factories Act, 1948: Background and Definitions - Formalities to start a Factory - Health, Safety and Welfare Measures - Working Hours - Employment of Young Persons - Annual Leave with Wages - Special Provisions.

The Tamil Nadu Shops and Establishment Act, 1947: Applicability and Person covered by this Act, - Opening and Closing Hours - Employment of Young Persons - Working Hours, Public Holiday, Safety, and Cleanliness - Leave and Annual Leave with Wages.

#### **Books Prescribed**

- S.N.Mishra-Labour and Industrial Law
- V.G.Goswami -Labour Law
- Madhavan Pillai -Labour and Industrial Law
- S.C.Srivastava- Social Security and Labour Laws

#### **Books for Reference**

- K. D. Srivastava- The Employees' Compensation Act, 1923
- K.D. Srivastava- The Employees' State Insurance Act, 1948
- K. D. Srivastava- The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
- K. D. Srivastava- The Payment of Bonus Act, 1965
- K. D. Srivastava- Payment of Gratuity, 1972
- K. D. Srivastava- Factories Act, 1948



**BANKING LAW  
(Including Negotiable Instruments Act)**

**CHD7D**

**Objectives of the Course**

*Banking Industry has been tremendously impacted due to modernisation in the post capitalisation era. The concept of Nationalisation is also very important in the era of banking regulation. The regulation relating to Banking industry also needs to be dynamic so as to enable smooth developed sector. The students are required to analyse the various provisions relating to Reserve Bank of India. The recent amendments to Negotiable Instruments Act and challenges faced by RBI makes the study of Banking Laws is important and inevitable.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

History of Banking- Different types of Banks including Foreign Companies - Nationalisation of Major Banks- RBI's control over Commercial Banks- Special status of RBI and State Bank of India -Subsidiary Banks.

**UNIT -II**

**Banker and Customer**

Definition of Banker and Customer and relationship between them -Special types of Customer -Banker as Borrower -Different types of accounts -Duties and Rights of the Banker and different types of instruments -Banker - Paying Banker and Collecting Banker.

**Unit -III**

**Laws Relating to Loans, Advances and Investments by Banks**

Subsidiary Business Operations of Bankers with special reference to Safety Deposit Lockers- Liability of Banker in

Case of Bank Robberies and Fraud by Bank Employees - Vicarious Liability of the Bank Employees - Vicarious Liability of the Bank - Recovery of Loans and Advances -Recovery of Debts Due to Banks, Financial Institutions Act, 1993.

**UNIT -IV**

**Winding Up of Companies**

Effect of Winding Up of Banking Companies- Rights of Customers on Winding Up of Companies- Necessity for reforms in Indian Banking Law to meet Global Challenges- Banking Ombudsman -Debt Recovery Tribunal - SARFAESI Act.

**UNIT -V**

**Negotiable Instruments**

Definition and Characteristics - Parties to Negotiable Instruments-Presentation -Negotiation Discharge and Dishonour - Liability -Various kinds of Crossing - Effect of Crossing of Cheque -Rights of Holder and Holder in Due Course against Banker - Civil and Criminal Liability for Dishonour of Cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act.

**Statutory Materials**

- Banking Regulation Act, 1949
- Negotiable Instruments Act, 1881

**Books Prescribed**

- Tannan's -Banking Law and Practice in India
- Bhashyan and Adiga -Negotiable Instruments

**Books for Reference**

- Sir John Paget-Law of Banking
- H.P. Sheldon -The Practice and Law of Banking





**ALTERNATIVE DISPUTE RESOLUTION  
MECHANISM**

**(Clinical Course -II)**

**CHD7E**

**COURSE OUTLINE**

- i) Arbitration Law and Practice including International Arbitration and Arbitration Rules.
- ii) Negotiation Skills to be learnt with Stimulated Program.
- iii) Conciliation Skills

**Marks Allocation**

Case Study in Arbitration Centre : 30 marks  
(Practical / Simulation Exercise  
Three exercise 10 marks each)

Test Internal : 10 marks

Presentation / Viva-Voce on Case Study  
as mentioned above : 10 marks

**TOTAL : 50 Marks**

**Statutory Materials**

- International Conventions
- Arbitration and Conciliation Act, 1996

**Books Prescribed**

- Avatar Singh - The Law of Arbitration and Conciliation

**Books for Reference**

- O.P. Malhotra and Indu Malhotra - Arbitration to Conciliation
- P.C. Markanda- Law Relating to Arbitration and Conciliation
- Justice Dr. B.P. Saraf and Justice S.M. Jhunjunwala- Law of Arbitration and Conciliation.
- S.K. Chawla- Law of Arbitration and Conciliation.



**COMPETITION LAW**

**CHD8A**

**Objectives of the Course**

*The subjects concentrates at mitigating and gradually eliminating Monopolies, Unfair Trade Practices by formulating policies that*

*(a)Promote Competition*

*(b)Regulate or Prohibit abuse of Dominant Position*

*(c)Overseas mergers and amalgamations and acquisition of enterprises to combat adverse effects of formation of combinations.*

*The objective of the course is to provide the students:*

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Objective and Nature of Competition Laws-Origin of Competition Laws- Anti Trust Legislation in USA - Sherman Anti Trust Act, 1890 - Federal Trade Commission Act, 1914 - The Clayton Act, 1914 - UK Competition Act, 1998 - The Enterprises Act, 2002 - Treaty on the Functions of the European Union (TFEU) - MRTP Act, 1969 - Ragavan Committee Report, 2000 - Transformation of MRTP Act to Competition Act, 2002 - Distinction between MRTP Act and Competition Act - Object and Scope of Competition Act, 2002.

## **UNIT - II**

### **Anti Competitive Agreement**

Definition - Tie in Arrangement - Exclusive Supply Agreement- Exclusive Distribution Agreement - Refusal to Deal- Resale Price Maintenance - Cartel - Bidrigging - Exceptions - Protection of IPR.

## **UNIT - III**

### **Abuse of Dominant Position**

Meaning of Dominant position - Unfair or Discriminatory Trade Practices - Provisions under MRTP and Consumer Protection Act- Limiting Protection or Technical or Scientific Development - Denial of Access to Market - Imposition of Supplementary Obligations - Protection of other Markets - Predatory Price - Unfair Prices

## **UNIT - IV**

### **Regulation of Combinations**

Acquisition - Merger - Amalgamations - Ban on Combinations- Non Competition Clauses in Merger and Acquisition -Restrictive Trade Practices - Unfair Trade Practices.

## **UNIT - V**

### **Competition Commission in India**

Composition - Duties, Power and Functions of the Commission- Contraventions of the Orders of the Commission - Penalties - Competition Appellate Tribunal - Competition Advocacy - Miscellaneous.

### **Statutory Materials**

- MRTP Act,1969
- Competition Act, 2002

### **Books Prescribed**

- Ramappa - Competition Law of India
- S.M.Dugar-Commentaries on MRTP Law, Competition Law and Consumer Protection

- Justice D.P.Wadhwa, N.L.Rajesh - The law of Consumer Protection in India
- P.K.Majumdar - Law of Consumer Protection in India
- Paribas- Consumer Protection Dissent.
- Justice Shri.S.Malik - Commentaries on the Consumer Protection Act,1986
- A.Pximer - The Anti-Trust Law
- Eleanor M. Fox - U.S and E.U Competition Law - A Comparison.

### **Books for Reference**

- Universal's Guide - Competition Law in India.
- Avtar Singh- Law of Monopolies and Unfair Trade Practices
- Avtar Singh- Competition Law.
- Tripathi- Competition Law



**INTERPRETATION OF STATUTES**

**CHD8B**

**Objectives of the Course**

*Good enactments are those which have least ambiguities, inconsistencies, contradictions or lacunas. Bad enactments are gold mine for lawyers because for half of the litigation, the legislative draftsmen are undoubtedly the cause. The purpose of the Interpretation of the Statute is to unlock the locks put by the Legislature. For such unlocking, keys are to be found out. These keys may be termed as aids for Interpretation and Principles of Interpretation. It is not within the human powers to foresee the manifold permutations and combinations, that may arise in the actual implementation of the Act and also to provide for each one of them in terms free from all ambiguities. Hence Interpretation of Statutes becomes an ongoing exercise as newer facts and conditions continue to arise. Lord Denning rightly pointed out, "English knowledge is not an instrument of mathematical precision... It would certainly save the judges from the trouble, if the Acts of Parliament were drafted with divine precision and perfect clarity. In the absence of it, when a defect appears, a judge cannot simply fold his hand and blame the draftsman..." This subject gives the basic inputs for the students to know the subject matter.*

**COURSE OUTLINE**

**UNIT -I**

**Law Making**

Legislature, Executive and the Judiciary - Principle of Utility - Law and Public Opinion - Law and Social Control - Relevance of John Rawls and Robert Nozick - Individual Interest to Community Interest - Law and Morals -Meaning, Objectives and Scope of 'Interpretation', 'Construction' and 'Statute' -Public Opinion and Law Making.

**UNIT - II**

**Nature and Kinds of Indian Laws**

Statutory, Non Statutory, Codified, Uncodified, State made and State Recognised Laws -Parts of a Statute - Commencement, Operation and Repeal and Revival of Statutes - Purpose of Statutory Interpretation -Basic sources of Statutory Interpretation -The General Clauses Act, 1897: Nature, Scope and Relevance -Definition clauses in various Legislations: Nature and Imperative Rule.

**UNIT-III**

**Rules of Statutory Interpretation**

Literal and Logical Rules of Interpretation -Legalism and Creativity -Legal Language, Legal Riddles and Logic - Golden Rule and Mischief Rule -Strict construction of Penal Laws and Taxation Laws -Judicial Activism, Judicial Process and Judicial Restraint -Internal Aids and External Aids of Interpretation.

**UNIT- IV**

**Interpretation of Constitution**

Principles and Theories - Preamble as a Tool -Reading Directive Principles and Fundamental Duties with Fundamental Rights -Interpretation of International Instruments - Presumptions: Presumption against Ousting Established Jurisdiction - Presumption against Exceeding Territorial Nexus - Presumption against Ouster of Jurisdiction of Courts - Presumption against changes in Common Law - Presumption against including what is Inconvenient or Unreasonable - Presumption against Intending Injustice or Absurdity - Presumption against Retrospective Operation of Law - Presumption against Violation of International Law - Presumption in favour of Constitutionality of a Statute.

## UNIT -V

### Legislative Drafting

Principles and Process of Legislative Drafting - Simplicity, Preciseness, Consistency, Alignment with Existing Law, Brevity -Drafting General Laws -Special Laws -Rules - Orders.

### Statutory Materials

- General Clauses Act, 1897
- Constitution of India, 1950

### Books Prescribed

- Maxwell-Interpretation of Statutes
- P.M. Bakshi-Interpretation of Statutes
- Vepa Sarathi-Interpretation of Statutes
- M.P. Tandon-Interpretation of Statutes
- Bindra-Interpretation of Statutes
- Cross-Interpretation of Statutes
- G.P. Singh-Principles of Statutory Interpretation
- M.P. Jain-Constitutional Law of India
- V.N. Shukla's-Constitution of India
- Indian Law Institute-The Drafting of Laws

### Books for Reference

- Jeremy Bentham-Theories of Legislation
- Jeremy Bentham-Principles of Morals and Legislation
- Dicey-Law and Public Opinion
- P.K. Tripathi-Spotlights on Constitutional Interpretation
- Swarup Jagdish-Legislation and Interpretation
- Bindra-Commentary on the General Clauses Act, 1897
- Thornton, G.C-Legislative Drafting



## PRIVATE INTERNATIONAL LAW

### CHD8C

### Objectives of the Course

*In this 21<sup>st</sup> Century, Liberalisation, Privatisation and Globalization (LPG) works beyond National barriers. The course creates an understanding on the conflict of Laws under various Legal Systems pertaining to Jurisdiction, Marriage, Divorce, Adoption, Maintenance and Property. The course also covers Torts and Contracts Laws. In addition the course also highlights the enforcement of Foreign Judgments and Arbitral Awards.*

### COURSE OUTLINE

#### UNIT - I

##### Introduction

Introduction - Scope of Private International Law - Theories of Private International Law-Conflict of Law or Private International Law - Codification of Private International Law-Hague Conventions - Distinction between Public International Law and Private International Law.

#### UNIT - II

##### Jurisdiction

Jurisdiction - Choice of Law - Domicile - Residence - Renvoi - Forum Convenience.

#### UNIT - III

##### Judicial Attitude

Cases involving Private International Law - Marriage - Divorce - Adoption - Guardianship and Maintenance.

#### UNIT - IV

Contract - Negotiable Instruments - E-contracts - Private International Law Relating to Corporations - Jurisdiction

over Corporations - Insolvency Jurisdiction and effects of Foreign Insolvency Proceedings.

## **UNIT - V**

### **Enforcement**

Enforcement of Foreign Judgements and Decrees -  
Enforcement of Foreign Arbitral Awards  
Evidence and Procedure - Stay of Proceeding - Proof of Foreign Laws.

### **Statutory Material**

- Hague Convention

### **Books Prescribed**

- V. C. Govindaraj - The Conflict of Law in India.
- ParasDiwan - Private International Law.
- Setalvad - Conflict of Laws.

### **Books for Reference**

- Cheshire, North and Fawcett - Private International Law.



## **INTERNATIONAL TRADE LAW**

### **CHD8D**

### **Objectives of the Course**

*In this 21st century, the concept of Liberalisation, Privatisation and Globalization (LPG) works beyond the trade barriers. This course helps to understand the dominant role of developed countries in exploiting the developing countries. It conglomerate the finer version of International Economic Law, in particular the notion of New International Economic Order, the object of economic integration with that of the pragmatic approaches of the International Trade Regime. As a matter of compliance of International Trade Practices, various bilateral and regional agreements exist in this scenario. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting International Trade in municipal spheres including Dispute Settlement Bodies. This subject provides basic inputs in International Trade Law.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Genesis of International Trade Law**

Origin and Development-Theories- UN Conventions- Unification of International Trade Law-International Commercial Contracts- International Sale of Goods- Foreign Direct Investments (FDI)- Transnational Companies - Electronic Business Transactions- Elements of International Taxation- Risk Analysis of International Trade.

#### **UNIT-II**

##### **International Economic Institutions**

Structure and Functions of International Economic Institutions-International Trade Organisation (ITO)- Brettonwood Conference-Variou Rounds of WTO-General

Agreement on Tariff and Trade (GATT)-New International Economic Order (NIEO)-International Monetary Fund (IMF)-International Bank for Reconstruction and Development (IBRD)-International Investments.

### **UNIT-III**

#### **World Trade Organisation (WTO)**

Structure and Functions of WTO-WTO and Covered Agreements-Subsidies-Dumping and Anti-dumping-General Agreements of Trade and Services (GATS)-Trade Related Intellectual Property Rights (TRIPS)-Trade Related Investment Measures (TRIMs) - Trade in Agriculture-Technical Barriers of Trade (TBT) United Nations Committee on Trade and Environment (UNCTE)-United Nations Committee on Trade and Development (UNCTAD)-Summits of the WTO.

### **UNIT-IV**

#### **Bilateral and Regional Trade**

Regional Arrangements under the United Nations-Most Favoured nation (MFN) Clause-South Asian Association for Regional Cooperation (SAARC)-Association for South Eastern Asian Nations (ASEAN)-European Union (EU)-Organisation for Petroleum Exporting Countries (OPEC)-North American Free Trade Agreement (NAFTA)-South Asian Free Trade Agreement (SAFTA).

### **UNIT-V**

#### **Settlement of Disputes in International Trade**

Methods of Dispute Settlement-Alternative Dispute Resolution (ADR) and International Trade-UNCITRAL - International Arbitration, Conciliation, Mediation and Litigation-Online Dispute Resolution-Dispute Settlement Body in WTO - Appellate Body (AB) -Consultation-Trade and Environment Controversies - Enforcement and Compliance.

### **Books Prescribed**

- Myneni- International Trade Law.
- Indira Carr ,Peter Stone -International Trade Law.
- Gupta. R. K -World Trade Organisation
- Autar Krishen Koul -Guide to the WTO and GATT
- Jayanta Bagachi- World Trade Organisation: An Indian Perspective

### **Books for Reference**

- C. Singhania-Foreign Collaborations and Investments in India Law and Procedure.
- Correa, Carlos. M - IPRs the WTO and Developing Countries.
- Day, D. M. and Griffin, Bernardette- The Law of International Trade,
- Anupam Goyal-The WTO and International Environmental Law: Towards Conciliation
- Clive M Schmitthoff - Export Trade: The Law and Practice of International Trade.
- Petersmann, Ernst Ulrich -The GATT/WTO Dispute Settlement Systems: International Law, International Organisations and Dispute Settlement.



**E-COMMERCE AND CYBER LAWS**

**CHD8E**

**Objectives of the Course**

*To provide conceptual and theoretical knowledge about E-Commerce, to understand the mechanisms involved in E-Commerce and the contemporary issues for the students competent enough to take up to employment and self-employment opportunities in E-Commerce. This subject gives the basic inputs about the e-commerce, the application of relevant laws and the remedial measures in the global arena to inculcate amongst the students training and practical approach by exposing them to modern technology in Commercial Operations.*

**COURSE OUTLINE**

**UNIT – I**

**Introduction**

Overview of Electronic Commerce - Definition of Electronic Commerce – E-Business Potential Benefits of E Commerce - The Internet as Enablers of E-Commerce - Impact of E-Commerce on Business Models – E-Commerce Applications - Electronic Contracts - Market Forces - Influencing Highway - The Global Information Distribution Networks - The Regulatory Environment for E-Commerce and E-Governance.

**UNIT – II**

**Electronic Data Interchange (EDI), Electronic Commerce and the Internet**

Introduction - Traditional EDI Systems - Benefits - Data Transfer and Standards Financial EDI – EDI Systems and the Internet - Legal, Security and Private Concerns Authentication - Internet Trading Relationships Consumer to Business (B2C) Business to Business (B2C), Consumer

to Consumer (C2C) Government to Citizen - Features and Benefits - Portal Vs. Website - Impact - Intra Organizational E-Commerce - Supply Chain Management.

**UNIT – III**

**Cryptography and Authentication**

Introduction - Messaging Security Issues - Confidentiality - Integrity – Authentication - Encryption Techniques - Integrity Check Values and Digital Signatures – Good - Encryption Practices – Key Management - Key Management Tasks – Additional Authentication Methods - Firewalls -Definition - Component - Functionality - Securing the Firewall - Factors considered in securing the Firewall Limitations.

**UNIT – IV**

**Electronic Payment Mechanisms**

Introduction - The SET Protocol - SET Vs. SSL - Payment Gateway – Certificate Issuance -Certificate Trust Chain - Cryptography Methods - Dual Signatures – SET Logo - Compliance Testing- Status of Software - Magnetic Strip Cards - Smart Cards Electronic Cheques - Electronic Cash - Third Party Processors and Credit Cards – Digital Watermarking and Steganography - Risk and Electronic Payment System - Designing Electronic Payment Systems.

**UNIT – V**

**E-Commerce Strategy and Implementation**

Information Technology Act, 2000 and its Amendments - UNCITRAL Model Law - GATT and WTO, WIPO, TRIPS, Berne Convention, Universal Copyright Convention, ICANN, WIPO Copyright Treaty (WCT), Copyright Act 1957, Trades Marks Act, 1999, Definition, Breach and Remedies – Patent Cooperation Treaty (PCT), Patent Law Treaty (PLT), Substantive Patent Law Treaty (SPLT) - Application of Patents to Information Technology - Patents for Computer Software - Patents for E- Commerce - Patent and Patentability criteria in India, US, Japan, China, Singapore etc. - Definitions - Semiconductor Integrated Circuits and Layout Design Act, 2000, Definitions - Breach and Remedies - Data Protection -

Principles of Data Protection - Jurisdictional Issues - Retention of E-Records – Transactional Data Flow and International Controls - Strategic Planning for E-Commerce, Strategy in Action, Competitive Intelligence on the Internet, Implementation; Plans and Execution, Project and Strategy assessment Managerial Issues – International Taxation in E-Commerce - Global Electronic Commerce - Future of Electronic Commerce.

**Practical:** Case Studies related to IPR, Cyber World and Electronic Commerce.

#### **Books Prescribed**

- Information Technology Act, 2000 and its amendment and allied rules
- Ahmand Tabrez -Cyber Law, E-commerce and M-Commerce
- P.M. Bakshi & R.K. Suri -Handbook of Cyber and E-Commerce Laws.
- Yatindra Singh -Cyber Laws
- G.S.V.Murthy -E-Commerce Concepts, Models, Strategies
- Kamlesh K Bajaj and Debjani Nag -E- Commerce
- Gray P. Schneider -Electronic commerce

#### **Books for Reference**

- Greenstein and Feinman -Electronic Commerce - Security, Risk Management and Control
- Ed-aim Turban, Jae Lcc, David King, Michael Chung- Electronic Commerce - A Managerial Perspective.
- W. Stallings -Cryptography and Network Security Principles and Practice
- Chand (Wiley)-E-Commerce, Fundamentals and Applications
- Kenneth C. Laudén -E-Commerce : Business, Technology, Society
- Stevan Alter, Pearson -Information Systems, Foundation of E-Business



### **LEGISLATIVE DRAFTING - PROCESS AND PROCEDURES (OPTIONAL)**

#### **SYLLABUS (Subject Code: CHB8G)**

**Forms of Legislative Instruments:** Bills, Acts, Orders, Rules, Schedules, Case laws of Constitutional Law.

**Principles:** As a tool of Power – Object to civil – criminal legislation, anticipated goals – Limitations of legislation as a tool for change in relation to religion, morality and tradition – Factors which influence decision of the legislator – correlation between public opinion and legislative formulation – some major problems and trends in legislative formulation in a modern welfare State.

**Ideals of Drafting:** Simplicity, Preciseness, Consistency, Alignment with Existing law, Brevity Select bibliography.

#### **UNIT - II**

**Process & Preparation:** General rules, words selection, syntax, style, punctuation- Reference of other related laws, and existing law-Relevancy with constitutional provisions- Required instructions for legislative drafting.

**Other requirements:** punctuation, Marginal notes, Provisions, illustrations, Presumptions, Use of non- obstante clauses, Retrospective effect, exceptions, Fictions, Explanations- Classification of statutes-Amending, consolidating and codifying statues-Subordinate Legislation.

#### **UNIT - III**

**Legislative Processes** –First Reading – Reference of Bills to Departmentally Related Standing Committees (DRSCs) – Second Reading – Bill before the Select/Joint Committee



– Clause-by-Clause consideration – Third Reading – Constitution Amendment Bills – Bill in the other House – Joint Sitting – Assent of the President – Private Member’s Bills- Committee System in the Indian Parliament – Types of Committees – Parliamentary Committees- Composition – Evolution and growth of the DRSC System – DRSCs – Parliamentary Privileges – Question of Privilege and Working of Committee of Privileges.

#### UNIT - IV

**Types of Questions-** Admissibility- Short Notice Questions- Half-an- Hour Discussion – Committee on Government Assurances – Procedural Devices for Raising Matters of Urgent Public Importance on the Floor of the Houses – Changing Roles of Parliament – Types of Motions – Short Duration Discussions – Private Members’ Resolution – Calling Attention – Matters under Rule 377 and Zero Hour.

#### UNIT - V

**Budgetary Process:** Contents of the Budget- General Discussion on the Budget- Vote on Account – Consideration of Demands for Grants by DRSCs- Cut Motions- Annual Reports of the Ministers – Outcome Budget- Guillotine – Supplementary Demands for Grants, Excess Grants, Token Grants, Votes of Credit and Exceptional Grants- Appropriation Bill- Finance Bill – Budget of a State under Presidents’ Rule.

#### References:

1. **The Constitution of India**, M.P. Jain
2. Indian law Institute, **The Drafting of Laws** (1980)
3. W. Friedman, **Law in a Changing Society** (1970)

4. Zander M., **The law Making Process**, Widenfeld & Icholson, England
5. Renton C’ Hee Report. **Preparation of Legislation**, Sweet & Max Well
6. J. Bentham, **Principles Of Legislation**
7. **Practice and Procedure of Parliament-** M. N Kaul& S. L. Shakdher
8. **People, Legislature, Law Making-** K.N. Baisya
9. **Legislative powers, Ideals and Reality-** P.M Bakshi
10. Allen, **Law in the making**, Sweet and Max Well
11. **Legislative Control over Govt. Expenditure-** B. P Singh
12. **Delegation of Legislative Powers-** Monica Chawla
13. **Administrative Law-** Dr.N.K.Jayakumar



**LAW OF INSURANCE**

**CHD9A**

**Objectives of the Course**

*The concept of Insurance has significantly developed in the present post privatization era. The study of insurance law has various dimensions. The concepts like Insurable Interest, Good Faith Criteria, and Remoteness of Cause have been very important in the area of Insurance Disputes. The IRDA, a new regulator has framed various significant rules for regulating the Insurance Sector.*

*The objective of the course is to provide the students*

- i. To know of the legal dimensions relating to formation and discharge of Insurance Contracts.*
- ii. To understand and appreciate the aspects of various Insurance Contracts.*
- iii. To learn the redressal mechanisms available pertaining to the Insurance Sector.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Insurance Meaning - Risk Management - Kinds of Risks - Insurable - Distinction between Insurance and Assurance- Parties of Insurance - Insurance and Contract Linkage - Extent of applicability of General Principles of Law of Contract viz., Offer, Acceptance, Capacity of Parties, Consideration, Consensus Ad-Idem and Lawful Object - Insurance and Wager - Performance of Insurance Contracts - Discharge of Insurance Contract- Necessity for applying Special Principles of Contract to Law of Insurance - Extent of Applicability- Special Principles: (a) Uberrimae fidae: (b) Indemnity (c) Subrogation, (d) Contribution (e) Proximate Cause - Cover Note and Slip.

**UNIT - II**

**Fire Insurance Contract**

Meaning of the term 'Fire' - Fire Policies - Perils Insured - Fire Claims - Scope of Applicability of Special Principles to Contract of Fire Insurance - Standard Fire Policy - 'Average' in Fire Insurance Contract.

**UNIT - III**

**Marine Insurance Contract**

Significance of Marine Insurance Contract - Maritime Perils - Subject Matter covered by Marine Policy - Kinds of Marine Policies- Scope of Applicability of Special Principles to Contract of Marine Insurance - Principle of 'Change of Voyage' and 'Deviation'- Total Loss- Partial Loss - General Average Sacrifice and Expenditure - Salvage - An overview of Marine Insurance Act, 1963 with special reference to Bill of Lading and Counter Party.

**UNIT - IV**

**Life Insurance Contract**

Introduction - Meaning of Life Insurance and its Significance - Kinds of Life Policies - Extent of Applicability of Special Principles to Life Insurance Contract - 'Suicide' Clause in a Life Policy - Assignment and Nomination - Constitution, Powers and Functions of L.I.C. under L.I.C. Act, 1956 - Ombudsman, IRDA.

**UNIT - V**

**Motor Vehicle Insurance**

Introduction - The Motor Vehicles Act, 1939 (As Amended in 1988) - Compulsory Third Party Insurance of Motor Vehicles - No-fault liability - Chapter VIII A of the Act - Motor Accident Claims Tribunals.

**Books Prescribed**

- Raoul Colinvarx- Law of Insurance
- M.N. Srinivasan- Law of Insurance
- Srinivasan and Murthy- Law of Insurance

**Books for Reference**

- Hardy Ivany - Law of Insurance



**LAW OF CRIMES - II  
(CODE OF CRIMINAL PROCEDURE)**

**(Including Juvenile Justice Care and Protection Act  
and Probation of Offenders Act)**

**CHD9B**

**Objectives of the Course**

*Criminal Law is intended to provide a mechanism for the enforcement of Criminal Justice Administration. Without proper Procedural Law, the Substantive Criminal law which defines Offences and provides Punishment would be almost worthless. Every threat does not deter. Without deterrent effect, the Criminal Law will have hardly any meaning or justification. Thus the Code of Criminal Procedure is meant to be complementary to Criminal Law and has been designated to ensure the process of its Administration.*

**COURSE OUTLINE**

**UNIT - I**

**Criminal Procedure Code-Types and Functionaries**

Aquisitorial, Inquisitorial - Brief history about the Code - Definition- Main functionaries of the Code- Powers of Superior Police Officers and Aid to the Magistrates and Police.

**UNIT - II**

**Pre-Trial Proceedings**

Stages of Investigation - Process compelling for the presence of the accused for Investigation and Trial - Arrest-Procedure for Arrest - Rights of Arrested Persons- Consequences of Non - Compliance of Arrest Procedures - Search and Seizure - Process of Investigation by Police - Investigation of Unnatural and Suspicious Death - Local Jurisdiction of the

Courts in Inquires and Trials - Cognizance of Offence and Commencement of Proceedings - Bail Procedures -Types of Bail - General Provision regarding Bond of Accused and Sureties.

**UNIT - III**

**Trial Procedure**

Principal features of Fair Trial - Charge - Common features of Trial - Disposal of Criminal Cases without Full Trial - Preliminary Plea to Bar Trial - Trial before a Court of Session - Trial of Warrant Cases by Magistrates - Trial Summons Cases and Summary Trial Special Rules of Evidence.

**UNIT - IV**

**Appeal Procedures**

Types of Appeals - Reference and Transfer of Criminal Cases - Execution, Suspension, Remission and Commutation of Sentences - Execution of Sentence -Death Penalty and Imprisonment - Execution of Sentence of Fine - Preventive and Precautionary Measures for Keeping Peace and Good Behaviour - Maintenance Procedures - Conditions for Claiming Maintenance - Cancellation of Maintenance - Muslim Women Protection of Rights on Divorce Act.

**UNIT - V**

**Juvenile Justice Care and Protection Act, 2000 and Probation of Offenders Act, 1958**

Introduction - Object - Definitions - Statutory Bodies for Juveniles under the Act - Reformative Institutions for Juveniles - Special Offences - Probation - Object and Meaning - Criminal Court and Probation - Duties of Probation Officers - Report of the Probation Officers- Conditions and Cancellation of Probation.

### Statutory Material

- Code of Criminal Procedure, 1973
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Probation of Offenders Act, 1958

### Books Prescribed

- Ratanlal - Code of Criminal Procedure
- Sarkar -Code of Criminal Procedure
- Kelkar R.V-Outlines of Criminal Procedure
- Basu - Code of Criminal Procedure
- Dr.Nandhal's -Code of Criminal Procedure
- P. Ramanatha Iyer -Code of Criminal Procedure

### Books for Reference

- Sohoni -Code of Criminal Procedure
- R.B. Sethi -Probation of Offenders Act
- Consuls -Probation of Offenders Act and Rules.
- M.K.Chakrabarathi - Probation System in the Administration of Criminal Justice
- Vedkumari - Treaties on the Juvenile Justice Act.
- S.K. Swasthi -Judgments of Juvenile Justice Act 1986.



## CIVIL PROCEDURE CODE

### CHD9C

### Objectives of the Course

*The course intends to understand the Legislative measures in Procedural. The course also helps in understanding the procedures to be followed by the Civil Courts from the institution of Suits till the Final Disposal. The course tries to understand the Computation of Limitation Period for the Institution of Suit, Appeal and Applications along with Exclusion.*

### COURSE OUTLINE

#### UNIT - I

##### Introduction

Definitions - Jurisdiction of Civil Court - Place of Suing - Institution of Suits - Presentation of Plaintiff - Parties to the Suit-Principles of Res Subjudice and Res Judicata.

#### UNIT - II

##### Pleadings and Trial

Plaint - Written Statement - Service of Summons - Appearance and Non-Appearance of Parties - Discovery, Inspection and Production of Documents - Admission - Production, Impounding and Returning of Documents-Transfer of Suits-Decree and Judgment -Remand-Restitution - Appeals: First Appeal, Second Appeal, Appeals from Orders and Appeals to Supreme Court - Reference - Review - Revision

#### UNIT - III

##### Suits in Particular Cases

Suits by and against Government and Public Officer - Suits by Indigent Person - Suits by or against Minors and Lunatics, Aliens and Foreign Rulers, Soldiers, Corporation, Firms,

Trustees, Executors and Administrators-Suits relating to Family Matters, Mortgages, Public Nuisance and Public Charities- Interpleader Suit-Summary Procedure.

#### **UNIT - IV**

##### **Execution**

General Principles- Courts by which Decree may be Executed- Payment under Decree- Application for Execution- Mode of Execution- Stay of Execution- Questions to be determined by Executing Court- Arrest and Detention- Attachment of Property Sale and Delivery of Property- Distribution of Assets.

#### **UNIT - V**

##### **Limitation Act**

Definitions - Limitation of Suits - Appeals - Computation of Period of Limitation - Acquisition of Ownership by Possession.

##### **Statutory Materials**

- Code of Civil Procedure- 1908
- Limitation Act- 1963

##### **Books Prescribed**

- C. K. Takwani - Civil Procedure Code
- Mulla -Code of Civil Procedure
- M. P. Jain - Code of Civil Procedure
- Pattabiraman -Code of Civil Procedure

##### **Books for Reference**

- Taxmann - Code of Civil Procedure
- M. P. Tandon - Code of Civil Procedure
- C. K. Takkar - Code of Civil Procedure
- P. Basu - Law of Limitation



## **LAND LAWS**

### **CHD9D**

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

*Land Laws of Tamil Nadu along with the Land Acquisition Act are an important subject to the Law students as the subject has its significance for practicing before the Court of Law. Since, today all the Civil Suits filed are based on Land Acquisition Act and Lease and Rent Control Act, students must know the Local Laws as well as the Central Enactment.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Historical Sketch of Land Reforms/Land Laws**

Concept of Land: Kinds, Ownership and Possession of Land- Land Reforms and Constitutional History: Eminent Domain- Right to Property under Articles 31A, 31B, 31 C of the Constitution- Article 300 A: Protection of Personal Property- Nineth Schedule- Early Revenue Administration in Tamil Nadu- Grants- Inams- Zamindari System: Permanent Settlement- Ryotwari: Rights And Liabilities Of Ryotwari Pattadar- *Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948*

#### **UNIT-II**

##### **Acquisition of Land**

Land Acquisition Act, 1894 (Repealed)-Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act, 2013)- Need for new land acquisition law- Definitions: Affected Family, Land, Land Owner, Holding Of Land etc- Safeguards against indiscriminate land acquisition- Compensation- Rehabilitation and Resettlement- LARR Authority- Apportionment of Compensation- Payment of Compensation- Temporary Occupation of Land- Amendment Ordinance 2014-Time to time amendments.

### UNIT-III

#### Enactments and Cultivating Tenants

*The Tamil Nadu Cultivating Tenants Protections Act, 1955:* Definition- Landlord not entitled to Evict the Tenant – Right to Restoration of Possession- Special provision for member of Armed Forces- Bar of Jurisdiction of Civil Courts- Revision by High Court- The TN Cultivating Tenants Special Provisions Act, 1968, 2007, 2008, 2010-The TN Cultivating Tenants Arrears of Rent Relief Act, 1972, 1980- Tamil Nadu Cultivating Tenants Protection from Eviction Act, 1983, 1989.

*The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956:* Definitions – Interpretations – Rights and Liabilities of Cultivating Tenants and Land Owner- Fair Rent- Alteration or Revision of Fair Rent- Kaiaeruvaramdar and Mattuvaramdar- Rent Court and Rent Tribunals- Exception- Powers of High Court.

*The Tamil Nadu Agricultural Land Record of Tenancy Right Act, 1969:* Definition- Preparation of Records of Tenancy Rights- Record Officer- Advisory Committee-Modification of Entries in the Draft and Approved Record of Tenancy Rights- Appeals – Revision- Penalty for failure to furnish information- Cognizance of Offence.

*The Tamil Nadu Occupants of Kudiyiruppu and Conferment of Ownership Act, 1971:* Definitions – Occupant- Conferment of Ownership- Alternative Site- Prohibition of Alienation- Authorized Officer- Compensation- Offences by Companies.

### UNIT-IV

#### Law and Land Ceiling

*Tamil Nadu Land Reforms Fixation of Ceiling on Land Act, 1961 and Amended Act 1971:* Preliminary- Definitions : Ceiling Area, Family, Stridhana Property, Standard Acre, etc- Fixation of Ceiling on Land Holdings- Land Board- Industrial Undertaking- Publication of Statement- Land Tribunal- Authorized Officer- Determination of Compensation- Exemptions- Special Appellate Tribunal – Courts- Penal Provisions.

### UNIT-V

#### Law - Buildings

Tenancy law:- *The TN Buildings (lease and rent control) Act, 1960:* Introduction- Definitions- Fixation of Fair Rent – Changes in Fair Rent – Agreed Rent – Procedures for avoid default in payment of rent – Grounds for eviction of tenant- Jurisdiction of the Rent Controller- Execution- Proceedings by Legal Representatives or against Legal Representatives – Appeal.

*Tamil Nadu Apartment Ownership Act, 1994:* Definition- Ownership, Heritability and Transferability of Apartment- Deeds of Apartment and its Registration- Societies or Association of Apartment Owners, its Bye-Laws and Functions.

#### Books Prescribed

- K.Venkata Rao- The Tamil Nadu Land Reforms Act
- V.N.Krishnamoorthy- The Tamil Nadu Buildings Lease and Rent Control Act, 1960
- Prof. A. Chandrasekar- Land Laws of Tamil Nadu

#### Books for Reference

- Beverley.H – Commentaries on the Land Acquisition Acts
- Maheswaraswamy – “Land Laws”
- Maheswaraswamy – Land Law under the Constitution of India
- V.G.Ramachandran – Law of land Acquisition and Compensation.



**MOOT COURT  
(Clinical Course - III)**

**CHD9E**

**COURSE OUTLINE**

**Moot Court Exercise and Internship**

This paper may have three components of 30 marks each and a viva for 10 marks.

**(A) Moot Court (30 marks)**

Every student may be required to do at least three Moot Courts in a year with 10 marks for each. The Moot Court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral Advocacy.

**(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks)**

Students may be required to attend two Trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-trial Preparations and Internship Diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the Suit/Petition. This will be recorded in the diary, which will carry 15 marks.

**(D) Viva Voce Examination**

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.



**ENVIRONMENTAL LAW  
(Including Animal Welfare Laws)**

**CHDXA**

**Objectives of the Course**

*The objectives of the course are to make Environmental Law familiar to the students by understanding all dimensions of the subject. The contribution of Constitution and Constitutional Courts by recognising the right to wholesome Environment as a Fundamental Human Right with the aid of Public Interest Litigation and Principles of Environmental Law are also explored. It is necessary to explore the Laws enacted by the Union and State Governments by incorporating the International commitment under the various Conventions and Declarations. The Policies and Strategies of the Governments towards Environmental protection are also focused.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction to Ecosystem - Environment and Environmental Law - Factors responsible for Environmental Pollution - Socio and Economic Impacts of Environmental Pollution - History of Environmental Protection in India - Constitutional Obligation on Environmental Protection - Civil Society and Environmental Management.

**UNIT - II**

**International Environmental Law**

Fundamental Principles of Environmental Law - Role of United Nations - Multilateral Environmental Agreements - Stockholm Declaration on Human Environment, 1972 - United Nations Environment Programme - Nairobi Declaration, 1982 - Brundtland Report, 1987 - Rio

Declaration on Environment and Development, 1992 - Agenda 21 - United Nations Commission on Sustainable Development - Climate Change Convention and Protocol - Convention on Biological Diversity - Johannesburg Summit on Sustainable Development 2002 - Rio plus 20

### **UNIT - III**

#### **Pollution Control Laws**

Water (Prevention and Control of Pollution) Act, 1974 - Air (Prevention and Control of Pollution) Act, 1981 - Environment (Protection) Act, 1981 - Power of Central Government to make Environmental Rules - Rules relating to Management of Hazardous, Plastic Waste, Bio-Medical Waste, E-Waste, Municipal Solid Wastes and Batteries - Noise Pollution Rules, 2002 & 2000 - Environmental Impact Assessment - Coastal Regulation Zone Notification - Disaster Management Act, 2005.

### **UNIT - IV**

#### **Resource Conservation and Animal Welfare Laws**

Indian Forest Act, 1927 - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Biological Diversity Act, 2002 - Prevention of Cruelty to Animals Act, 1960 - Chennai Metropolitan Area Groundwater Authority (Regulation) Act, 1987 - Rain Water Harvesting- Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 - Role of Local Bodies.

### **UNIT - V**

#### **Remedies for Environmental Pollution**

Common Law Remedies- Remedies under Law of Tort - Penal Remedies - Indian Penal Code and Code of Criminal Procedure - Remedies under Constitutional Law - Writs - Public Interest Litigation - Public Liability Insurance Act, 1991 - The National Green Tribunal Act, 2010.

### **Books Prescribed**

- P. Leelakrishnan- Environmental Law in India
- P. Leelakrishnan- Environmental Case Book
- S. Shanthakumar -Environmental Law - An Introduction
- Shyam Diwan and Armin Rosencranz- Environmental Law and Policy in India
- N. Maheswaraswamy- Law relating to Environmental Pollution and Protection
- Jaiswal- Environmental Law

### **Books for Reference**

- Alan Boyle and Patricia Bernie- International Law and Environment.
- Philippe Sands- Principles of International Environmental Law.
- Elli Louka- International Environmental Law.
- A Citizen's Report- Centre for Science and Environment, The State of India's Environment.
- R.N. Choudhry - Law of Forests in India.
- Encyclopedia of Environmental Pollution and its control.
- Saksena K.D- Environmental Planning, Policies and Programmes in India.





**LAW OF ELECTIONS**

**CHDXB**

**Objectives of the Course**

*The main objective of the course is to make the students to understand the Election and its Commission, Electoral Practices, Disputes and Corrupt Practices in Election. It helps the students to seek solutions to pressing problems under Democracy and Good Governance. It aims to create awareness among the students and develop their abilities to deal with the Electoral issues and take up professional practice in the field of Electoral Laws.*

**COURSE OUTLINE**

**UNIT-I**

**Democracy and Representation**

Evolution of Democracy and Election System- Types of Election- Direct and Indirect, General, Bye and Mid-Term Election - Types of Representation - General Principles of Election - Election of President and Vice-President - Qualification and Disqualification of Members of Parliament and State Legislature under the Constitution and Appropriate Legislations - Special Provisions for Scheduled Castes and Scheduled Tribes – Reservation for Scheduled Castes and Tribes – Women Reservation – Local Bodies Election.

**UNIT- II**

**Election Commission**

Composition, Powers and Functions of the Election Commission - General Electoral Roll - Preparation and its Revision - Supervisory Powers of the Election Commission - Process of Removal of Member and Chief Election Commissioner - Political Parties - Registration and Recognition as National and State Parties - Symbols - Election Expenses - Auditing of Party Funds -Public Financing of Elections - State Election Commissions-Monitoring of Electoral Expenditure of the Political Parties.

**UNIT - III**

**Electors and Electoral Practices**

Universal Adult Suffrage - System of Voting - Right to Vote and Contest- Candidates and their Eligibility to Contest - Notification of Election - Constituencies and Delimitation and its Commission- Gerry Meanderings- Nomination, Scrutiny and Withdrawal of Candidature - Grounds for Rejection - Effect of Death- Election Campaign - Code of Conduct - Poll-Ballot Papers Including Postal Ballot and Electronic Voting Machine (EVM)- Hiring of Vehicles - Retuning, Presiding and Polling Officers - Elector's Identity Card -'None of the Above' (NOTA) and Declaration of Results - Voter Verified Paper Audit Trail (VVPAT) - Systematic Voters Education and Electoral Participation (SVEEP) - NRI Voting Options - Electoral Manifesto Guidelines – Freebies- Freedom of Expression - Right to Know - Media and Exit Poll.

**UNIT-IV**

**Electoral Disputes**

Defection - Election Petitions - Electoral Offences - Bribery, Undue Influence, Appeal on Grounds of Caste, Religion etc - Electoral Fraud and Other Crimes Against Electoral System- Corporate Funding of Political Parties and Roll of Black Money - Jurisdiction of Courts - Safeguard against Impersonation - Criminalization of Politics - Publication of False or Defamatory Statements.

**UNIT – V**

**Corrupt Practices**

Prevention of Corruption Act - Lok Ayuktha Act and Lok Pal Act- Electoral Reforms.

**Statutory Materials**

- Constitution of India,1950
- Representation of People Act, 1950 and 1951
- The Presidential and Vice-Presidential Elections Act, 1952
- The Conduct of Election Rules, 1961
- The Election Symbols (Reservation and Allotment) Order, 1968
- The Delimitation Act, 1972

### Books Prescribed

- S.K. Mendiratta -Are You Want to Know about Indian Elections
- R.N. Choudhry- Election Laws and Practices in India
- V.S.Rama Devi and S.K. Mendiratta - How India Votes, Election Laws, Practices and Procedures
- Justice T.S. Doabia- Law of Election Petitions
- Rajesh Kumar Thakur- Indian Electoral Law and Process: An Imperative for Good Governance
- K.C. Saha- Model Code of Conduct – Handbook Elections in India
- K.C. Saha - Election: Model Code of Conduct

### Books for Reference

- Rajni Kothari - Rethinking Democracy
- Manoranjan Mohanty - Theorizing India's Democracy, in Indian Democracy: Meanings and Practices.
- Atul Kohli -The Success of India's Democracy
- Sunil Khilnani- India's Democratic Career in Democracy
- Niraja Gopal Jayal- Democracy and the State, Welfare, Secularism and Development in Contemporary India
- Suhas Palshikar- Who's Democracy Are We Talking About, in Indian Democracy: Meanings and Practices.
- Ramesh Thakur- Government and Politics of India.
- Francine R Frankel- Contextual Democracy: Intersections of Society, Culture and Politics in India.



### **LAW OF TAXATION**

#### **CHDXC**

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

*The course intends to understand the Taxing System in India. The Taxing System is helping the Governments for the proper implementation of various programmes and schemes for the welfare of the people. The course helps in understanding the various modes of Taxation like Direct Tax, Indirect Tax and types of Taxes like Income Tax, Property Tax, Wealth Tax, Service Tax, Sales Tax, Value Added Tax, etc,. This course benefits the students in understanding the importance of payment of Tax and extending the people support for the development of Nation as a whole.*

#### **COURSE OUTLINE**

##### **UNIT - I**

##### **General Introductory Aspects**

Definition of 'Tax' - Distinction between 'Tax' and 'Fee' - Mutual relationship between Income Tax Act and Finance Act - Canons of Taxation - Kinds of Taxes ; Progressive, Proportion; Regressive and Digressive - Direct and Indirect Taxes - Applicability of Doctrines under the Constitution to Taxation Laws - Interpretation of Tax Laws.

##### **UNIT - II**

##### **The Indian Income Tax Act, 1961**

Preliminaries: Concepts; 'Income', 'Agricultural Income', 'Casual Income', 'Assesse Person'- Residential Status - Previous Year - Assessment Year - General Charging Section and Specific Charging Section - Income - Received - Arising - 'Accrual'- Scope and Total Income - Exempted Income; Tax Liability under 'Specific Heads': (i) Income from 'Salaries'(ii) Income from 'House Property' (iii)Income from 'Business or Profession' (iv)Income from 'Capital Gains' (v) Income from 'Other Sources'; Clubbing of Income: Income of other persons

in Assessee's Total Income - Treatment of Losses - Set-Off and Carry Forward of Losses- Procedure for Assessment- Deduction allowed in certain cases - Chapter VIA Deductions- Assessment of Special Class of Assesses.

### **UNIT - III**

#### **The Wealth Tax Act**

Definition of Person, Meaning of Wealth, Net Wealth- Exempted Wealth - Valuation Date - Procedure for Assessment.

### **UNIT - IV**

#### **The Central Sales Tax**

Meaning - Constitutional Validity of Central Sales Tax Act - Sales in the course of Inter-State Trade or Commerce - Sale in the course of Import Into and Export Out of the Territory of India - Sale Outside a State - Declared Goods - 'C' From - Customs Frontiers - Liability in Special Cases.

### **UNIT - V**

#### **The Tamil Nadu General Sales Tax Act**

Meaning - 'Dealer', Registered Dealer', 'Casual Dealer', Turnover', Total turnover', Taxable turnover - Sale and Works Contract - Single Point Tax V - Multipoint Tax - Value Added Tax - Procedure for Assessment - Kinds of Assessment - Hierarchy of Authorities-Advantages and Disadvantages of VAT.

#### **Books Prescribed**

- Girish Ahuja - Law & procedure : Professional Approaches to Direct Taxes
- Taxmann - Income Tax Act
- Gurumurthy - Sales Taxation in Tamil Nadu
- Dinager Pagre - Direct Taxes and Indirect Taxes
- Manoharan - Income Tax Act
- Dr. Bagawathi Prasad - Income Tax Law - Practice

#### **Books for Reference**

- Sukumar Battacharya - Income Tax Law - Practice
- N.A. Palkiwala - Income Tax



## **CRIMINOLOGY AND PENOLOGY**

### **CHDXD**

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

*The course aims to provide understanding regarding the concept of scientific study of criminal behaviour of the person who tends to commit crime. There is an inter link between Criminology, Penology and Criminal Law. Basically Criminal Law provides definition and punishment for the crime. The Criminology reveals the reasons that constitute the crime either individually or socially. The penal sanctions depend upon the characteristics of the criminal and the ability to reform through punishments. Thus the course provides the students to understand the criminal behaviour and imposition of punishments scientifically.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Introduction**

Meaning and Significance of Crime-Concept of Crime and basis of Criminalization- Definition of Crime -Criminology- Criminological Reminiscence: Global Scenario-Renaissance-Modern Age-Focus on the need for Criminological Study - Ingredients of Crime-Distinguish Crime from Non-Crime - Classification of Crimes -Development of Criminal Law- Sources of Crime Data-Crime Reporting-Uses of Crime Data-Schools of Criminology.

#### **UNIT-II**

##### **Crime Causation**

Individual Centric Causes -Societal Centric Causes- Theories on Crime Causation- Juvenile Delinquency- Legislation- Juvenile Justice (Care and Protection of Children) Act, 2000- Statutory Bodies and Procedure- Reformatory Institutions under the Act- Rehabilitation Process-Case Law.

### UNIT-III

#### Types of Crime

White-Collar Crime and Blue-Collar Crime: Implications of White Collar Crimes- White Collar Crimes in India-Santhanam Committee Report- Wanchoo Committee Report - 47th Law Commission Report- Detection and Investigation-Trial of White-Collar Crimes-Case Law.

Crime and Women: Dowry Prohibition (Amendment) Act, 1986 - Female Criminality-Crimes of Passion-New Legislation-Prostitution -Immoral Traffic Offender (Prevention) Act- Medical Termination of Pregnancy Act-Pre Conception and Pre Natal Diagnosis Techniques (Regulation) Act- Domestic Violence Act- Criminal Law Amendment Act,2013.

Terrorism: Definition- Nature of Terrorism-Causative Factors - Funds for Terrorism-Kinds of Terrorism-Terroristic Spectrum-Punishments and Measures for Coping with TADA-POTA-Criticism-Anti-Terrorist Measures-Communal Violence-Causes and Cures.

Marginal and Victimless Crimes: Social Deviance and Marginal Crimes-Kinds of Marginal Crimes -Victimless Crimes-Hidden victims-Drug and Crime-Depiction of Offences and Punishments-NDPS Act.

Modern Crimes and International Crimes: Computer Crime -Kinds of Computer Crimes - Definition of Computer Crime-Information Technology Act, 2000-Human Organ Crimes-International Crime-Environmental Crimes.

### UNIT-IV

#### The Police and Criminal Justice System

Police: Organizational Structure of Indian Police-Police Bureaucracy -Police Setup-Custodial Deaths-Modernization in Police-Crime Records Management - Traditional Vis-a-Vis Modern Crime Records Management - Police Community Relations-Thana Level Committee-Police Advisory Committees-Media and Police-Discipline and Lawlessness-Interpol.

Criminal Justice System: Objectives of Criminal Justice System- Rights of Accused and Arrested person-Plea Bargaining-Human Rights and Administration of Criminal Justice.

### UNIT-V

#### Correctional Institution and Crime Prevention

Probation and Parole: Origin -Salient features of Probation of Offenders Act, 1958 -Parole -Parole Regulations-Parole Recommendations.

Prison: Prison System in India- Problems of Prisoners-Organised Setup -Prison Discipline-Prison Labour-Prison Education-Open Prison-The Prison Community-Prison Reform in India-Dr. Wreckless Committee Report-International Perspective.

Crime Prevention: Theories of Punishment-Kinds of Punishment-Recidivism-Variou forms of Recidivist-Prevention of Crime and Delinquency.

#### Books Prescribed

- Ahamed Siddique-Criminology Problems and Perspectives
- Dr. M. Ponnian-Criminology and Penology
- Dr. Rajendra K. Sharma-Criminology and Penology
- Dr. Sirohi-Criminology
- Paranjape-Criminology

#### Books for Reference

- Bames and Teeters-New Horizons of Criminology
- Sutherland-Criminology
- Taft and England-Criminology
- Siegel-Criminology



**DRAFTING, PLEADING AND CONVEYANCING  
(Clinical Course - IV)**

**CHDXE**

**COURSE OUTLINE**

- A. Drafting:** General principles of Drafting and relevant substantive Rules shall be taught.
- B. Pleadings:**
- a. Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Articles 226 and 32 of the Constitution of India.
  - b. Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
  - c. Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
  - d. Drafting of Writ Petition and PIL Petition.

Instructions class and simulation exercises, preferably with assistance of practising lawyers/ retired judges will be provided for the students.

Apart from teaching the relevant provisions of law, the course may included not less than 15 practical exercises in Drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be allotted for Viva Voce.



**(ALL EVEN SEMESTERS)**

**Internship Goals and Objectives:**

Internship represents capstone of a budding Litigative Lawyer/Corporate Lawyer/Administrator/LPO'S (Legal Process Outsource) formal academic training and his/her smooth induction into the profession. The general mission and philosophy of the training programme, is designed in such a way to assist Interns in developing clinical knowledge, soft skills, communication skills, nuances of Drafting & Pleading skills, Presentation of Arguments before the Court of Law and also to learn the finer points of the administration.

- 1) To train the law students in the profession of advocacy and other corporate management skills to which they are opting;
- 2) To train the law students to broaden the scope of their services beyond those provided to litigants.
- 3) To train the law students to develop and to be guided by their professional identity.

The Internship must be undertaken in all the even semesters, i.e. 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> of the 5 year Integrated (Hons.) Degree Courses and 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> of the 3 year (Hons.) Degree Course, students have to undergo Internship programme compulsorily and earn 2 credits for each even semester in order to qualify for the degree programme and the same may not be taken into account to qualify for the Degree like other core subjects prescribed for the respective course of study.

The students who are undertaking the Twinning Programme under Choice Based Credit System in foreign Universities or in other Law Schools located in India during the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and during the

4<sup>th</sup> semester of the 3 year (Hons.) Degree Course they have to follow the prescribed curriculum of the concerned foreign University or in concerned National Law Schools of India and They need not undertake internship, separately and despite that automatically two credits will be awarded to them, if they submit the certificate of their course of study in other National Law Schools located in India or in other recognized Foreign Universities where English is the language of instruction.

Moreover, internship programme has overarching goals that guide the Interns with a duration of 30 hours in case of attending theory or tutorial classes/remedial classes/60 hours in the field work during the concerned semester period.

**Guidelines for calculation of credit for the Internship (2 Credits for Internship for every even semester):-**

Students are at liberty to under take the following internship at any time during the concerned academic year though the internship is prescribed only for the even semester of the said academic year.

Internship may be classified into (i.) attending theory oriented internship and (ii.) field work oriented internship. In the event of a student undertaking theory oriented internship he/she has to undergo 30 hours of work in that internship. In the field work oriented internship he/she has to undertake internship for 60 hours. A student has to be permitted to undertake the above two types of internship together in an academic year to accrue two credits for the even semester.

**The following are considered as the theory oriented internship:- (30 hours participation)**

- (i.) 1 credit = 15 periods of 60 minutes each - Participation in theory class beyond the class hours/remedial course classes/Computer Labs beyond the class hours /

proceedings of Courts/ proceedings of State Legislative /Tribunals / Commissions/ Seminars / Conferences/ Workshops/Moot Court competitions and any other function organized by the University / Departments of the University. If a student claims OD, Internship credit will not be given to him/her.

**The following are considered as the field work oriented internship:- (60 hours participation)**

- (ii.) 1 period = 120 minutes of field work, therefore (1 credit= 30 hours and for 2 credits = 60 hours) - Participation in special camp of NSS/Regular Activities of the NSS/Legal aid camp/YRC/Lok adalat/advocate chamber visits /Blood donation camp/Marathon/ rally.

- **Source of Internship for the 2<sup>nd</sup> & 4<sup>th</sup> Semester of the 5 year Integrated (Hons.) Degree Courses –** Participation in Special Camp of NSS; regular activities of the NSS, participation in functions organized by the University/Departments of the University; Seminars organized by other educational institutions/Courts & Tribunals/ proceedings of State Legislative /State Human Rights Commission/National Human Rights Commission/ Supreme Court Visit/Participation in Moot Court Competitions organized by other institutions/ Universities/High Courts/YRC; etc. On completion of 60/ 30 hours of the Internship the student has to submit Attendance Certificate from the Programme Officers in case of NSS/YRC and from the concerned Authorities who organized the programme. Further the student has to submit 20 pages of write-up pertaining to the nature of his/her Internship.
- **Sources of Internship for the 6<sup>th</sup> semester of the 5 year Integrated (Hons.) and 2<sup>nd</sup> Semester of the 3 year (Hons.) Degree Courses –** Undertaking Internship in any one of the Advocate's Chamber whose practice has exceeds more than 10 years in the Bar.

On completion of 60 hours of the Internship the student has to submit Attendance Certificate from the concerned Advocate and further the student has to submit 20 pages of write-up pertaining to what they learnt from the Advocate's Office in course of his/her Internship.

- **Sources of Internship for the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and 4<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Undertaking Internship in any one of the Advocate's Chamber whose practice exceeds been more than 10 years in the Bar and to visit the Courts to observe the trial proceedings specifically on petition/application matters. On completion of 60 hours of the Internship the student has to submit Attendance Certificate and they have to submit a write up relating to observation of the Court Proceedings (either Civil or Criminal Court Proceedings only in the sub-ordinate Courts) pertaining to what they learnt from the Advocate's Office in course of Internship.
- **Sources of Internship for the 10<sup>th</sup> semester of the 5 year Integrated (Hons.) and for the 6<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Observe the Appellate Tribunal Proceedings (State Human Rights Commission, National Human Rights Commission, IPR Appellate Tribunals, Tax Appellate Tribunals, proceedings of State Legislative ,Labour Court Proceedings/Hon'ble High Court Proceedings) under the guidance and direct supervision of an Advocate who has more than 10 years of practice in the Bar. On completion of 30 hours of the Internship the student has to submit Attendance Certificate from the concerned advocate and they have to submit a write up relating to observation of the Court Proceedings pertaining to the course of his/her Internship.





**THE TAMIL NADU  
Dr. AMBEDKAR LAW UNIVERSITY**



(State University Established by Act No. 43 of 1997)

M.G.R. Salai, Perungudi, Chennai - 600 113.

## **SYLLABUS**

**B.C.A.LL.B. (Hons.)**

**DEGREE COURSE**

**2016 - 2017 BATCH**

**Compiled by**

**Dr. S.K. RAMANI, Assistant Professor (SG), SOEL**

**Dr. LUCKY GEORGE, Assistant Professor (SS), SOEL**

**Dr. S. RAJALAKSHMI, Assistant Professor (SS), SOEL**



**B.C.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.	
		Nature of the Course (Core or Foundational Elective or Elective)	Code		Course Name	L	P	C	Internal		External
1st	1	Core	CHD1A	ENGLISH-I	Inter Disciplinary	5		5	30	70	1
	2	Core	CHD1B	PRINCIPLES OF ECONOMICS	Inter Disciplinary	5		5	30	70	8
	3	Core	CHD1C	COMPUTER FUNDAMENTALS AND OFFICE AUTOMATION	Inter Disciplinary	5		5	30	70	11
	4	Core	CHD1D	LAW OF TORTS	LAW	5		5	30	70	14
	5	Core	CHD1E	CONTRACTS-I	LAW	5		5	30	70	16
2nd	6	Core	CHD2A	BUSINESS ENGLISH	Inter Disciplinary	5		5	30	70	18
	7	Core	CHD2B	PROGRAMMING IN 'C' AND ALGORITHMS	Inter Disciplinary	5		5	30	70	20
	8	Core	CHD2C	SOCIOLOGY	Inter Disciplinary	5		5	30	70	23
	9	Core	CHD2D	LEGAL AND CONSTITUTIONAL HISTORY	LAW	5		5	30	70	25
	10	Core	CHD2E	CONTRACTS -II	LAW	5		5	30	70	27
				CHD2F	INTERNSHIP		2		2		
3rd	11	Core	CHD3A	POLITICAL SCIENCE	Inter Disciplinary	5		5	30	70	30
	12	Core	CHD3B	OPERATING SYSTEM AND MICRO PROCESSOR WITH APPLICATIONS	Inter Disciplinary	5		5	30	70	33
	13	Core	CHD3C	LAW OF CRIMES -I (IPC)	LAW	5		5	30	70	35
	14	Core	CHD3D	FAMILY LAW -I	LAW	5		5	30	70	37
	15	Core	CHD3E	CONSTITUTIONAL LAW-I	LAW	5		5	30	70	40

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		Nature of the Course (Core or Foundational Elective or Elective)	Code		Course Name	L	P	C	Internal		External
4th	16	Core	CHD4A	PRINCIPLES OF SOFTWARE ENGINEERING AND SOFTWARE TESTING	Inter Disciplinary	5		5	30	70	44
	17	Core	CHD4B	RELATIONAL DATABASE MANAGEMENT SYSTEM (RDBMS)	Inter Disciplinary	5		5	30	70	46
	18	Core	CHD4C	JURISPRUDENCE	LAW	5		5	30	70	49
	19	Core	CHD4D	FAMILY LAW -II	LAW	5		5	30	70	51
	20	Core	CHD4E	CONSTITUTIONAL LAW-II	LAW	5		5	30	70	53
				CHD4F	INTERNSHIP		2		2		
5th	21	Core	CHD5A	OBJECT ORIENTED PROGRAMMING LANGUAGE JAVA AND WEB TECHNOLOGY	Inter Disciplinary	5		5	30	70	57
	22	Core	CHD5B	COMPUTER NETWORKS AND NETWORK SECURITY	Inter Disciplinary	5		5	30	70	60
	23	Core	CHD5C	PUBLIC INTERNATIONAL LAW	LAW	5		5	30	70	62
	24	Core	CHD5D	COMPANY LAW	LAW	5		5	30	70	64
	25	Core	CHD5E	LEGAL METHODS	LAW	5		5	30	70	66

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Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.		
		Nature of the Course (Core or Foundational Elective or Elective)	Code			L	P		C	Internal
6th	26	Core	CHD6A	LAW OF EVIDENCE	5	5	30	70	68	
	27	Core	CHD6B	LABOUR LAW - I	5	5	30	70	70	
	28	Core	CHD6C	INFORMATION SECURITY AND DIGITAL FORENSICS	5	5	30	70	73	
	29	Core	CHD6D	ADMINISTRATIVE LAW	5	5	30	70	78	
	30	Core	CHD6E	PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR-BENCH RELATIONS (CC-I)	4	1	100		82	
				CHD6F	INTERNSHIP	2	2	2		135
7th	31	Core	CHD7A	PROPERTY LAW	5	5	30	70	83	
	32	Elective	CHD7B	INTELLECTUAL PROPERTY LAW	5	5	30	70	85	
	33	Core	CHD7C	LABOUR LAW-II	5	5	30	70	89	
	34	Elective	CHD7D	BANKING LAW	5	5	30	70	92	
	35	Core	CHD7E	ALTERNATE DISPUTE RESOLUTION MECHANISM (CC-II)	4	1	50		94	
	36	Elective	CHD8A	COMPETITION LAW	5	5	30	70	95	
8th	37	Elective	CHD8B	INTERPRETATION OF STATUTES	5	5	30	70	98	
	38	Elective	CHD8C	PRIVATE INTERNATIONAL LAW	5	5	30	70	101	
	39	Elective	CHD8D	INTERNATIONAL TRADE LAW	5	5	30	70	103	
	40	Elective	CHD8E	E-COMMERCE & CYBER LAW	5	5	30	70	106	
				CHD8G	LEGISLATIVE DRAFTING PROCESS AND PROCEDURES	5	5	30	70	109
				CHD8F	INTERNSHIP	2	2	2		135

**B.C.A.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.	
		Nature of the Course (Core or Foundational Elective or Elective)	Code			L	P		C
9th	41	Core	CHD9A	LAW OF INSURANCE	5	5	30	70	112
	42	Core	CHD9B	LAW OF CRIMES-II (Cr.P.C.)	5	5	30	70	114
	43	Core	CHD9C	CIVIL PROCEDURE CODE	5	5	30	70	117
	44	Core	CHD9D	LAND LAWS	5	5	30	70	119
	45	Core	CHD9E	MOOT COURT (CC-III)	4	1	100		122
10th	46	Core	CHD9A	ENVIRONMENTAL LAW	5	5	30	70	123
	47	Core	CHD9B	LAW OF ELECTIONS	5	5	30	70	126
	48	Core	CHD9C	LAW OF TAXATION	5	5	30	70	129
	49	Elective	CHD9D	CRIMINOLOGY AND PENOLOGY	5	5	30	70	131
	50	Core	CHD9E	DRAFTING, PLEADING AND CONVEYANCING (CC-IV)	4	1	100		134
				CHD9F	INTERNSHIP	2	2	2	
Total number of credits for the entire programme					260				

**ENGLISH - I**

**CHB1A**

**Objectives of the Course**

*The objective of the course is to train the student to upgrade English language skills for effective communication. Linguistics and Phonetics help in good articulation, intonation and rhythm in the spoken skills and increasing the word hoard both literal and legal for effective written skills. Giving meaning to words and idiomatic phrases and using those in sentences go a long way for betterment of language skills. The prose lessons prescribed expose the students to different streams of higher thought in the realm of Politics, Law, Society and Literature.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction**

English Language and Linguistics: Tracing the Historical Development of English Language-Indo - European Language Tree - Eastern and Western Language Groups - Germanic Groups- Old English - Middle English - Modern English.

Vocabulary: Development of Vocabulary in English Language - Influence of other Languages on English Vocabulary - Etymology - Semantics.

**UNIT- II**

**Phonetics; Transcription Exercises**

Phonetics: R.P. Phonemes - Identification and Classification - Vowels, Diphthongs and Consonants.

Transcription Exercises: Accent - Rhythm in Connected Speech - Kinds of Accent Intonation- Falling Tone and Rising Tone.

### UNIT- III

#### Prose Section

Gettysburg Address - Abraham Lincoln

Advice to a Young Man Interested in Going into Law - Felix Frank Further

Methods of Study - Glanville Williams.

Court Scene - Merchant of Venice - William Shakespeare.

The Law is a Jealous Mistress - A Popular Fallacy - Joseph W. Plank.

### UNIT- IV

The Hypotheses of Failure - O. Henry

Civil Disobedience - Henry David Thoreau

On Truth - Francis Bacon

On Liberty Chapter I - John Stuart Mill

Aringnar Anna's Maiden Speech in Rajya Sabha - 1962

### UNIT- V

#### Grammar

Words often confused (I Semester)

Idioms and Phrases

Synonyms and Antonyms

Phrases and Clauses

Reported Speech.

#### Books Prescribed

- Bhat Nagar -Law and Language
- Glanville Williams - Learning the Law

#### Books for Reference

- Essays of Francis Bacon
- William Shakespeare -Merchant of Venice
- David Green -Contemporary English Grammar Structure and Composition
- J.C. Nesfield - English Grammar Composition and Usage

### APPENDIX I

#### Expressions and Phrases - English (Paper - II)

1. To make both ends meet - to live within one's income
2. To eat one's word - to retract one's statements
3. To set one's face against - to sternly oppose
4. To play fast and loose - say something and do another
5. To win one's spurs - to make one's reputation
6. To make one to test - to rebuke
7. To turn a deaf ear to - to disregard
8. By hook or by crook - by fair or foul means
9. Without reserve - fully
10. To take exception to - to object to
11. To pay off old scores - to wreck revenge
12. On and off - at intervals
13. Off and on - now and then
14. In good part - without offence
15. To put a spoke in the wheel - to thwart the execution of one's designs.
16. To make one's mark - to distinguish oneself
17. To put one's foot down - to take a resolute stand.
18. To make up one's mind - to resolve
19. To turn over a new leaf - to change for the better
20. No love lost (between them) - not on good terms
21. To throw cold water - to discourage
22. Hands in glove - connive with
23. To turn one's errors to account - to profit by errors
24. To sit on the fence - to remain undecided
25. At issue - in dispute
26. To bring to light - to disclose
27. To burn one's fingers - to get into trouble
28. To live by one's wits - to earn one's livelihood by ingenuity
29. To bid fair - fairly to
30. To strain every nerve - to put forth one's utmost efforts
31. Beside himself - out of his mind
32. At sixes and sevens - In disorder or confusion
33. To put on airs - to behave arrogantly

34. To be on alert - ready to act
35. Order of the day - Prevailing state of things
36. To get into hot water - to get into trouble
37. To get the better of one - to overcome
38. To get of easily - to get a light sentence
39. Washing dirty linen in public - to talk about one's short comings in public.
40. To have a finger in the pie - to meddle with all affairs
41. To hit the nail on the head - to say or do exactly the right thing.
42. To have an axe to grind - to have personal interest in the matter
43. To have the gift of the gab - to have talent for speaking
44. To throw out of gear - to disturb the working of
45. Gall and wormwood - Hateful, unacceptable
46. To be in the good books of - to enjoy the patronage of
47. To stand in one's own light - to act against one's own interest
48. To put one's foot in - to involve
49. To fight tooth and nail - to fight bitterly
50. To make clean breast of - to confess without reserve
51. To stand one's ground - to maintain one's position
52. Where the shoe pinches - where the difficulty or trouble exist.
53. To take to one's heels - to run away
54. To the letter - to adhere to every detail
55. To keep in the dark - to keep one in ignorance
56. To die in harness - to die while in office
57. To have too many irons in the fire - to be engaged in too many enterprises
58. To be at one's wit's end - puzzled, completely at a loss to act
59. To fall foul of - to quarrel with
60. To go back on - to fail to keep
61. To lend ear to - to listen to
62. To read between the lines - to read a hidden meaning not apparent

63. Thorn in one's side - to be a constant source of annoyance
64. To smell a rat - to suspect
65. To nip in the bud - to put an end to in the beginning itself
66. The long and short of it - the whole matter in a few words
67. To take stock of - to assess
68. To keep one's own counsel - to preserve a discrete silence
69. To be born with silver spoon in one's mouth - to be born in wealth and luxury
70. To stand to reason - to be logical
71. To stand in good stead - to be of good service
72. To take wind out of one's sail - to render one's work or action ineffectively.
73. To pay back in one's coin - to treat one in the same way
74. To take one's life in one's hands - to undergo great risks
75. To fight shy of - to avoid due to a feeling of mistrust
76. To end in smoke - to come to nothing
77. To leave no stone unturned - to use all available means
78. To harp on the same string - to swell tediously on same subject
79. To give a piece of one's mind - to scold one
80. To make good the loss - to compensate for the loss
81. To kick up a row - to make great noise or fuse
82. To be ill at ease - to be uneasy
83. To rise to the occasion - to show oneself equal to deal with the emergency
84. To do the handsome thing by one - to behave towards one in a magnanimous manner.
85. To take the edge of one's argument - to make or argument ineffective
86. To hang in the balance - to remain in suspense
87. To put in the market - to offer for sale

88. To fall short of one's expectations - to disappoint
89. On the spur of the moment - instantly
90. To burn the candle at both the ends - to overtax one's energy.
91. To bury the hatchet - to cease fighting, to make peace
92. To feather one's own nest - to make money unfairly
93. To blow one's own trumpet - to praise oneself
94. To keep one's head above water - to keep out of debt
95. To have two strings to one's bow - to have two sources income to rely upon
96. To make a pile - to save a fortune
97. To be beside the man - to be irrelevant
98. To be under the water of - to be completely under control of
99. To be on tender roof - to be in a state of suspense anxiety
100. To move heaven and earth - to make every possible event

## APPENDIX II

### Words Often Confused:

1. Affect - Effect
2. Adverse - Averse
3. Apprehend - Comprehend
4. Adapt - Adopt
5. Accept - Except
6. Advise - Advice
7. Beside - Besides
8. Bridal - Bridle
9. Canon - Cannon
10. Canvas - Canvass
11. Council - Counsel
12. Continual - Continuous
13. Childlike - Childish
14. Collision - Collusion
15. Confirm - Conform
16. Contagious - Contiguous

17. Dual - Duel
18. Elusive - Illusive
19. Eminent - Imminent
20. Facilitate - Felicitate
21. Industrial - Industrious
22. Judicial - Judicious
23. Metal - Mettle
24. Official - Officious
25. Popular - Populace
26. Principal - Principle
27. Stationary - Stationery
28. Wave - Waive
29. Sea - See
30. Momentary - Momentous
31. Junction - Juncture
32. Estimate - Esteem
33. Fain - Feign
34. Flagrant - Fragrant
35. Luxurious - Luxuriant
36. Emigrate - Immigrate
37. Destiny - Destination
38. Disease - Decease
39. Disposal - Disposition
40. Confident - Confidential
41. Corporal - Corporate
42. Congenial - Congenital
43. Compliment - Complement
44. Abstract - Extract
45. Avert - Invert
46. Accede - Exceed
47. Assent - Ascent
48. Atenuate - Extenuate
49. Artful - Artificial



**PRINCIPLES OF ECONOMICS**

**CHB1B**

**Objectives of the Course**

*The basic objective of this course is to make the students to understand the various advance economic principles as well as their applications. In addition to that this course also enables the students to understand sectors specific and their impact in shaping trends in economic indicators in India.*

**COURSE OUTLINE**

**UNIT-I**

**Micro Economic Concepts**

Definitions-Basic Concepts-Basic Economic Problems-Methods of Economics-Nature and Scope -Demand-Law of Demand-Elasticity-Methods-types-Determinants-Demand Forecasting Meaning, Significance and Methods-Cardinal Utility Theory-Applications and Uses-Indifference Curve Analysis-MRS relationship between Normal and Giffen Good-Consumer Surplus.

**UNIT-II**

**Theory of Supply and Market**

Law of Supply and Theories of Production: Supply Analysis-Law of Supply-Supply Elasticity- Factors of Production-Production Functions-Law of Variable Proportions-Laws of Returns to Scale.

Theory of Market: Market Structure-Price and Output Determination-Perfect-Monopoly-Monopolistic -Oligopoly-Market Application-Managerial Decision-Markup Pricing Theory.

**UNIT-III**

**Macro Economic Principles**

Definition-National Income Accountings-Circular Flow of Income-Marginal Productivity Theory of Distribution-Rent-Wages- Interest- Profits- Consumption and Saving Choices-Keynesian Theory of Income - Output and Employment - General Equilibrium-Trade Cycle-Inflation.

**UNIT -IV**

**Macro Economic Policies and Public Finance**

Macro Economic Policies: Fiscal Policies-Tools-Objectives-Targets - Monetary Policies-Objectives-Tools -Targets-Labour Regulations-Social Security Schems-EXIM Policies-New Economic Policy 1991.

Principles of Public Finance: Public Expenditure-Public Revenue-Pubic Debt-Tax-Characteristics of Good Tax System-Kinds-Effects-Deficit Financing-Taxes of Central and State Government.

**UNIT- V**

**Indian Economy**

Indian Economic Problems: Features-Population-Causes-Trends-Consequences-Population Policy 2000-Poverty-Concepts-Causes-Measurement-Trends-Poverty Alleviation Programmes - Unemployment- Causes-Types-Trends-Programmes- HDI.

Problems of Agricultural and Industry: Features-Land Reforms- Green Revolution -Agricultural Marketing-Agricultural Credit-Problems of Agricultural Labour-Industry-Role-Problems-Industrial Policies- Industrial Dispute -Industrial Relations.

### Books Prescribed

- H.L.Ahuja - Principles of Economics
- Ruddar Dutt and KPM Sundaram - Indian Economy
- Quotinis - Modern Micro Economics
- Srivatsava - History of Economic Thought

### Books for Reference

- David O' Corner - The Basics of Economics
- D.N.Divedi - Macro Economic Theory and Policy
- H.C.Bhatia - N.K. Sachdeva - Macro Economics
- M.L. Jhrijan - Macro Economics Theory
- Boa & Sodereston - International Economics
- Francis Cherunilam - International Economics
- Prof. Krishna and G.Kulkarn - Readings in International Economics
- B.P. Tyagi - Public Finance
- M.C.Vaish - Monetary Economics
- Reddar Datt and K.P.M.Sundharam - Indian Economy
- Alak Ghosh - Indian Economy
- W. Arthur Lewis -The Theory of Economic Growth

### Journals for Reference

- Economic and Political Weekly,
- Kurukshetra, Indian Journal of Agriculture,
- RBI Bulletin.



## **PRINCIPLES OF MANAGEMENT AND HUMAN RESOURCE MANAGEMENT**

**CHB1C**

### **Objectives of the Course**

*This course is an introduction to the management function. It will focus on the theory and functional concepts of management including planning, organizing, leadership and control. This course will also review the human resource management is that part of management progress which is primarily concerned with the human constitution of the organization. Students will also be given basic knowledge on functional management.*

### **COURSE OUTLINE**

#### **UNIT - I**

##### **Conceptual Development and Planning**

Definition of Management -Nature and Scope -Science or Art -Development of Management Thought -Contributions of Fayol and Taylor -Functions of Management -Types of Business Organisation -Planning -Nature and Scope -Steps involved in Planning -Objectives -Process of Management by Objectives -Strategies, Policies and Planning Premises Forecasting -Decision Making.

#### **UNIT -II**

##### **Organisation**

Nature and Purpose -Formal and Informal Organisation - Organisation Chart -Structure and Process - Departmentalisation by different Strategy -Decentralisation and Centralisation -Delegation of Authority -Staffing - Selection -Process and Techniques - Co-ordination -Need - Types and Techniques for Excellent Co-ordination - Controlling -Meaning and Importance -Control Process.



### UNIT -III

#### Human Resource Management

Nature and Scope of HRM -Difference between Personnel Management and HRM -Human Resource Selection - Interview Techniques -Placement -Induction -Training - Methods -Techniques -Identification of the Training Needs -Training and Development -Performance Appraisal -Career Development.

### UNIT -IV

#### Remuneration and Incentives

Remuneration -Components of Remuneration -Incentives - Benefits -Motivation -Welfare and Social Security Measures -Human Factors -Creativity -Intellectual skills -Innovation -Leadership Quality -Adaptability of Technology - Information Communication and Technology (ICT).

### UNIT -V

#### Labour Relations and HR Audit

Functions of Trade Unions -Forms of Collective Bargaining -Workers Participation in Management -Types and Effectiveness -Industrial Disputes and Settlements -HR Audit -Nature -Benefit -Approaches.

#### Books Prescribed

- C.B. Gupta - Management Theory and Practice
- L.M. Prasad - Principles and Practice of Management
- P.C. Tripathi and P.N. Reddy - Principles of Management

#### Books for Reference

- P.C. Tripathi - Human Resource Development
- T.V. Rao -Human Resource Development
- Dr. N. Premavathy - Human Resource Management



### LAW OF TORTS

#### CHB1D

#### Objectives of the Course

*In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses. Torts can be intentional torts, negligent torts, or strict liability torts. Employers must be aware that in many circumstances, their employees may create liability in tort. This chapter explains the different kind of torts, as well as available defences to tort claims.*

#### COURSE OUTLINE

##### UNIT- I

#### General Principles

Nature and Scope- Definition- Distinction between Tort and Crime - Tort and Contract- Foundation of Tortious Liability - Elements of Torts - General Defences.

##### UNIT- II

#### Liability for the wrong committed by other person

Vicarious Liability - Joint Tortfeasors- Capacity to Sue and be Sued - Remedies.

##### UNIT- III

#### Specific Torts

Negligence- Contributory Negligence- Nuisance- Remoteness of Damage- Nervous Shock.

##### UNIT- IV

#### Torts against Human Being and Property

Assault- Battery- Distress- Malicious Prosecution- Conspiracy- False Imprisonment- Defamation- Trespass: To Land- To Goods- Passing Off.

## UNIT- V

### No Fault Liability

No Fault Liability - Strict Liability- Absolute Liability - Motor Vehicles Act- 1988.

### Book Prescribed

- B. M. Gandhi -Law of Torts
- P. S. A. Pillai - The Law of Torts
- Ratanlal and Dhiraj Lal -The Law of Torts
- R. K. Bangia - Law of Torts including Motor Vehicles Act

### Books for Reference

- Ramaswamy Iyer - Law of Tort
- Winfield - Law of Tort
- Salmond - Law of Tort



## CONTRACTS-I

### CHB1E

### Objectives of the Course

*Contract law plays a pivotal role in the society as almost all exchanges between persons and Enterprises alike come within the ambit and are regulated by Law of Contracts. This is the basis of all commercial interactions and all legislations relating to trade and commerce. But for the existence of statutory provisions pertaining to Contract Law, many a private, voluntarily made agreements wouldn't be enforceable due to lack of legal force. Also, it is appropriate to state that Contract Law is quintessential to transactions relating to goods and services.*

### ***The following are the board objectives of this course:***

- a) An understanding of the Legal dimensions of the law relating to the formation of contracts.*
- b) An insight into the legal provisions, which buttress the operative performance of contracts.*
- c) To comprehend & appreciate the significance of the various modes in which contracts may be discharged.*
- d) To familiarize with the redressal mechanisms available to the aggrieved parties.*

## COURSE OUTLINE

### UNIT-I

Basic Nature of Contract-Formation of Contract-Offer-Acceptance- Revocation- Lapse of Offers and Acceptance-Intention to Create Legal Relationship –Terms of Contract and Standard Form Contracts.

### UNIT-II

Consideration-Past- Present- Future Considerations-Privity as to Consideration - Value and Adequacy of Consideration-Rule in Pinnel's Case-Exceptions To Consideration-Capacity

to Contract-Free Consent-Factors Which Vitiates Free Consent-Objects of a Contract-Unlawful and Illegal Objects or Considerations-Valid- Voidable- Void Agreements.

### UNIT-III

Performance of Contract-Privity of Contract-Tender of Performance - Time as Essence to Performance-Law Relating to Time- Place and Order of Performance-Performance of Reciprocal Promises- Contingent Contracts- Joint Promises-Appropriation of Payments.

### UNIT-IV

Discharge of Contracts by Impossibility of Performance-Discharge by Agreement-Novation- Rescission- Alteration-Discharge by Breach - Waiver - Accord and Satisfaction-Material Alteration-Damages-Types and Measures.

### UNIT-V

Quasi Contracts-Quantum Meruit-Specific Relief Act- 1963-Recovery of Possession-Specific Performance of Contracts-Rectification- Cancellation of Instruments-Rescission-Declaratory Decrees-Injunctions.

#### Statutory Material

- Indian Contract Act- 1872
- Specific Relief Act- 1963

#### Books Prescribed

- Dr. Avatar Singh - Law of Contract and Specific Relief.
- Anson's - Law of Contract.
- Venkatesh Iyer- Indian Contract Law
- M. Krishnan Nair - Indian Contract Law.

#### Books for Reference

- Cheshire and Fifoot-Law of Contracts.
- Mulla - Indian Contract Act.
- Sarkar -Specific Relief Act.
- Basu - Specific Relief Act.
- Smith and Thomas - A Casebook on Contract.



## BUSINESS ENGLISH

### CHB2A

#### Objectives of the Course

*The course analyses the ways and principles of effective communication and the barriers to it. The students are given an understanding of various types of correspondence writing reports, tabling minutes, office orders etc., the modern forms of communication and the ways of communication through it for business purpose are also covered in this subject.*

#### COURSE OUTLINE

### UNIT-I

#### Communication

Definition-Methods-Types-Principles of Effective Communication-Barriers to Communication-Relevance and Importance of Business Communication - Four Skills of Language Acquisition-Understanding Spoken Language-Speaking -Written Language-Writing.

### UNIT - II

#### Business letters

Kinds of Business Letters - Layout-Interview-Appointment-Acknowledgement-Promotion-Enquiries-Replies-Orders-Sales-Circular-Complaints.

### UNIT - III

#### Correspondence

Bank Correspondence-Insurance Correspondence-Agency Correspondence -Correspondence with Shareholders-Correspondence with Directors.

## UNIT-IV

### Reporting Writing

Reports Writing-Agenda, Minutes of Meeting-Memorandum-Office Order-Circular-Notes.

## UNIT-V

### E - Communication

Communication in a Globalised world after LPG (Liberalisation, Privatisation and Globaliation) –Modern forms of Communication - Fax - Email-Video Conferencing-Internet-Websites and their use in Business.

### Books Prescribed

- Rajendra Pal and J. S. Korlahalli - Essentials of Business Communication
- Shirley Taylor - Communication for Business

### Books for Reference

- Bovee, Thill, Schatzman- Business Communication Today
- Penrose, Rasbery, Myers - Advanced Business Communicaiton,
- Simon Collin - Doing Business on the Internet
- Mary Ellen Guffey, Business Communication- Process and Product.
- David Annousamy - The Language Riddle.



## PRINCIPLES OF ACCOUNTING

### CHB2B

### Objectives of the Course

*Accounting is the art of recording, classifying, and summarizing business transactions and events in proper books of accounts. In order to regulate the businesses, various laws were enacted; accounting concepts and conventions also were formulated and enforced. These lead to the creation of awareness of adopting double-entry system of accounting. Besides, accounts show profit and loss made and the financial position of the concern clearly. Income Tax authorities also rely on this to impose tax on the profit earned by the business concerns; banks and financial institutions are also come forward to extend credit; shareholders invest their funds; people show interest to take up job in such concerns; suppliers are prepared to give credit. Financial accounting is not an end in itself, but is intended to provide information that is vital in making business decision.*

### COURSE OUTLINE

#### UNIT -I

Introduction to Accounts -Definition of Accounting - Preparation of Final Accounts. Computation of Loss of Stock by Fire -Ascertainment of Claim as per the Insurance Policy. Hire Purchase and Installment System -Legal provision regarding Hire Purchase Contract -Joint Venture and Consignment Accounts (Only simple problems for understanding).

#### UNIT -II

Partnership Accounts: Essential characteristics of Partnership -Partnership Deed -Fixed and Fluctuating Capital. Admission of a Partner -Retirement of a Partner -

Death of a Partner. Dissolution of Partnership Firm -Mode of Dissolution of a Firm -Insolvency of Partners -Gradual Realization of Assets and Piecemeal Distribution.

### UNIT - III

Company Accounts -Meaning of a Company -Maintenance of Books of Account -Profit or Loss Prior to Incorporation -Final Accounts of Company -Alteration of Share Capital -Final Accounts of Banking Companies including Balance Sheet.

### UNIT -IV

Amalgamation -Absorption and External Reconstruction of a Company - (Inter Company Investments Excluded) - Liquidation - Statement of Affairs and Deficiency Accounts - Liquidator's Final Statement of Receipts and Payments.

### UNIT -V

Analysis of financial Statements -Financial Ratio Analysis, Cash Flow and Funds Flow Statement Analysis.

### Books Prescribed

- S.P. Jain and K.L. Narang -Financial Accounting
- R.L. Gupta and V.K. Gupta -Advanced Accounting
- Shukla & Grewal -Advance Accounts
- R.L. Gupta and M. Radhaswamy-Advance Accountancy
- Mukherjee and Hanif -Modern Accountancy
- S.N. Maheshwari -Management Accounting
- Ashish K. Battacharya -Introduction to Financial Statement Analysis

### Books for Reference

- P.C. Tulsian -Financial Accounting
- Anthony, R.N. and Reece J.S. -Accounting Principles
- Monga, J.R. Ahuja, Girish and Shehgal Asho - Financial Accounting



## **SOCIOLOGY**

### **CHB2C**

### **Objectives of the Course**

*The focus of this course is primarily to introduce students to diversity and universality of ways of life of man as a social being. This paper is intended to familiarize the students with the context in which sociology emerged as a distinctive discipline. It also helps the students gain an understanding of the society through various concepts and its relevance to its contemporary concerns.*

### **COURSE OUTLINE**

#### **UNIT -I**

#### **The Emergence of Sociology and Structure of Indian Society**

Definition of Sociology -Origin, Development and Scope of Sociology -A Brief Historical Sketch of Indian civilization - Nature of Diversity in India-Unity and National Integration.

#### **UNIT -II**

#### **Social Stratification and Caste System in India**

Social Stratification : Meaning and definition - Characteristics and Functions -Forms of Social Stratification  
Caste System : Meaning and Definition -Characteristics - Theories -Changing Trends -Caste System in Contemporary India.

#### **UNIT -III**

#### **Social Groups and Social Institutions**

Social Groups: Definition - Types of Groups -Characteristics -Functions -Differences -Reference Group. Social Institutions: Marriage -Family -Kinship -Types -Importance and its Functions -Social Significance of Institutions in Contemporary India.

#### UNIT -IV

##### **Empowerment of Women in India**

Social Status of Women - Ascribed to Achieved Status - Development and Changing Status of Women -Role of Women - SHG's, - NGO's -Feminist -Programmes Related to Empowerment of Women -Hurdles Faced by Women in Modern India.

#### UNIT -V

##### **Social control and Social Deviance**

Social Control: Definition - Nature of Social Control -Types of Social Control -Agencies of Social Control.

Social Deviance: Definition and types of Deviance -Factors Facilitating Deviance -Social Significance of Deviant Behaviour -Contemporary Development in Deviance -Mass Media and Social Deviance.

##### **Books Prescribed**

- Vidhya Bhushan and Sachdeva, D.R. - An Introduction to Sociology
- Oomen, T.K and Venugopal C. N. - Sociology for Law Students.
- Shankar Rao, C.N - Sociology of Indian Society.

##### **Books for Reference**

- Kuppaswamy, B. - Social Change in India.
- Gisbert Pasual- Fundamentals of Sociology.
- Davis Kinsley- Human Society.
- Bottomore , T.B - Introduction to Sociology
- Giddens. A -Sociology.
- Uberoi. Patricia- Family, Kinship and Marriage in India.
- Oomen. T.K and Venugopal C. N - Sociology for Law Students.
- Merton. R. K. - Social Theory and Social Structure.
- Ginsberg.Morris - Studies in Sociology.



#### **LEGAL AND CONSTITUTIONAL HISTORY**

##### **CHB2D**

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

*The course is a foundation course for Constitutional Law paper. It traces the development of the legal system and judiciary from 1600 till the time British left India in 1947. The changing structure of governance and legal system, the charters and the Acts are given in detail, an understanding of which is of vital importance to a Law student.*

##### **COURSE OUTLINE**

##### **UNIT -I**

Administration of Justice in the Presidency Towns of Madras, Bombay and Calcutta from 1600 -1726 and the Development of Courts and Judicial Institutions - Mayor's Court and The Charter Of 1726 - Warren Hasting's Plans of 1772, 1774 And 1780 - Supreme Court at Calcutta, its Composition, Powers and Functions -The Settlement Act of 1781 -Judicial Measures of Cornwallis 1787, 1790 and 1793.

##### **UNIT -II**

Dual System of Administration of Justice -Amalgamation of the Two Systems of Courts -The High Court's Act 1861 - Federal Court -High Court Act under The Constitution - Development of the Rule of Law - Separation of Powers and the Independence of Judiciary - Privy Council as a Court of Appeal and its Jurisdiction -Abolition of the Jurisdiction of the Privy Council - History of Law Reporting in India.

##### **UNIT -III**

Legislative Authority of the East India Company under The Charters Of 1600, 1661 and 1726-Regulating Act, 1773, The Pitts India Act of 1784 -Powers and Functions of The Governor -General and Council - Charter Acts of 1793, 1813,

1833 and 1853 - The Government of India Act 1858, The Indian Councils Acts of 1861 and 1892.

#### **UNIT -IV**

The Minto -Morley Reforms of 1909 - The Mont -Ford Reforms of 1919 -Dyarchy -Bicameral Legislature -Powers and Functioning of Dyarchy - The Government of India Act 1935 -Federal Assembly and The Council of States -Provincial Autonomy -Governor -State Legislature -Council of Ministers in The Provinces and their Powers and Functions.

#### **UNIT -V**

Development of Legal Profession Till 1724 -Legal Profession under The Supreme Court -Provision for Enrolment of Advocates under The Legal Practitioners Act -Provision for Enrolment of The Advocates under The Courts Act 1861 - Bar Committee of 1923 and Bar Council of 1926 -The Committee, 1951 - The Advocates Act 1961, The All India Bar Council and State Provisions Relating to Enrolment-Maintenance of Discipline - Development of Legal Education.

#### **Books Prescribed**

- M.P.Jain- Outlines of Indian Legal History.
- V.D.Kulshreshtha- Landmarks in Indian Legal and Constitution.

#### **Books for Reference**

- V.D.Mahajan- Constitutional History of India.
- M.Rama Jois- The Constitutional History of India.



**B.Com.LL.B. (Hons.)**

**FIRST YEAR – 2<sup>nd</sup> SEMESTER**

### **CONTRACTS-II**

**(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)**

#### **CHB2E**

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

*The subject of Special Contract is developing in all spheres after the impact of Liberalisation, Privatisation and Globalisation (LPG). Many contractual disputes have been reported in specific areas of contract based on the interpretation of the provisions of Contract Act and other related Laws. The growing demands make it imperative to study the various special natures of contractual dealings.*

### **COURSE OUTLINE**

#### **UNIT-I**

##### **Indemnity and Guarantee**

Definition - English and Indian -Distinction between Indemnity and Guarantee-Rights of the Indemnity Holder-Rights of the Indemnifier-Implied Indemnity -Codification not exhaustive-Principles of Equity applicable-Definition - English and Indian Definitions-Essentials and nature of Guarantee-Distinction between Guarantee and Indemnity -Guarantee and Insurance- Elements of Consideration in a Contract of Guarantee-Nature and Quantum of Surety's Liability- Kinds of Guarantee -Surety ship arises on Contract and not on Notice-Position in English Law- Duty of Disclosure in Guarantee-Rights of Surety -Difference in English Law- Discharge of Surety.

#### **UNIT-II**

##### **Bailment**

Definition - Indian and English Definitions-Essentials of Bailment and classification of Bailment- Distinction between Bailment and Pledge-Deposit-Sale-Agency-Rights

and Duties of the Bailor and Bailee-Difference in English Law-Pledge-Definition-Rights of the Pawner and Pawnee-Pledge by Non-Pawners-Lien-kinds of Lien-Their nature and incidents - How lost.

### **UNIT-III**

#### **Sale of Goods**

Definition of Sale and Agreement to Sell - Distinction between Sale and Agreement to Sell - Contract of Work and Layout. Hire Purchase Agreement - Bailment - Exchange-Gift-Definition-Goods-Specific Goods-Future Goods-Mercantile Agent-Documents of Title of Goods-How is Sale made-Rules for Fixing Price and effect of goods getting Damaged or Perished in a Contract of Sale-Stipulation as to time and other stipulation-Conditions and Warranties-Effect of Breach-Ex-Post Facto Warranty –When condition is treated as Warranty-Implied conditions and Warranties in a Contract of Sale-Exemption clauses effect

Of Fundamental Breach-Rule as to Passing Off property-Sale by Non-Owners, Exception to *Nemo Dat Quod Non Habet*-Rules as to Delivery-Unpaid Vendor-His rights or Lien and stoppage in transit-Remedies available to seller and buyer-Auction Sale.

### **UNIT-IV**

#### **Agency**

Definition of Contract of Agency-Creation of Agency-kinds of Agency-Distinction between Agent and Servant and Independent Contractor-Who may be an Agent-Kinds of Agent-Authority of the different kinds of Agent-Authority of Agents-Ostensible and Emergency Authority –Delegation of Authority-Delegates Non Protest Delegate-Sub Agent –Substituted Agent-Essential of Ratification and its effect-Effect of Notice to Agent-Necessary conditions to bind Principal-Principal and Third Parties-The doctrine of Undisclosed Principal and Concealed Principal-Termination of Agency and when it becomes irrevocable.

### **UNIT-V**

#### **Partnership**

Definition of 'Partnership–Essential of Partnership–Joint Hindu– Partnership-Distinction between Partnership and Co-Ownership-Joint Hindu Family –Incorporation Companies-Contract of Service-Legal Notion and Mercantile Notion-Kinds of Partners and Duration of Partnership-Mutual Rights and Duties of Partners-Minor as a Partner-Difference in English Law-Rights of Legal Representative and Surviving Partners-Authority of Partners-Implied and Emergency-Liability of the Partners of the Acts of the Firm and for the Wrongful Acts of other Partner-Nature of Liability-Principle of Agency in Partnership-Partnership Property-Tests-Settlement of Accounts-Goodwill and its Disposal-Distribution of Assets-Retirement of Partners-Dissolution of Firm and Modes and Circumstances-Effect Of Non-Registration of Firm.

#### **Statutory Material**

- Indian Contract Act,1872
- Sale of Goods Act,1930
- Indian Partnership Act,1932

#### **Books Prescribed**

- Dr. Avatar Singh -The Law of Contracts
- Mulla - Sale of Goods Act
- Krishna Nair -Law of Contracts
- Anson -Law of Contracts

#### **Books for Reference**

- Cheshire & Fifoot-Law of Contracts.
- Mulla-Indian Contract Act.
- Sarkar-Specific Relief Act.
- Basu-Specific Relief Act.
- Smith & Thomas-A Casebook on Contract.





**POLITICAL SCIENCE**

**CHB3A**

**Objectives of the Course**

*Political Science has a very close link with Legal Studies. The course intends to make the students to understand the basic concepts connected with Political Science such as, state and its functions, origin of state, various theories of origin of state and different form of government. The course also covers basic political concepts like, Sovereignty, Liberty, Equality, Citizenship, Rights, and Duties. Finally the course focuses on the International relations connect with Realism, Political Power, National Power, Balance of Power, Diplomacy, Cold War and Alliances and the Structure and Functions of International and Regional Institutions.*

**COURSE OUTLINE**

**UNIT - I**

Meaning, Nature, Scope and Importance of Political Science - Methodology -Political Science and Allied Studies - Approaches to the study of Political Science - Traditional Approach -Modern Approach – Behavioralism- Systems Approach- Structural Functional Analysis- Marxist Approach- Theories of the Origin of State -Divine Origin Theory - Force Theory - Patriarchal and Matriarchal Theories -Social Contract Theories of Hobbes, Locke and Rousseau -Evolutionary Theory - State - Elements of State - State and Society -State and Nation - The distinctive features of the State - State and its Functions .

**UNIT - II**

Basic Political Concepts: -Sovereignty -characteristics and types of Sovereignty -Justice - Meaning and kinds of Justice - Liberty – Meaning- Kinds of Liberty - Civil Liberty -Political Liberty -Safeguards of Liberty - Equality -Meaning -Kinds

of Equality -Extent of Equality in Modern Times - Citizenship - Rights and Duties -Fundamental Rights recognized by States - Human Rights recognized by International bodies.

**UNIT - III**

Classification of Government - Aristotle's classification - Modern classification -Merits and Demerits of Democracy, Merits and Demerits of Monarchy, Merits and Demerits of Dictatorship- Role of Law in Governance- Laissez Faire and Welfare Governments. Parliamentary and Presidential- Unitary and Federal - SOP and Checks and Balances - Unicameral and bicameral legislatures - Cabinet form of government - Role of Political Parties - Public opinion -Limits of governments - Revolution.

**UNIT - IV**

Introduction to International Relations - Relationship between International Relations and International Law Theories of International Relations - Moralistic Theory: Merits and Demerits - Realistic' Theory - Concept of Political Power - Importance and Relevance of Political Power of the State - Concept of National Power - Elements of National Power - Limitations on National Power - Role of Political Power in International Relations - Two World Wars and their Impact.

**UNIT - V**

Balance of Power - Techniques of Balance of Power - Armament and Disarmament - Alliances - Bi-Polar World - Cold War - End of the Cold War - Non-Aligned Movement - Diplomacy and Terrorism - United Nations Role in International Peace and Security - Globalization and their Impact – Non State Actors -Terrorism - Environmental Issues - Human Security - Human Rights.

### Books Prescribed

- Amal Ray and Mohit Bhattacharya - Political Theory: Ideas and Institutions
- Norman, D. Palmer and Howard, C. Perkins - International Relations: The World community in Transition.

### Books for Reference

- A.C. Kapoor - Principles of Political Sciences.
- Hans J. Margenthan - Politics among Nations.
- Baylis - Introduction to International Relations.



*B.Com.LL.B. (Hons.)*

*SECOND YEAR – 3<sup>rd</sup> SEMESTER*

## **FINANCIAL MARKET AND MARKETING MANAGEMENT**

**CHB3B**

### **Objectives of the Course**

*The course aims to provide the students, having the knowledge about financial services, markets and their concepts and functions provided in the Indian financial markets. Besides, Market management now a days has emerged as a potent force the sales and distribution of the goods and services. Marketing management has thus evolved into a major discipline. This structured syllabus has been framed to understand the information and ideas about financial market and marketing management practiced in prevailing situation.*

### **COURSE OUTLINE**

#### **UNIT – I**

##### **Introduction to Financial Services**

Financial Service- Meaning- Importance- Types- Financial Service and Economic Development-Financial Instruments-Financial Services Sector-Problems- Challenges- Reforms-Financial Markets and Capital Markets in India.

#### **UNIT – II**

##### **Merchant Banking and Venture Capital Finance**

Merchant Banking- Concept-Origin and Growth .. Scope of Merchant Banking and Services-Issues- Issues Management- Underwriting - Importance-Methods- Venture Capital Finance- Concept and Growth of Venture Capital Finance in India- Leasing- Type, and methods- Leasing and Borrowing-Credit Rating-Importance-Factoring-Arrangements- Purpose and Procedures of Credit Rating- Short term and Long term Instruments- Role of CRISIL, ICRA and other Credit Rating Agencies.

#### **UNIT –III**

##### **Mutual Funds and Foreign Exchange Market**

Mutual Funds- Concept -Objectives- Importance- Mutual Fund Schemes- Mutual Funds and Money Markets-

Portfolios- Concepts- importance- Classification- Portfolio Management- Debt securitization- SEBI-Introduction- Functions- Rnle of SEBI- NSDL-CSDL- Foreign Exchange Market- Importance- Currency Swap-Froward Contract and Future Contract- Money Laundering- Importance.

#### **UNIT – IV**

##### **Introduction to Marketing Management**

Marketing Management-Meaning – Importance-Fundamentals- Approaehes- Factors affecting Marketing Functions- Market Mix- Buyers Behavior and Motives- Consumer Goods and Industrial Goods- Market Segmentation- Targeting- Positioning.

#### **UNIT- V**

##### **The Product and Marketing Channels**

The Product- Meaning- Characteristics and Classifications- New Product Process- Product Life Cycle- Branding- Packaging- Physical Distribution-Importance and Kinds- Marketing Channels -Prornotion- Advertisement- Publicity- Direct Selling and Sales Promotion.

##### **Books for Reference:**

- Dr.S. Premavathy, "Financial Management", Jeyanth Publications.
- E.F. Brisham, "Fundamentals of Management", CBS international Editor, New Delhi, India.
- I.M. Pandey- "Financial Management", Vikas Publishing Private Limited, New Delhi, India.
- Philip Kotler and Gary Armstrong, "Principles of Marketing", PHI Publications, New Delhi.
- Dr. R.L Varshney and Dr.S.L Gupta, "Marketing Management"- An Indian Perspective. S.Lahini Publishers, Kolkata, India.

##### **Journals:**

- International Journal of Financial Management.
- Multinational Journal of Financial Services.
- Journal of Marketing Management and Techniques.



### **LAW OF CRIMES – I (Indian Penal Code)**

#### **CHB3C**

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

*It is fact that both Crime and Criminal are looked upon with greatest hatred by all the section of the people in the society. Whenever people organized themselves into group- there is a need for some sort of rules to regulate the behaviour of that member. The State has to impose certain penalties upon the wrong doer with the object of prescribing peace in the society at large. Crime and Law are so closely connected with each other that it is very difficult to understand one without knowing the other.*

##### **COURSE OUTLINE**

#### **UNIT-I**

##### **Nature and Scope of Criminal Law**

Definition-Essentials Elements-Strict Responsibility-Mens Rea-Intention and Negligence-Recklessness and Knowledge-Offences Without Conduct - Punishment : Objectives-Basis and Types-Theories of Punishment-Justification of Punishment - General Defences - Excusable Defences-Justifiable Defences-Private Defence - Joint and Constructive Liability-Abetment-Conspiracy-Attempt-Corporate Liability - Jurisdiction-Territorial-Extra Territorial-Personal and Admiralty.

#### **UNIT-II**

##### **General Offences**

Offences Against State - Offences Against Public Peace-Unlawful Assembly-Riot -Affray - Offences Against Election-Bribery-Personation-Offences Relating to Religion - Offences Against Public Justice- Administration of Justice-Giving and Fabricating the False Evidence-Disappearance of Evidence.

### UNIT-III

#### Offences against Human Body

Culpable Homicide and Murder-Suicide-Causing Miscarriage-Hurt-Wrongful Restrain and Wrongful Confinement-Assault-Kidnapping and Abduction-Rape.

### UNIT-IV

#### Offences against Property

Theft- Extortion- Robbery and Dacoity-Criminal Misappropriation of Property and Trust- Cheating- Mischief- Offences Relating to Documents.

### UNIT-V

#### Offences Relating to Marriage and Reputation

Mock or Deceitful Marriage-Bigamy-Adultery-Cruelty by Husband or Relatives- Defamation-Intimidation-Attempt to Commit Offences-Thug.

#### Statutory Material

- The Indian Penal Code

#### Books Prescribed

- Kenny - Outlines of Criminal Law (Chapters relating to general principles)
- Ratan Lal - The Indian Penal Code
- M.K.D. Gour - Criminal Law
- Atchuthan Pillai - Criminal Law
- B.M. Gandhi - Indian Penal Code

#### Books for Reference

- Glanville William - Criminal Law
- Russel - Criminal Law
- Ejaz's - Law of Crimes
- Nigam - Law of Crimes (Volume I)
- Dr.H.S. Gour - Penal Law of India
- Raghavan V.V. - Law of Crimes



### FAMILY LAW - I

#### CHB3D

#### Objectives of the Course

*The course helps in understanding the meaning and concepts that are involved in family system in their Personal Laws. The course also focuses the students to identify the various religious groups particularly Hindus, Muslims and Christians and the application of personal laws in their personal matters relating to Marriage, Matrimonial Reliefs, Adoption, Maintenance, Minority and Guardianship. The course also motivates the students to go through the Statutory Materials and Judgments passed in various matters.*

#### COURSE OUTLINE

### UNIT - I

#### Sources and Schools of Personal Laws

Application of various Personal Laws - Traditional and Modern Sources of Hindu Law and Muslim Law - The Classical Schools of Hindu Law and Muslim Law - Origin of the Schools -Main Schools and Sub-Schools - Effect of Migration.

### UNIT -II

#### Law on Marriage

Nature of Marriage - Various forms of marriage and requirements for a valid marriage on a comparative analysis - Void, voidable and valid marriage in different religious texts and statutes-

Laws and Issues on marriage under the Special Marriage Act - Unisex Marriage and question on living together - The demand of Dowry and the concept of Dower under the relevant Personal Laws - Ceremonies of marriage under various religious systems.

### UNIT - III

#### Law on Divorce and Maintenance

Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage and Divorce - Various grounds and procedure on a comparative analysis - Court's jurisdiction and procedure for the issues raised on Marriage and Divorce - In Camera proceedings - Decree on Proceedings- Maintenance under Hindu, Muslim and Christian Laws - Permanent Alimony - Maintenance during pendency of the Suit - Maintenance under the Special Marriage Act- the Hindu Adoptions and Maintenance Act and the Code of Criminal Procedure- Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

### UNIT - IV

#### Law on Legitimacy of Children and Adoption

Legitimacy of children born of Void and Voidable Marriages - Their Rights and Legal Issues -Adoption in different religious groups - Requisites, Conditions, Procedure of Adoption - Effect of Adoption - Inter-Country Adoption.

### UNIT - V

#### Law on Minority and Guardianship

Guardian under the Hindu Minority and Guardianship Act, 1956 - Definition- Types of Guardians- Guardianship under Muslim Law - Procedure for appointment and their powers - Guardian under the Guardian and Wards Act, 1890.

#### Statutory Materials:

- The Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956
- The Hindu Minority and Guardianship Act, 1956
- The Special Marriage Act, 1954
- The Guardian and Wards Act, 1890

- The Dissolution of Muslim Marriage Act, 1939
- The Christian Marriage Act 1872
- Indian Divorce Act, 1869
- Indian Majority Act, 1875
- The Muslim Women (Protection of Rights on Divorce) Act, 1986
- The Family Courts Act, 1984
- The Dowry Prohibition Act, 1961
- The Hindu Widows' Remarriage Act 1856
- Prohibition of Child Marriage Act, 2006

#### Books Prescribed

- Mulla - Hindu Law
- N.R. Raghavachari - Hindu Law
- Dr. Paras Diwan - Family Law
- Mulla - Principles of Mohamedan Law
- Fyzee - Outlines of Mohamedan Law

#### Books for Reference

- Kusum - Family Law Lectures - Family Law - I
- Mayne - Hindu Law and Usage
- Mitra - Hindu Law



**CONSTITUTIONAL LAW - I**  
**(Constitutional Features and Principles)**

**CHB3E**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. The course also outlines basis of the Constitution to enjoy and enforce the Fundamental Rights; Fundamental Duties; to appreciate the relationship between Part III and Part IV to promote good governance. Finally- the course influences ideas of Citizenship in the minds of the students at large.*

**COURSE OUTLINE**

**UNIT-I**

**Classification of Constitution and Governments**

Definition and Meaning of Constitution- Kinds of Constitution- Meaning of Constitutionalism-Features of Indian Constitution.

Convention - Significance- Parliamentary Supremacy- Theory of Separation of Powers -Latimer House Principle - Doctrine of Checks and Balances- Doctrine of Judicial Review -Significance.

State -Federal- Quasi-Federal- Co-operative Federalism - Essentials of Federalism - Panchayat Raj System - 73rd and 74th Amendment - Constitution -Written and Unwritten- Rigid and Flexible - Executive -Parliamentary- Presidential -Combination of Both Judiciary-Rule of Law.

**UNIT- II**

**Preamble, Union and its Territories and Citizenship**

Preamble: Meaning- Scope- Importance- Objectives and Values - Union and its Territories (Art 1-4) - Citizenship:

(Art 5-11) -Citizenship at the commencement of the Constitution - Deprivation and the renunciation of the Citizenship - Parliament power to regulate -Citizenship Act.

**UNIT- III**

**State,Laws and Amendment**

State: Definition and meaning- Article 12- New Judicial trends on concept of State -Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws- Various Doctrines like Eclipse- Severability and Ultravires- Judicial Review and Article 13.

Amendment: Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of Constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon Constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule.

**UNIT- IV**

**Fundamental Rights**

Right to Equality: General Equality Clause under Article 14- Judicial Interpretation on Equality -Reasonable Classification. Protective Discrimination Clause- Reservation and Social Justice under Articles 15 and 16- Equality and Reservation- Equality of opportunity in public employment -Art 16- Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression - Art 19- Scope and Ambit- Art 19(1) (a) and (2); Balance between individual interest and collective interest- Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)- Judicial interpretation on Right to Strike and Bundh - Right to Information.

Rights of the Accused: Article 20 - Rights of the arrested person- Ex-post Facto – Double Jeopardy -Self incrimination- Art 21 - Right to Life and Personal Liberty-Meaning and Scope- Procedure established by law- Judicial Interpretation on Life and Liberty-Applicability of concept of reasonableness. Article 22 -Preventive Detention- Right against Preventive Detention- Exceptions- Safeguards against Preventive Detention.

Freedom of Religion: Articles 25-28- Secularism- Judicial Interpretation- Restrictions on Freedom of religion.

Cultural and Educational Rights: Articles 29-30- Protection for Minorities- Recent trends on Minority Educational Institutions.

Right to Constitutional Remedies: Article 32 and 226- Writ Jurisdiction -Definition- Nature- Scope and functions- Compensatory Jurisprudence- Various Writs -*Habeas Corpus- Mandamus- Quo-Warranto- Prohibition* and *Certiorari*.

#### **UNIT- V**

#### **Directive Principles of State Policy and Fundamental Duties**

Directive Principles- Directions for Social Change- A new Social Order - Fundamental Rights and Directive Principles - Inter-Relationship - Judicial Balancing - Constitutional Amendments -To Strengthen Directive Principles - Reading Directive Principles into Fundamental Rights- Judicial Approach.

Fundamental Duties: The need and status in Constitutional set up- Interrelationship with Fundamental Rights and Directive Principles- Enforcement of Fundamental Duties.

#### **Books Prescribed**

- Dr. V. N. Shukla -Constitution of India
- M. P. Jain- Indian Constitutional Law- Relevant Volume

#### **Books for Reference**

- D.D.Basu - Shorter Constitution of India
- M.P.Singh(ed.)- V.N.Shukla - Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai - Constitution of India
- G. Austin - Indian Constitution: Corner stone of a Nation (1972).
- M. Galanter- Competing Equalities - Law and the Backward Classes in India
- B. Sivaramayya - Inequalities and the Law.
- S.C.Kashyap - Human Rights and Parliament.
- N.A.Subramaniam -Case law on the Indian Constitution
- T. K. Tope -Constitutional Law
- S. Shiva Rao- Framing of Indian Constitution
- D.J. De -The Constitution of India Vol. I and II.
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



**MANAGERIAL ECONOMICS**

**CHB4A**

**Objectives of the Course**

*Its aim is to strengthen the analytical skills of the students by integrating the theoretical knowledge with decision making.*

**COURSE OUTLINE**

**UNIT - I**

**Nature and Scope of Managerial Economics**

Meaning - Nature and Scope - Scarcity - Choice and allocation - Decision Making Techniques - Marginalism - Equi-Marginalism and Opportunity Cost - Risk and Uncertainties.

**UNIT - II**

**Demand Analysis and Forecasting**

Demand Theory - Types of Demand - Demand Elasticity - Elasticity of Demand and Marginal Revenue - Uses of Elasticity - Decision making - Estimation of Demand Function - Demand Forecasting - Quantitative and Qualitative Techniques.

**UNIT - III**

**Production Analysis**

Production Function - Returns of Factors - Production Decision - Isoquant-Isocost - Production Possibility - Expansion Path -.Optimum Product Mix of Multi-Product Firm - C.S. Function.

**UNIT - IV**

**Cost, Revenue and Profit Analysis**

Cost Theories - Applications and Types of Costs - Derivation of Cost Functions - Revenue - Concepts - Functions - Break

Even Analysis - Economics Scale Vs Economics of Scope  
Profit Maximization Vs Sales Maximisation Accounting  
Profit Vs Economic Profit - Theories of Firm.

**UNIT - V**

**Market structure and Product Pricing**

Futures - Output - Pricing Decisions in Different Markets  
Equilibrium of Firm and Industry - Monopoly Power -  
Welfare Triangle - Pricing and Output Decisions -  
Differentiate Pricing - Mark Up Pricing - Government  
Intervention and Pricing.

**Books Prescribed**

- Rangarajan - Principles of Macro Economics
- P.L. Mehta - Managerial Economics

**Books for Reference**

- Joel Dean - Managerial Economics
- Athmanand R - Managerial Economics
- Peterson Lewis - Managerial Economics
- Stephen Robbins and Timothy Judge -  
Organizational Behaviour
- Fired Luthana - Organizational Behaviour





## COST AND MANAGEMENT ACCOUNTING

### CHB4B

#### Objectives of the Course

*The history of cost accounting can be traced back to the fourteenth century. Its importance was recognized due to its functions of ascertaining cost of goods/services accurately and control of cost, which result in reduction of prices so that firms can compete with competitors successfully and withstand in the market. Consequently, profit earning capacity of the firm as well as the reputation of the firm increase. They will know how to allocate the various overheads under which department and finally they will be known to how to prepare the budgets and budgetary control.*

#### COURSE OUTLINE

##### UNIT- I

##### Cost Accounting

Definition, Meaning and Objectives -Distinction between Cost and Financial Accounting- Elements of Cost and Preparation of Cost Sheets and Tender- Management - Definition and Objectives -Distinction between Management and Financial Accounting.

##### UNI- II

##### Materials

Stores Records -Purchase Order -Goods Received- Note - Bin Card -Stores Ledger -Purchase, Receipt and Inspection -Inventory Control -ABC Analysis -Economic Ordering Quantity -Maximum, Minimum and Reordering Levels - Methods of Pricing Issued.

##### UNIT- III

##### Labour

Importance of Labour Cost Control -Various methods of Wage Payment -Calculation of Wages -Methods of Incentives for Schemes.

##### UNIT- IV

##### Overheads

Factory, Administration, Selling and Distribution of Overheads -Classification -Allocation and Apportionment - Redistribution (Secondary Distribution) -Absorption of Overheads including Machine Hour Rate.

##### UNIT -V

##### Marginal Costing

The concept -Break Even Analysis -Break -Even Chart - Importance and Assumptions -Application of Profit Volume Ratio -Different types of Problems (Special emphasis on decision making problems)- Budget and Budgetary Control : Procedure and Utility -Preparation of different types of Budget including Flexible Budget.

##### Books Prescribed

- Jain S.P. and Narang K.L. -Cost Accounting
- T.S.Reddy and Y. Hariprasad Reddy -Cost Accounting
- N.K.Prasad and V.K.Prasad -Cost Accounting
- Saxena and Vashist -Cost Accounting

##### Books for Reference

- Wheldon A.J- Cost Accounting and costing Methods
- Iyengar S.P.Cost Accounting : Principles and Practice
- Khanna B.S.Pandy I.M. Ahuja G.K.and Arora M.N. -Practical Costing
- Hansen / Mowen -Cost Management Accounting and Control



**JURISPRUDENCE**

**CHB4C**

**Objectives of the Course**

*Jurisprudence is the study of law, specifically legal philosophy and science. The subject has numerous branches that focus on a range of issues from whether or not law should exist to what penalties are appropriate for violations of the law. The concepts also refer to specific branches of law, such as environmental jurisprudence, medical jurisprudence, etc. The course gives a basic outline about the knowledge of law by describing various theories, schools, concepts and state practice for better administration.*

**COURSE OUTLINE**

**UNIT-I**

**Nature, Definition and Schools of Jurisprudence**

Nature and Definition of Jurisprudence-Analytical Positivism, Natural Law School, Historical School, Sociological School-Economic Interpretation of Law, Indian Jurisprudence-Concept of Dharma, PIL, Social Justice and Compensatory Jurisprudence.

**UNIT-II**

**Nature and Purpose of Law**

Nature and Definition of Law, Constitutional Law and International Law and their nature. Justice- Critical Studies- Feminist Jurisprudence and Art 142 of Constitution-Administration of Justice.

**UNIT-III**

**Sources of Law**

Legislation-Nature of Legislation-Supreme and Subordinate Legislation –Legislation and Sources, Codification and the

Interpretation of Enacted Law- Precedents-The authority of Precedents-Circumstances destroying or weakening the binding force of Precedent, The Hierarchy of Authority-Ratio Decidendi and Judicial Reasoning. Custom: Kinds of Custom, Conventional Custom, Local Custom, Custom And Prescription-The General Custom.

**UNIT-IV**

**Legal Concepts I**

Legal Rights and Duties –Correlation of Right and Duty-Persons-Nature of Personality -Status of Unborn, Minor, Lunatic, Drunken and Dead Persons-Corporate Personality-Possession and Ownership.

**UNIT-V**

**Legal Concepts II**

Title, Property, Liability, Obligation and the Procedure Law.

**Books Prescribed**

- Salmond - Jurisprudence
- Paton-Jurisprudence
- Monica David - Jurisprudence
- G.C.V - Jurisprudence

**Books for Reference**

- H.L.A. Hart - Concept of law
- Dias - Jurisprudence
- Bodenheimer-Jurisprudence



**FAMILY LAW - II**

**CHB4D**

**Objectives of the Course**

*The main objective of introducing this subject is to make the students to indentify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law the matters relating to Wakfs, Wills, Gifts and Pre- Emption are given in separate chapters in addition to the Sunni and Shia Law of Inheritance. With reference to Christian Law, a Part of the Indian Succession Act, 1925 relating to Law of Wills and the Christian Law of Inheritance are given in separate chapters.*

**COURSE OUTLINE**

**UNIT-I**

**Joint Hindu Family**

Institution of Joint Family-Coparcenary System-Classification of Properties-Karta -Status, Powers and Duties-Principle of Survivorship and Succession-Partition.

**UNIT-II**

**Intestate Succession**

General Principles of Succession under Hindu Law, Muslim Law and Christian Law-Statutory conditions of Disinheritance and Disentitlement-Comparative analysis of right to property of women under different Religious and Statutory Law- Dwelling House and Right of Pre-Emption.

**UNIT-III**

**Testamentary Succession**

Testamentary Succession under Hindu, Muslim and Christian Law-Limitation to Testamentation under various Religious and Statutory Law-Will and Administration of Will- Codicil - Lapse, Abatement and Ademption of Legacies- Probate, Letters of Administration and Succession Certificate.

**UNIT-IV**

**Gift under Islamic Law**

Hiba-Nature and Characteristics of Hiba-Subject matter of Hiba-Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz-Revocation of Gift.

**UNIT-V**

**Religious Endowments and Wakf**

Hindu Religious Endowments-Wakf: Meaning-Formalities of Creation –Types and Administration of Wakf-Mutawalli and his powers-Muslim religious Institutions and Offices.

**Statutory Material**

- The Hindu Succession Act, 1956 with recent amendments
- Indian Succession Act, 1925
- The Hindu Women's Right to Property Act, 1937
- The Wakf Acts.

**Books Prescribed**

- Dr. Paras Diwan - Family Law
- Prof. G.C.V. subba Rao - Family Law in India
- Paruck - Indian succession Act
- R. Swaroop - Hindu Law of Succession
- Poonam pradhan Saxena - Family Law Lectures

**Books for Reference**

- Mulla-Principles of Hindu Law
- N.R. Raghavachari - Hindu Law
- D.H. Chaudhari - The Hindu Succession Act, 1956
- Fyzee - Outlines of Mohamedan Law



**CONSTITUTIONAL LAW- II**  
**(Constitutional Structure and Centre - State Relations)**

**CHB4E**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. To identify the Powers, Functions and Duties to be performed by various Constitutional Functionaries; to appreciate the Doctrine of Separation of Power between Executive and Judiciary and the Independence of Judiciary. The course also help in understanding the Centre-State Relationship in Federal Polity including the role of Constitutional Functionaries like UPSC, CAG, CEC and others. The course also leads to understand the nature and consequences of amendments to the Constitutional law and the relevance of Basic Structure for the purpose of promoting Good Governance in India.*

**COURSE OUTLINE**

**UNIT -I**

**The Union and State Executive**

The Union Executive - The President - Election, Term of Office, Powers and functions, Impeachment - Immunities - Pardoning Power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor - Appointment, Powers and functions - Immunities - Pardoning power - Removal of Governor- Doctrine of Pleasure - State Council of Ministers.

**UNIT - II**

**Legislature and Judiciary**

Composition of Parliament and State Legislatures -Office of the Speaker-Qualification/Disqualification of Members - Legislative Procedures, Legislative Privileges -Judicial Interpretations - Anti Defection Law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) - Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court - Civil, Criminal and in other matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation - Compensatory Jurisprudence - Independence of Judiciary - Tribunals.

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

**UNIT - III**

**Centre - State: Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce**

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject matter of Laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance - Doctrine of Occupied Field- Colourable Legislation - Parliament's Power to Legislate in State List - Implied and Residuary Power - Doctrine of Repugnancy-Administrative Relations - Full Faith and Credit Clause - Centre and Inter-State Conflict Management.

Fiscal Relations - Sharing of Tax - Grants-in-Aid - Restriction on the power of State Legislatures - Doctrine of Immunity of Instrumentality - Borrowing Powers - Constitutional Limitations.

Freedom of Trade, Commerce and Intercourse (Art. 301-307)  
- Meaning of Freedom of Trade, Commerce and Intercourse  
- Power of Parliament - Restrictions - Goods and Service Tax (GST) Impact of Globalization.

#### **UNIT - IV**

##### **Emergency Provisions**

Emergency Provisions- National Emergency - Duty of the Union to protect the States against External Aggression and Internal Disturbance - Power of Union Executive to issue directions and the effect of non-compliance.

State Emergency - Imposition of President's Rule in States - Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)

Financial Emergency (Article 360)-Emergency and Suspension of Fundamental Rights.

#### **UNIT - V**

##### **Other Constitutional Functionaries**

Organisation- Powers and Functions of Election Commission of India- Union Public Service Commission- State Public Commission- Comptroller and Auditor General- Attorney General & Advocate General- Constitutional Safeguards for Civil Servants Art 311 - Protection against Arbitrary Dismissal- Removal or Reduction in Rank - Exceptions to Art 311 - Role of Finance Commission - Planning Commission - Inter-State Council - National Development Council - Local Self Government (Panchayat Raj)

##### **Books Prescribed**

- M. P. Jain- Indian Constitutional Law - Relevant Volumes
- Dr. V. N. Shukla - Constitution of India

##### **Books for Reference**

- D.D.Basu- Shorter Constitution of India.
- Virendra Grover- Centre - State Relations.
- M.P.Singh(ed.)- V.N.Shukla- Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience (1999)
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- M.V.V. Ramana- Inter-State River Water Disputes in India
- Anirudh Prasad-Centre-State Relations in India
- Reports of the Sarkaria- M.M.Punchi-Santhanam Commission on Centre-State Relations
- H.M.Seervai- Constitution of India- Vol.1-3(1992)
- Palanithurai -G. Dynamics of New Panchayati Raj Systems in India Vol. I & II
- D. N. Banerjee -Some aspects of the Indian Constitution
- G. Austin- Indian Constitution: Corner stone of a Nation (1972).
- S.C.Kashyap- Parliamentary Procedure Law Privilege, Practice & Precedents
- N.A.Subramaniam - Case law on the Indian Constitution
- T. K. Tope - Constitutional Law
- D.J. De - The Constitution of India Vol. I and II
- Administrative Reforms Committee Vol I and II
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



**FINANCIAL MANAGEMENT**

**CHB5A**

**Objectives of the Course**

*This course reveals to the students that what are the sources of finance and the importance of financial management. They will also know how to make capital structure and determine the debt and equity proportion. They will be taught how to calculate the cost of capital and how to determine the dividend and various dividend models. They will know how to calculate the working capital requirement and forecasting the requirement.*

**COURSE OUTLINE**

**UNIT -I**

Meaning, Objectives and Importance of Finance - Sources of Finance - Functions of Financial Management - Role of Financial Manager in Financial Management.

**UNIT- II**

Capital Structures Planning - Factors Affecting Capital Structures - Determining Debt and Equity Proportion - Theories of Capital Structures - Leverage Concept.

**UNIT -III**

Cost of Capital - Cost of Equity - Cost of Preference Capital - Cost of Debt - Cost of Retained Earnings - Weighted Average (or) Composite Cost of Capital (WACC).

**UNIT- IV**

Dividend Policies - Factors Affecting Dividend Payment - Company Law Provision on Dividend Payment - Various Dividend Models (Walter's Gordon's - M.M.Hypothesis).

**UNIT -V**

Working Capital - Components of Working Capital - Working Capital Operating Cycle - Factors Influencing Working Capital - Determining (or) Forecasting of Working Capital Requirements.

**Books Prescribed**

- I.M. Pandey - Financial Management
- S.N.Maheswari - Financial Management
- Dr.Radha - Financial Management
- Dr. N.Premavathy - Financial Management

**Books for Reference**

- Prasanna Chandra - Financial Management
- Y.Khan and Jain -Financial Management



**PRACTICAL AUDITING**

**CHB5B**

**Objectives of the Course**

*Auditing as a separate and distinct branch of study, is gaining ever-increasing importance all over the world. Audit involves critical and intelligent examination of financial statements to give in the form of certificate or report, an attestation, an expert opinion or an expert advice. It is an instrument of financial control. It acts as a safeguard on behalf of the proprietor against carelessness or fraud on the part of his agents or employees in the realisation and utilization of his money or other assets. It ensures that the accounts prepared truly represent facts and that expenditure has been incurred with due regularity and propriety. It is of highly useful to businessmen to plan for the future and improve their business operations.*

**COURSE OUTLINE**

**UNIT- I**

Meaning and Definition of Auditing -Distinction between Auditing and Accounting- Objectives- Advantages and Limitations of Audit -Scope of Audit -Classifications of Audits -Audit Planning, Meaning -Audit Programme, Meaning, Objectives and Contents -Audit Note Book, Contents, Usefulness of Audit Note Book -Audit Working Papers, Meaning. Ownership and Custody -Test Checking and Routine Checking, Meaning -Internal Control, Meaning, Definition, Objectives, Technique for Evaluation of Internal Control System -Internal Check, Meaning, Objectives, Difference Between Internal Control, Internal Check and Internal Audit.

**UNIT- II**

Vouching, Meaning and Definitions, Objectives -Trading Transactions -Audit of Ledger - Scrutinizing of Ledgers -

Vouching of Cash Receipts and Payments- Vouching of Outstanding Assets and Liability -Verification, Meaning Objectives and Process -Valuation of Assets and Liabilities -Distinction between Verification and Valuation.

**UNIT- III**

Depreciation and Reserves -Meaning -Auditor's Duty with regard to Depreciation -Reserves and Provisions - Distinguish Reserves and Provision -Depreciation of Wasting Assets.

**UNIT- IV**

Appointment of Auditors -Appointment of First Auditor - Appointment by Central Government -Filling of Casual Vacancy -Appointment by Special Resolution - Reappointment and Compulsory Re-Appointment -Ceiling on the number of Auditor ship -Removal of Auditor - Remuneration -Auditors Lein -Qualification and Disqualification -Duties of the Company Auditor -Rights and Powers of Auditors -Different Classes of Auditors -Audit Report -Preparation and Presentation.

**UNIT -V**

EDP Audit -Meaning -Division of Auditing in EDP Environment -Impact of Computerization on Audit Approach -Online Computer System Audit -Types of Online Computer Systems -Audit Around with the Computers - Procedure of Audit under EDP System.

**Books Prescribed**

- B.N. Tandon -Practical Auditing
- Dr.Radha -Practical Auditing
- Dr. N.Premavathy -Practical Auditing

**Books for Reference**

- D.P.Jain -Auditing
- Ravinder Kumar and virender Sharma-Auditing, Principles and practice
- Kamal Gupta - Contemporary Auditing



**PUBLIC INTERNATIONAL LAW**

**CHB5C**

**Objectives of the Course**

*Public International Law is a Law that regulates the relation between States. The syllabus is designed in such a way to facilitate the students to understand the nature and scope of International Law and its increasing importance in the present day International Relations. International Law has a concern towards several issues starting from State Sovereignty to Human Rights. From earth to satellite mankind requires to be regulated for which International Law plays a vital role thereby the International Community lives in peace.*

**COURSE OUTLINE**

**UNIT -I**

International Law -Definition, Basis and Nature - Codification -International Law Commission- Sources of International Law -Relationship between International Law and Municipal Law -Theories and State Practice.

**UNIT -II**

State and Individual as a subject -Rights and Duties / Responsibilities -State Recognition -Theories -Kinds and Legal Effects -Nationality -Acquisition and Loss related issues -Extradition- Asylum - Territorial Sovereignty -Modes of Acquisition and Loss of Territory -State Jurisdiction -State Succession and liability.

**UNIT -III**

Law of the Sea - Air and Space Law; Diplomatic Law -Agents Consular's, Immunities and Privileges -Refugee Law

**UNIT -IV**

Concept - Definition of International Treaties -Formation of Treaties and its stages -Reservation, Observance of Treaties, Interpretation of Treaties -Suspension and Termination of Treaties.

**UNIT -V**

Origin, Nature & Scope of International Organisations - League of Nations, United Nations and its Organs - International Tribunals.

**Books Prescribed**

- Starke -International Law
- S.K. Kapoor -International Law
- K.K. Bhattachary -International Law
- Agarwal -International Law
- Malcom N. Shah -An Introduction to International Law

**Books for Reference**

- Oppenheim -International Law
- Brierly - International Law
- Schwarzenberger - International Law
- R.P. Anand -Salient Documents in International Law
- Antonio Cassese -International Law
- Ian Brownlie - International Law
- R.P. Anand -New States in International Law
- D.J. Haris -Cases Materials in International Law
- Andreas Zimmermann -Commentary on the Statute of ICJ





**COMPANY LAW**

**CHB5D**

**Objectives of the Course**

*The field of Commerce, Business and Management studies have been assuming importance in the Globalised Era. India adopted the Policies of Liberalisation, Privatisation and Globalisation (LPG); Corporate Governance plays a significant role towards the advancement of the aforesaid area.*

*The objectives of the course are as follows:*

- i. To introduce and help students in understanding the structure of Corporate Organizations.*
- ii. To comprehend the legal aspects pertaining to Funding and Administration of Companies.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

Corporate Personality- The Companies Act 2013- Definition of Company- Types of Association- Illegal Association- Classes of Company- One Person Company.

**UNIT -II**

**Formation**

Formation of a Company -Promoters-Incorporation-Memorandum of Association-Articles of Association-Prospectus -Deposits- Application for Registration and Allotment of Shares.

**UNIT -III**

**Corporate financing**

Shares -Application for and Allotment of Shares- Members and Shareholders- Shares and Share Capital- Debentures- Charges and Debenture Holder- Dividends- Borrowings- Lending- Investments- Contracts.

**UNIT -IV**

**Corporate Governance**

Directors- Independent Directors- Women Directors and Managerial Personnel- Meetings- Accounts and Audits- Internal Auditing- National Financial Reporting Authority- E-Filing and Information Technology Act 2000-Corporate Social Responsibility- Majority Powers And Minority Rights- Prevention of Oppression and Mismanagement- Investigation- Powers of Inspectors- Powers of NCLT- Insider Trading

**UNIT -V**

**Compromises, Arrangements and Winding Up**

Compromises- Arrangements and Amalgamations -Mergers and Acquisitions- Winding Up and Kinds of Winding Up- Administration of NCLT and CLAT and Special Courts - Powers of Liquidators- Removal of Names of Companies from Register of Companies-Defunct Companies and Restoration- Revival and Rehabilitation of Sick Companies.

**Statute Prescribed**

- Companies Act- 2013

**Books Prescribed**

- Avatar Singh -Company Law

**Books for Reference**

- Gower -Company Law
- Mayson-French and Ryamn -Company Law
- Palmer -Company Law



**LEGAL METHODS**

**CHB5E**

**Objectives of the Course**

*The subject aims to impart the Fundamental aspects of Law. It further provides the basis for developing analytical skills. In par with the requirements of provisional competence, the course adopts to law learning methods. The beginners in Law will be adequately supplemented by tools of understanding on Statutes, Judgments and that of basic research. The course work in totality focuses on providing insights to the basics of legal system as such.*

**COURSE OUTLINE**

**UNIT- I**

**Introduction to Law and Legal System**

What Is Law? -Law in Relation to Concepts of Justice, Morality, State, Citizens, Society and the Globe -Theories of Law -Schools of thought on the Nature, Function, Sources and Role of Law -Law and Custom -Introduction to different Legal Systems of the World -Common Law System -Civil Law System -Role and Functions of the Legal Institutions in Such diverse systems -Global Administrative Law -Global Rule of Law.

**UNIT- II**

**Indian Legal System**

Overview of the Indian Legal System and Legal Institutions -Role of the Constitution -Process of Legislation -Delegated Legislation -Ordinances -Rules -Regulations -Orders- Notifications -Bye Laws -Customs Having the Force of Law -Constitutional Conventions- Access to Statutes and Bills - Techniques of Reading and Analyzing the Statutes, Rules and Regulations.

**UNIT- III**

**Judicial Process**

Hierarchy of Courts -Judicial Review -Stare Decisis - Precedent -Law Declared by the Supreme Court -Complete Justice -Quasi Judicial Authorities -Technicalities and analysis of Judicial Decisions -General Principles of Statutory Interpretation -Comparative Judicial Process -Binding Nature of Foreign Decisions -Legal and Logical Reasoning.

**UNIT- IV**

**Legal Research**

Concept of Research -Objectives -Types of Research -Social Science Research -Legal Research

**UNIT- V**

**Socio-Legal Research**

Methodology -Identification of the Research Problem - Framing of Hypothesis –Research Questions -Data Collection -Legal Material, Statutes, Subordinate Legislation, Notifications, Policy Statements -Decisional Materials, Foreign Judgments, Legal Databases, Reports of Commissions and Committees -Statistical and Legal Analysis of Data- Interpretation and Implication of Data –Testing of Hypothesis -Report Writing -Limitations of Report Writing.

**Books Prescribed**

- Prof.Tushar Karti Saha- Legal Methods, Research and Systems.
- Kothari -Introduction to Research Methodology.
- S.K.Verma and Afzal Wani (Editors)- Legal Research and Methodology
- Prof.N.V.Paranjape - Jurisprudence

**Books for Reference**

- William J. Goode and Paul K. Hatt- Methods in Social Research
- Adam Podgorecki- Law and Society
- Oaul Oliver- Writing Your Thesis



**LAW OF EVIDENCE**

**CHB6A**

**Objectives of the Course**

*For the purpose of providing the facts in a trial before the Court of Law, relevant evidence has to be placed according to the procedure established under the Indian Evidence Act. It deals with the facts that are permitted to be proved and the manner of letting in Evidence as per Law and the Evidentiary Value of Evidence in the Administration of Justice.*

**COURSE OUTLINE**

**UNIT -I**

**Preliminary**

Indian Evidence Act, 1872- Scope, Object and Applicability of Indian Evidence Act and Exclusion - Statutory Definition- Indian Law of Evidence and English Law of Evidence -Comparison - Constitutional Perspective of Evidence - Golden Rule Evidence, Presumption of Law and Fact -Kinds of Evidence.

**UNIT -II**

**Relevancy of Facts**

Relevance of Facts and Admissibility of Facts - Res Gestae - Hearsay. Occasion, Cause and Effect etc., - Motive, Preparation and Conduct - Explanatory Facts - Acts of Conspirators - When facts not otherwise relevant become relevant -Facts Determining Quantum of Damages- Customs- State of Mind, Body or Bodily Feeling - Similar Facts - Course of Business, Admission and Confession.

**UNIT -III**

**Relevancy of Third Person Evidence**

Relevancy of statement made by person who cannot be called as Witness- Relevance of Judgements of Courts-Relevance of Opinion of Third Persons - Expert Cases- Law of Forensic Science - Forensic Institutions - Principles of Forensic

Science Proof and Forensic Technology- Forensic Science and Criminal Justice System- Criminal Trial, Scientific Examination and Expert Witness under Section 112A - Relevance of character in Civil and Criminal Cases.

**UNIT -IV**

**Of Proof**

Facts which need not be proved -Judicial Notice - Modes of Proof -Oral Evidence - Hearsay Evidence- Exceptions- Primary and Secondary Evidence- Documentary Evidence- Documents- Public and Private Documents - Presumptions as to the Documents- Exclusion of Oral Evidence by Documentary Evidence- Burden of Proof - Rules relating to Burden of Proof -Doctrine of Estoppel.

**UNIT -V**

**Witnesses**

Witnesses- Categories of Witnesses- Communications- Accomplice- Examination of Witnesses -Questions to be and not to be asked- Hostile Witness -Impeaching Credit of Witness - Refreshing Memory - Judges Question - Appeal against Improper Admission and Rejection of Evidence.

**Books prescribed**

- Ratanlal -Law of Evidence
- Avatar Singh-Law of Evidence
- Vepa Sarathi-Law of Evidence
- Dr.V.Krishnamachari-Law of Evidence
- P.S. Achutan Pillai-Law of Evidence
- B.R. Shvarma-Forensic Science in Criminal Trial and Investigation

**Books for Reference**

- Sarkar -Law of Evidence
- Sir John Woodroffee and Syed Amir Ali: Law of Evidence
- Walls H.J- Forensic Science



**LABOUR LAW - I**

**CHB6B**

**Objectives of the Course**

*Today a Country's development is determined by their development in the industrial field as industry plays an integral role in building the economic structure of the society. Industrial relations play a vital role in the establishment and maintenance of industrial peace and harmony. A quest for industrial harmony is indispensable for economic progress of the country because healthy industrial relations cannot be regarded as a matter in which only the employers and employees are concerned, but vital concern of the community as whole. This could be possible with the cooperation of Labour and Capital. The Prevention of Industrial Dispute thus assumes an important role in National Policy and therefore a number of Legislations have been passed to regulate the relationship between Labour and Management, and their organisation. The workers are ignorant, less organised and less privileged members of the society and they have been exploited by the capitalists. Hence, to prevent exploitation of the weaker section of the society by the employers, it is necessary to regulate the payment of wages and to fix minimum wages in order to secure social justice in the field of industrial relations. The syllabus has been prepared with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Evolution of Labour Legislations**

Origin and Development of Labour Legislation - Object and Nature of Labour Legislation - Evolution of concept of Master and Servant Relationship - Theory of Laissez Faire and State Regulation of Labour Legislation and its Special Features - Role of International Labour Organization in Setting Labour Standards.

**UNIT -II**

**Trade Union Act, 1926**

Definitions - History of Trade Union Movement - Registration of Trade Unions - Rights and Liabilities of Trade Unions - Immunities and Privileges of a Registered Trade Union - Trade Union Funds - Collective Bargaining - Amalgamation and Dissolution of Trade Unions - Recognition of Trade Unions.

**UNIT -III**

**Industrial Disputes Act, 1947**

Scope, Applicability and Definitions - Appropriate Government; Workmen; Industry; Industrial Disputes; Award; Settlement; Public Utility Service; Strike; Lock Out; Retrenchment; Lay Off; Closure - Machinery for the Settlement of Industrial Disputes - Works Committees, Conciliation Officers - Board of Conciliation, Court of Inquiry - Labour Court, Industrial Tribunal - National Industrial Tribunal - Reference Power of The Government - Voluntary Arbitration - Unfair Labour Practices.

**UNIT - IV**

**Industrial Employment (Standing Orders) Act, 1946**

Scope and Definitions - Procedure for Certification of Standing Orders - Duration and Modification of Certified Standing Orders - Domestic Enquiry and Disciplinary Proceedings.

**UNIT -V**

**Law Relating to Wages**

Minimum Wages Act, 1948: Theories of Wages and Wage Policy - Concept of Wages - Living Wage, Fair Wage and Minimum Wage - Fixation of Minimum Rates of Wages - Methodology; Procedure; Advisory Boards - Inspectors, Powers, Claims - Exceptions and Offences.

Payment of Wages Act, 1936: Definitions - Deductions - Authorities under the Act - Inspectors and their powers - Penalty.

### Statutory Materials

- Industrial Disputes Act, 1947.
- Trade Union Act, 1926
- Industrial Employment (Standing Orders) Act, 1946
- Minimum Wages Act, 1948.
- Payment of Wages Act, 1936.

### Books Prescribed

- Madhavan Pillai- Labour and Industrial Law
- S.N. Mishra- Labour and Industrial Law
- V.G.Goswami - Labour Law

### Books for Reference

- O.P. Malhotra- Industrial Disputes Act
- K.D.Srivastava- Law Relating to Trade Union
- K.D.Srivastava -Industrial Employment (Standing Orders) Act
- K.D. Srivastava- Payment of Wages Act, 1936
- K.D. Srivastava- Payment of Minimum Wages Act,1948



## CUSTOMS AND EXCISE LAWS

### CHB6C

#### Objectives of the Course

*India being the second largest populous Nation in the world is to look after the welfare and development of twelve billions of lives. Unless it has a strong economy, it is a hard task to meet the economic challenges, faced by the Country. The Nation is in need of revenue from various sources to meet out the same. Excise and Customs duty being Direct Taxes give wider scope for augmenting the revenue. Meanwhile the scope should not affect the welfare of the assesses. Tax is to be levied and collected balancing the tax payers, economy and welfare of the society. Moreover assessment and collection of such taxes bring out plenty of litigations also in the modern era of such liberalization, privatisation and globalisation where trade among the nation are booming. It is essential to have knowledge about the Tax Laws. The mode of levying, assessing and collection of Tax is given more importance in this curriculum.*

### COURSE OUTLINE

#### UNIT - 1

##### **Historical Aspects of Customs and Excise Laws**

Constitutional Law Principles - Art. 265 - 286 - Relevant Entries of VII schedule of the Constitution of India.

#### UNIT - II

##### **Customs Act -Preliminary**

Definitions - Officers - Customs Ports, Airports, Warehouses - Regulations - Prohibition on import and export - Prevention and detection of illegal import - Notified goods - Prevention and detention of illegal export - Specified goods- Indicating amount of duty in the price of goods- Regulations on Conveyances carrying imported and exported goods - Clearance of imported and exported goods - Regulations relating to Warehouses - Government or certified ware houses.

### UNIT - III

#### Customs Act- Levy and Collection

Dutiable Goods - Valuation of Goods - Exemption Determination - Abatement - Remission- Assessment of Duty - Refund of Duty- Customs Clearance- Recovery of Duty- Advance Rulings - Duty During Transit - Duty Drawback - Special Economic Zones - Coastal Goods- Baggage.

### UNIT - IV

#### Central Excise Act

Basic Concepts- Basic Conditions of Liability- Definitions - Levy and Collection of Excise Duty - Amount of Duty - Valuation Methods of Excisable Goods- Remission of Duty- Indicating Amount of Duty in the Price of Goods- Power to Grant Exemption from Duty- CENVAT Credit- Registration- Restriction on Possession of Goods- Presumption Advance Ruling- Assessment of Duty (Rules) - Special Economic Zone.

### UNIT - V

#### Enforcement Under Customs Act and Central Excise Act

Power of Search, Seizure, Arrest, Confiscation and Penalty under both Acts - Settlement of Cases - Appeal - Appellate - Tribunal - Revision by Central Government - Appeal to Supreme Court.

#### Books Prescribed

- Banerjea and Mukerjea -Central Excise Manual
- Datey (taxman)- Guide to Central Excise Procedures
- P.L. Malik -Customs Act
- Kapil Singhania (Taxman)- Customs Tariff in India

#### Books for Reference

- Sethi -Central Excise Act and Rules
- Kapil Singhania -Central Excise Tariff
- Bharat's - Service Tax Manual
- Bharath's -Guide to Goods and Service Tax Regime
- V.S. Datey -Customs Act
- Mukerjea- Customs Act
- Customs Manual



## ADMINISTRATIVE LAW

### CHB6D

#### Objectives of the Course

*Today, we are living in a 'Administrative Age' where there is rising tendency to transfer more and more powers to Executive which include Quasi-Judicial as well as Quasi-Legislative which has become inevitable in modern Democratic State. Therefore, there has been a tremendous increase in powers and functions of the Administrative Authorities and the obvious result, is full of danger of its degeneration and unwanted encroachment on Human Rights and Liberties. Hence, there requires adequate control, safeguard through procedural fairness, Judicial Review and remedies to those affected by the Administration.*

## COURSE OUTLINE

### UNIT – I

#### Introduction to Administrative Law

Definition, Nature, Scope - Origin and Development of Administrative Law in U.K., U.S.A., France and India - Sources -Administrative Law and Constitutional Law-. Rule of Law Concept, Evaluation of Dicey's concept of Rule of Law, Modern conception of Rule of Law, Rule of Law in U.K., U.S.A. and India, Rule of Law vis-à-vis Administrative Law- Doctrine of Separation of Powers – Meaning, Origin, Montesquieu's Doctrine of Separation of Powers, System of Checks and Balances, Position in U.K., U.S.A., and India-. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India- Classification of Administrative Action.

A.Nature of Powers–Executive, Legislative and Judicial

B.Legislative Function–Quasi Legislative Functions – Administrative Directions.

C. Judicial Function – Quasi Judicial Functions – Tribunals and Administrative Justice.

D. Executive Function – Ministerial Functions and Discretionary Functions.

## **UNIT – II**

### **Delegated Legislation**

Meaning, Nature, Origin, Development and Growth of Delegated Legislation, Types of Delegated Legislation and Constitutionality of Delegated Legislation-Delegated Legislation and Conditional Legislation, Sub-Delegation- Restraints on Delegation of Legislative Power, Doctrine of Excessive Delegation- Control over Delegated Legislation – Judicial, Procedural and Legislative Control - Administrative Directions and Delegated Legislation.

## **UNIT – III**

### **Procedural Fairness and Judicial Review**

Principles of Natural Justice-Concept, Parameters and Application of the Principles of Natural Justice-Rule against Bias-Audi Alteram Partem or the Rule of Fair Hearing – Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing-Reasoned Decisions- Exceptions to the Rule of Natural Justice-Effects of Breach of Natural Justice.

Administrative Process and Judicial Review-Meaning and need for Judicial Review- Scope of Judicial Review, Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136)-Scope and Object of Article 136- Jurisdiction of the High Court-Judicial Review of Administrative Action through Writs-Scope of the Writ Jurisdiction -Against whom the Writ Lies-Territorial extent of Writ Jurisdiction -Relief against an Interim Order – Interim Relief [Art. 226(3)]-Locus-Standi-Kinds of Writ - Grounds for issue of Writs-Principles for the Exercise of Writ Jurisdiction, Alternative Remedy-Laches or Delay-Res Judicata-Public Interest Litigation and Locus-Standi-

Doctrine of Legitimate Expectation and Doctrine of Proportionality.

Statutory Remedies- Injunction- Declaration against the Government - Exclusion of Civil Suits

Privileges and Immunities of Government in Legal Proceedings- Privilege to Withhold Documents - Miscellaneous Privileges of the Government-Notice, Limitation, Enforcement of Court Order-Binding nature of Statutes over the States Action-Promissory Estoppel -Right to Information.

Judicial Control of Administrative Discretion-Meaning, Nature and Need of administrative Discretion -Ground and Extent of Judicial Review -Fundamental Rights and Discretionary Powers.

Liability of the State- Liability of the State in Torts and Contracts

## **UNIT – IV**

### **Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission**

Meaning, Object, Main characteristics, Need and Utility- Origin and Development of the Institution -Ombudsman in New Zealand-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India –Lokpal-Lokayukta in States-Central Vigilance Commission

## **UNIT – V**

### **Administrative Tribunals and Public Undertaking**

Administrative Tribunals- Meaning, Nature, Main characteristics, Origin and Development (U.S.A., U.K. and India)-Franks Committee-Tribunal and Court, Similarity and Difference-Reason for growth of Administrative Tribunals-Merits and Demerits of Administrative Tribunal- Procedure and Powers of Administrative Tribunal (U.K.,

U.S.A. and India)-Tribunal under Constitution -High Court's Superintendence over Tribunals-Appeal to Supreme Court by Special Leave-Working of the Administrative Tribunal-Administrative Tribunals under Administrative Tribunals Act, 1985-Administrative Procedure Act in U.S.A.-Domestic Tribunal.

Public Undertaking- Object, Importance, Characteristics, Classification, Reason for the growth -Working of Public Corporations-Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking.

**Books Prescribed**

- M.P. Jain and S.N. Jain – Principles of Administrative Law
- S.P. Sathe – Administrative Law
- I.P. Massey – Administrative Law
- C.K. Takwani – Administrative Law
- Kailash Rai - Administrative Law

**Books for Reference**

- Wade – Administrative Law
- De Smith – Administrative Law
- Foulkes – Administrative Law
- Indian Law Institute – Cases and Material of Administrative Law
- Markose – Judicial Control of Administrative action
- Griffith and Street – Administrative Law
- Report of the Law Commission – First Report, Second Report, Fourteenth Report
- Report on the Committee of Minister's power - Franks Committee report.



**PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS (Clinical Course - I)**

**CHB6E**

**COURSE OUTLINE**

Professional Ethics, Accountancy for Lawyers and Bar - Bench Relations

This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer's Book on "Advocacy"
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major Judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

Examination rules of the University shall include assessment through Case-Study, Viva, and Periodical Problem Solution besides the Written Tests.

Project on Professional Ethics (Written Submission)	: 25 marks
Case study (BCI, HC and SC Judgments)	: 25 marks
Test (Internal)	: 25 marks
Viva-Voce on Project and Case Study	: 25 marks
<b>Total</b>	<b>: 100 marks</b>





**PROPERTY LAW**

**CHB7A**

**Objectives of the Course**

*The course intends to explain the transfer of immovable property between living persons. The course also covers various general principles of transfer and doctrines for specific transfer. The Easement Act explains various modes of acquisition of easementary rights and extinguishes the same.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles of Transfer**

Concept of Property – Definition of Transfer of Property- Kinds of Interest- Conditional Transfer- Doctrine of Election- Ostensible Owner- Feeding the Grant- Improvement made by Bonafide Purchaser- Lis Pendens- Fraudulent Transfer- Doctrine of Part Performance and other general principles of transfer.

**UNIT – II**

**Specific Transfers – Transfer of Absolute Interest**

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

**UNIT – III**

**Transfer of Limited Interest – Specific Transfer**

- A. Mortgage : Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.

- B. Charge
- C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- D. Actionable claim

**UNIT – IV**

**Indian Easement Act**

Definition-Acquisition of Easement- Easement of Necessity & Quasi Easements- Easement by Prescription- Extinction- Suspension and Revival of Easements and License.

**UNIT – V**

**Act**

Indian Registration Act & Stamp Act.

**Books Prescribed**

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- Shah-Principles of Transfer

**Books for Reference**

- W.Friedmann- Law in a changing society
- G.C.V. Subba Rao-Law of Property
- Mulla-Transfer of Property
- Mitra B.B.-Transfer of Property
- Goyle-Transfer of Property
- C.L.Gupta- Law of Transfer of Property
- Khatiar-Law of Easements



**INTELLECTUAL PROPERTY LAWS**

**CHB7B**

**Objectives of the Course**

*The new trends in International trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching Intellectual Property Laws. The new economic policies, it is assumed, will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote International Trade. This is expected to bring in new technology for the industrial and economic development of India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. This demands, India to afford better protection for the Intellectual Property based on the TRIPS Agreement. This course is intended to introduce the different categories of IP, the minimum standard to indentify the items of protection. Exposing the students the procedural requirements for the acquisition of IPR and also address the International filing system. Bundle of rights conferred to the right holder and remedies available in the case of infringement are also examined.*

**COURSE OUTLINE**

**UNIT -I**

**Intellectual Property**

Meaning and Concept of Intellectual Property - Need for Protection -The World Intellectual Property Organisation (WIPO) Convention - Origin and Functions of World Trade Organisation (WTO) - Trade Related Intellectual Property Rights (TRIPS) Agreement of WTO and its effects on Intellectual Property Law in India; Dispute Settlement Mechanism.

**UNIT -II**

**Patents**

The Patents Act 1970 - Object - Definitions - Salient Features - Patentable and Non- Patentable Inventions, Product and Process Patents - Persons entitled to apply for Patents, Provisional and Complete Specifications, Priority Dates of Claims, Opposition to grant of Patent, Anticipation, Provisions for secrecy of certain Inventions - Patent Office and Power of Controller - Grant and Sealing of Patents, Rights of Patentees, Rights of Co-Owners of Patents, Term of Patent, Patents of Addition, Assignment and Transmission, Register of Patents - Amendment of Applications and Specifications, Restoration of Lapsed Patents, Rights of Patentees of Lapsed Patents which have been Restored, Surrender and Revocation of Patents - Compulsory Licences, Exclusive Marketing Rights, Licences of Right, Use of Invocation of Patents Purposes of Government, Acquisition of Inventions by Central Government - Remedies for Infringement of Patents - Patent Agents, Scientific Advisers, International Arrangements - International Law - Right of Plant Breeders and Farmers - National Law on Biological Diversity.

**UNIT -III**

**Trade Marks**

The Trade Mark Act (1999), Object, Definitions, Salient Features, Marks Registrable and Non -Registrable, Conditions for Registration, Absolute and Relative Grounds for Refusal of Registration, Procedure for and Duration of Registration, Effects of Registration - Powers and Functions of Registrar - Distinctiveness, Deceptive Similarity, Concurrent Registration, Rectification and Correction of Register - Assignment and Transmission - Use of Trademarks and Registered Users, Collective Marks, Registration of Certification Marks, Trade Mark Agents - Appellate Board - Infringement Action, Passing Off Action - International Treaties - Geographical Indication of Goods (Registrations And Protection) Act (1999), Objects,

Definitions, Conditions for Registration, Prohibition of Registration of Certain Geographical Indications Procedure for and Duration of Registration -Effects of Registration - Special Provisional Relating to Trademark and Prior Users, Remedies for Infringement , International Law.

#### **UNIT -IV**

##### **Copyright**

The Copyright Act (1957) and Recent Amendments: Works in which Copyright Subsists; Meaning of Copyright; Ownership and Rights of the Owner; Assignment; Term of Copyright-Powers and Functions of the Copyright Board - Registration of Copyright; Compulsory Licences; Licence to Produce and Publish Translations; Copyright Societies - Rights of Broadcasting Organisations and of Performers - International Copyright - Acts Constituting and not Constituting Infringement; Remedies for Infringement.

#### **UNIT -V**

##### **Industrial Designs**

The Designs Act 2000 -Definitions - Registration of Designs - Copyright in Registered Designs - Piracy of Registered Designs -Remedies - Powers and Duties of Controller - International Law - Semi Conductor Integrated Circuit Layout.

##### **Statutory Materials**

- The Patents Act, 1970
- The Trade Marks Act, 1999
- The Copyright Act, 1957
- The Designs Act, 2000

##### **Books Prescribed**

- P. Narayanan -Intellectual Property Law
- Dr. B.L. Wadehra -Law relating to patents, trademarks, copyright, design and Geographical Indications
- Dr. S.R. Myneni -Law of Intellectual Property

- P.S. Narayana -Intellectual Property Law in India
- Vikas Vashisht -Law and practice of Intellectual Property in India

##### **Books for Reference**

- W.R. Cornish -Intellectual Property, Patents, Copyright, Trademarks and Allied Rights
- Arad Sherman and Lionel Bently -The Making of Modern Intellectual Property Law
- David I. Bainbridge -International Property
- Allison Coleman -The Legal Protection of Trade Secrets
- W.R. Cornish -Cases and Materials on Intellectual Property



**LABOUR LAW - II**

**CHB7C**

**Objectives of the Course**

*The concept of Social Security is based on ideals of human dignity and social justice. The quest for social security and freedom from want and distress has been the consistent urge of man through the ages. The mutual conflict between the employer and employees over the adequacy of their respective shares in social produce constitutes a serious menace in the society. Work can be never be important than the worker because no industry can flourish unless the wage earner who is a partner in the production should be given due status by offering him reasonable working conditions and due share in production. This means social justice and social security has to be restored to the Labour because a contented worker would produce better yields and would increase his efficiency. Therefore, social security is a necessary phenomenon of a welfare state as it is one of the most progressive and dynamic instruments for achieving Socio - Economic Progress. This course shall examine the various dimensions of Labour Security measures and explore the possibility whether or not Labour Security is part of the comprehensive and integrated social security. The syllabus has been prescribed with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction: Social Security and Labour Welfare**

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution - ILO on Social Security.

**UNIT - II**

**Social Security: Industrial Injuries**

The Employees' Compensation Act, 1923: Scope, Objects, Coverage and Definitions- Liability of the Employer to Pay

Compensation - Personal Injury, Accident arising out of and in the Course of Employment, Doctrine of Notional Extension and Occupational Diseases - Determination and Distribution of Compensation - Principal Employer's Right of Indemnity - Commissioner's Powers and Functions.

**UNIT - III**

**Social Security: Social Insurance**

The Employee's State Insurance Act, 1948: Objects, Applications and 'Seasonal Factory' - Definitions - E.S.I. Corporation - E.S.I. Funds, Payment of Contributions - E.S.I. Benefits - Adjudication of Disputes - E.S.I. Court - Penalties.

**UNIT - IV**

**Other Social Security Legislations**

The Maternity Benefits Act, 1961: Object and Application - Eligibility and Maternity Benefits - Notice of Claim Prohibition against Dismissal, Wage Deduction - Powers and Duties of Inspectors.

The Employee's Provident Funds and Miscellaneous Provisions Act, 1952: Scope, Coverage, Application and Definitions - Authorities, their Powers and Functions Contributions - Employees Provident Fund Scheme, Employees' Pension Scheme and Deposit Linked Insurance Scheme -Penalties.

The Payment of Bonus Act, 1965: Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and Extent of Bonus - Calculation of Bonus - Available Surplus, Allocable Surplus, Set On Set Off - Forfeiture of Bonus - Prior Charges - Machinery.

Payment of Gratuity Act, 1972: Background, Object and Definitions - Eligibility for Payment of Gratuity - Forfeiture, Exemption, Determination - Controlling Authority - Penalties.

## UNIT - V

### Labour Welfare Legislations

Factories Act, 1948: Background and Definitions - Formalities to start a Factory - Health, Safety and Welfare Measures - Working Hours - Employment of Young Persons - Annual Leave with Wages - Special Provisions.

The Tamil Nadu Shops and Establishment Act, 1947: Applicability and Person covered by this Act, - Opening and Closing Hours - Employment of Young Persons - Working Hours, Public Holiday, Safety, and Cleanliness - Leave and Annual Leave with Wages.

### Books Prescribed

- S.N.Mishra-Labour and Industrial Law
- V.G.Goswami -Labour Law
- Madhavan Pillai -Labour and Industrial Law
- S.C.Srivastava- Social Security and Labour Laws

### Books for Reference

- K. D. Srivastava- The Employees' Compensation Act, 1923
- K.D. Srivastava- The Employees' State Insurance Act, 1948
- K. D. Srivastava- The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
- K. D. Srivastava- The Payment of Bonus Act, 1965
- K. D. Srivastava- Payment of Gratuity, 1972
- K. D. Srivastava- Factories Act, 1948



## **BANKING LAW (Including Negotiable Instruments Act)**

### **CHB7D**

### **Objectives of the Course**

*Banking Industry has been tremendously impacted due to modernisation in the post capitalisation era. The concept of Nationalisation is also very important in the era of banking regulation. The regulation relating to Banking industry also needs to be dynamic so as to enable smooth developed sector. The students are required to analyse the various provisions relating to Reserve Bank of India. The recent amendments to Negotiable Instruments Act and challenges faced by RBI makes the study of Banking Laws is important and inevitable.*

### **COURSE OUTLINE**

#### **UNIT -I**

##### **Introduction**

History of Banking- Different types of Banks including Foreign Companies - Nationalisation of Major Banks- RBI's control over Commercial Banks- Special status of RBI and State Bank of India -Subsidiary Banks.

#### **UNIT -II**

##### **Banker and Customer**

Definition of Banker and Customer and relationship between them -Special types of Customer -Banker as Borrower -Different types of accounts -Duties and Rights of the Banker and different types of instruments -Banker - Paying Banker and Collecting Banker.

#### **Unit -III**

##### **Laws Relating to Loans, Advances and Investments by Banks**

Subsidiary Business Operations of Bankers with special reference to Safety Deposit Lockers- Liability of Banker in

Case of Bank Robberies and Fraud by Bank Employees - Vicarious Liability of the Bank Employees - Vicarious Liability of the Bank - Recovery of Loans and Advances - Recovery of Debts Due to Banks, Financial Institutions Act, 1993.

#### UNIT -IV

##### Winding Up of Companies

Effect of Winding Up of Banking Companies- Rights of Customers on Winding Up of Companies- Necessity for reforms in Indian Banking Law to meet Global Challenges- Banking Ombudsman -Debt Recovery Tribunal - SARFAESI Act.

#### UNIT -V

##### Negotiable Instruments

Definition and Characteristics - Parties to Negotiable Instruments-Presentation -Negotiation Discharge and Dishonour - Liability -Various kinds of Crossing - Effect of Crossing of Cheque -Rights of Holder and Holder in Due Course against Banker - Civil and Criminal Liability for Dishonour of Cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act.

##### Statutory Materials

- Banking Regulation Act, 1949
- Negotiable Instruments Act, 1881

##### Books Prescribed

- Tannan's -Banking Law and Practice in India
- Bhashyan and Adiga -Negotiable Instruments

##### Books for Reference

- Sir John Paget-Law of Banking
- H.P. Sheldon -The Practice and Law of Banking



### ALTERNATIVE DISPUTE RESOLUTION MECHANISM (Clinical Course -II)

#### CHB7E

#### COURSE OUTLINE

- i) Arbitration Law and Practice including International Arbitration and Arbitration Rules.
- ii) Negotiation Skills to be learnt with Stimulated Program.
- iii) Conciliation Skills

##### Marks Allocation

Case Study in Arbitration Centre (Practical / Simulation Exercise Three exercise 10 marks each)	: 30 marks
Test Internal	: 10 marks
Presentation / Viva-Voce on Case Study as mentioned above	: 10 marks
<b>TOTAL</b>	<b>: 50 Marks</b>

##### Statutory Materials

- International Conventions
- Arbitration and Conciliation Act, 1996

##### Books Prescribed

- Avatar Singh - The Law of Arbitration and Conciliation

##### Books for Reference

- O.P. Malhotra and Indu Malhotra - Arbitration to Conciliation
- P.C. Markanda- Law Relating to Arbitration and Conciliation
- Justice Dr. B.P. Saraf and Justice S.M. Jhunjhunwala- Law of Arbitration and Conciliation.
- S.K. Chawla- Law of Arbitration and Conciliation.



## COMPETITION LAW

### CHB8A

#### Objectives of the Course

*The subject concentrates at mitigating and gradually eliminating Monopolies, Unfair Trade Practices by formulating policies that*

- (a) *Promote Competition*
- (b) *Regulate or Prohibit abuse of Dominant Position*
- (c) *Overseas mergers and amalgamations and acquisition of enterprises to combat adverse effects of formation of combinations.*

*The objective of the course is to provide the students:*

- i. An understanding of the Legal Dimensions of the Competition Law;
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.
- iii. To comprehend and appreciate *the impact of various Anti-Competition Policies.*

## COURSE OUTLINE

### UNIT - I

#### Introduction

Objective and Nature of Competition Laws-Origin of Competition Laws- Anti Trust Legislation in USA - Sherman Anti Trust Act, 1890 - Federal Trade Commission Act, 1914 - The Clayton Act, 1914 - UK Competition Act, 1998 - The Enterprises Act, 2002 - Treaty on the Functions of the European Union (TFEU) - MRTP Act, 1969 - Ragavan Committee Report, 2000 - Transformation of MRTP Act to Competition Act, 2002 - Distinction between MRTP Act and Competition Act - Object and Scope of Competition Act, 2002.

### UNIT - II

#### Anti Competitive Agreement

Definition - Tie in Arrangement - Exclusive Supply Agreement- Exclusive Distribution Agreement - Refusal to Deal- Resale Price Maintenance - Cartel - Bidrigging - Exceptions - Protection of IPR.

### UNIT - III

#### Abuse of Dominant Position

Meaning of Dominant position - Unfair or Discriminatory Trade Practices - Provisions under MRTP and Consumer Protection Act- Limiting Protection or Technical or Scientific Development - Denial of Access to Market - Imposition of Supplementary Obligations - Protection of other Markets - Predatory Price - Unfair Prices

### UNIT - IV

#### Regulation of Combinations

Acquisition - Merger - Amalgamations - Ban on Combinations- Non Competition Clauses in Merger and Acquisition -Restrictive Trade Practices - Unfair Trade Practices.

### UNIT - V

#### Competition Commission in India

Composition - Duties, Power and Functions of the Commission- Contraventions of the Orders of the Commission - Penalties - Competition Appellate Tribunal - Competition Advocacy - Miscellaneous.

#### Statutory Materials

- MRTP Act, 1969
- Competition Act, 2002

#### Books Prescribed

- Ramappa - Competition Law of India
- S.M.Dugar-Commentaries on MRTP Law, Competition Law and Consumer Protection

- Justice D.P.Wadhwa, N.L.Rajesh - The law of Consumer Protection in India
- P.K.Majumdar - Law of Consumer Protection in India
- Paribas- Consumer Protection Dissent.
- Justice Shri.S.Malik - Commentaries on the Consumer Protection Act,1986
- A.Pximer - The Anti-Trust Law
- Eleanor M. Fox - U.S and E.U Competition Law - A Comparison.

### Books for Reference

- Universal's Guide - Competition Law in India.
- Avtar Singh- Law of Monopolies and Unfair Trade Practices
- Avtar Singh- Competition Law.
- Tripathi- Competition Law



## INTERPRETATION OF STATUTES

### CHB8B

#### Objectives of the Course

*Good enactments are those which have least ambiguities, inconsistencies, contradictions or lacunas. Bad enactments are gold mine for lawyers because for half of the litigation, the legislative draftsmen are undoubtedly the cause. The purpose of the Interpretation of the Statute is to unlock the locks put by the Legislature. For such unlocking, keys are to be found out. These keys may be termed as aids for Interpretation and Principles of Interpretation. It is not within the human powers to foresee the manifold permutations and combinations, that may arise in the actual implementation of the Act and also to provide for each one of them in terms free from all ambiguities. Hence Interpretation of Statutes becomes an ongoing exercise as newer facts and conditions continue to arise. Lord Denning rightly pointed out, “English knowledge is not an instrument of mathematical precision... It would certainly save the judges from the trouble, if the Acts of Parliament were drafted with divine precision and perfect clarity. In the absence of it, when a defect appears, a judge cannot simply fold his hand and blame the draftsman...” This subject gives the basic inputs for the students to know the subject matter.*

#### COURSE OUTLINE

##### UNIT -I

##### Law Making

Legislature, Executive and the Judiciary - Principle of Utility - Law and Public Opinion - Law and Social Control - Relevance of John Rawls and Robert Nozick - Individual Interest to Community Interest - Law and Morals -Meaning, Objectives and Scope of ‘Interpretation’, ‘Construction’ and ‘Statute’ -Public Opinion and Law Making.



## UNIT - II

### Nature and Kinds of Indian Laws

Statutory, Non Statutory, Codified, Uncodified, State made and State Recognised Laws -Parts of a Statute - Commencement, Operation and Repeal and Revival of Statutes - Purpose of Statutory Interpretation -Basic sources of Statutory Interpretation -The General Clauses Act, 1897: Nature, Scope and Relevance -Definition clauses in various Legislations: Nature and Imperative Rule.

## UNIT-III

### Rules of Statutory Interpretation

Literal and Logical Rules of Interpretation -Legalism and Creativity -Legal Language, Legal Riddles and Logic - Golden Rule and Mischief Rule -Strict construction of Penal Laws and Taxation Laws -Judicial Activism, Judicial Process and Judicial Restraint -Internal Aids and External Aids of Interpretation.

## UNIT- IV

### Interpretation of Constitution

Principles and Theories - Preamble as a Tool -Reading Directive Principles and Fundamental Duties with Fundamental Rights -Interpretation of International Instruments - Presumptions: Presumption against Ousting Established Jurisdiction - Presumption against Exceeding Territorial Nexus - Presumption against Ouster of Jurisdiction of Courts - Presumption against changes in Common Law - Presumption against including what is Inconvenient or Unreasonable - Presumption against Intending Injustice or Absurdity - Presumption against Retrospective Operation of Law - Presumption against Violation of International Law - Presumption in favour of Constitutionality of a Statute.

## UNIT -V

### Legislative Drafting

Principles and Process of Legislative Drafting - Simplicity, Preciseness, Consistency, Alignment with Existing Law, Brevity -Drafting General Laws -Special Laws -Rules -Orders.

## Statutory Materials

- General Clauses Act, 1897
- Constitution of India, 1950

## Books Prescribed

- Maxwell-Interpretation of Statutes
- P.M. Bakshi-Interpretation of Statutes
- Vepa Sarathi-Interpretation of Statutes
- M.P. Tandon-Interpretation of Statutes
- Bindra-Interpretation of Statutes
- Cross-Interpretation of Statutes
- G.P. Singh-Principles of Statutory Interpretation
- M.P. Jain-Constitutional Law of India
- V.N. Shukla's-Constitution of India
- Indian Law Institute-The Drafting of Laws

## Books for Reference

- Jeremy Bentham-Theories of Legislation
- Jeremy Bentham-Principles of Morals and Legislation
- Dicey-Law and Public Opinion
- P.K. Tripathi-Spotlights on Constitutional Interpretation
- Swarup Jagdish-Legislation and Interpretation
- Bindra-Commentary on the General Clauses Act, 1897
- Thornton, G.C-Legislative Drafting



**PRIVATE INTERNATIONAL LAW**

**CHB8C**

**Objectives of the Course**

*In this 21<sup>st</sup> Century, Liberalisation, Privatisation and Globalization (LPG) works beyond National barriers. The course creates an understanding on the conflict of Laws under various Legal Systems pertaining to Jurisdiction, Marriage, Divorce, Adoption, Maintenance and Property. The course also covers Torts and Contracts Laws. In addition the course also highlights the enforcement of Foreign Judgments and Arbitral Awards.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction - Scope of Private International Law - Theories of Private International Law - Conflict of Law or Private International Law - Codification of Private International Law - Hague Conventions - Distinction between Public International Law and Private International Law.

**UNIT - II**

**Jurisdiction**

Jurisdiction - Choice of Law - Domicile - Residence - Renvoi - Forum Convenience.

**UNIT - III**

**Judicial Attitude**

Cases involving Private International Law - Marriage - Divorce - Adoption - Guardianship and Maintenance.

**UNIT - IV**

Contract - Negotiable Instruments - E-contracts - Private International Law Relating to Corporations - Jurisdiction over Corporations - Insolvency Jurisdiction and effects of Foreign Insolvency Proceedings.

**UNIT - V**

**Enforcement**

Enforcement of Foreign Judgements and Decrees - Enforcement of Foreign Arbitral Awards - Evidence and Procedure - Stay of Proceeding - Proof of Foreign Laws.

**Statutory Material**

- Hague Convention

**Books Prescribed**

- V. C. Govindaraj - The Conflict of Law in India.
- ParasDiwan - Private International Law.
- Setalvad - Conflict of Laws.

**Books for Reference**

- Cheshire, North and Fawcett - Private International Law.



**INTERNATIONAL TRADE LAW**

**CHB8D**

**Objectives of the Course**

*In this 21st century, the concept of Liberalisation, Privatisation and Globalization (LPG) works beyond the trade barriers. This course helps to understand the dominant role of developed countries in exploiting the developing countries. It conglomerate the finer version of International Economic Law, in particular the notion of New International Economic Order, the object of economic integration with that of the pragmatic approaches of the International Trade Regime. As a matter of compliance of International Trade Practices, various bilateral and regional agreements exist in this scenario. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting International Trade in municipal spheres including Dispute Settlement Bodies. This subject provides basic inputs in International Trade Law.*

**COURSE OUTLINE**

**UNIT-I**

**Genesis of International Trade Law**

Origin and Development-Theories- UN Conventions-Unification of International Trade Law-International Commercial Contracts- International Sale of Goods- Foreign Direct Investments (FDI)- Transnational Companies - Electronic Business Transactions- Elements of International Taxation- Risk Analysis of International Trade.

**UNIT-II**

**International Economic Institutions**

Structure and Functions of International Economic Institutions-International Trade Organisation (ITO)-

Brettonwood Conference-VariouS Rounds of WTO-General Agreement on Tariff and Trade (GATT)-New International Economic Order (NIEO)-International Monetary Fund (IMF)-International Bank for Reconstruction and Development (IBRD)-International Investments.

**UNIT-III**

**World Trade Organisation (WTO)**

Structure and Functions of WTO-WTO and Covered Agreements-Subsidies-Dumping and Anti-dumping-General Agreements of Trade and Services (GATS)-Trade Related Intellectual Property Rights (TRIPS)-Trade Related Investment Measures (TRIMs) - Trade in Agriculture-Technical Barriers of Trade (TBT) United Nations Committee on Trade and Environment (UNCTE)-United Nations Committee on Trade and Development (UNCTAD)-Summits of the WTO.

**UNIT-IV**

**Bilateral and Regional Trade**

Regional Arrangements under the United Nations-Most Favoured nation (MFN) Clause-South Asian Association for Regional Cooperation (SAARC)-Association for South Eastern Asian Nations (ASEAN)-European Union (EU)-Organisation for Petroleum Exporting Countries (OPEC)-North American Free Trade Agreement (NAFTA)-South Asian Free Trade Agreement (SAFTA).

**UNIT-V**

**Settlement of Disputes in International Trade**

Methods of Dispute Settlement-Alternative Dispute Resolution (ADR) and International Trade-UNCITRAL - International Arbitration, Conciliation, Mediation and Litigation-Online Dispute Resolution-Dispute Settlement Body in WTO - Appellate Body (AB) -Consultation-Trade and Environment Controversies - Enforcement and Compliance.

### **Books Prescribed**

- Myneni- International Trade Law.
- Indira Carr ,Peter Stone -International Trade Law.
- Gupta. R. K -World Trade Organisation
- Autar Krishen Koul -Guide to the WTO and GATT
- Jayanta Bagachi- World Trade Organisation: An Indian Perspective

### **Books for Reference**

- C. Singhanian-Foreign Collaborations and Investments in India Law and Procedure.
- Correa, Carlos. M - IPRs the WTO and Developing Countries.
- Day, D. M. and Griffin, Bernardette- The Law of International Trade,
- Anupam Goyal-The WTO and International Environmental Law: Towards Conciliation
- Clive M Schmitthoff - Export Trade: The Law and Practice of International Trade.
- Petersmann, Ernst Ulrich -The GATT/WTO Dispute Settlement Systems: International Law, International Organisations and Dispute Settlement.



## **CYBER LAW AND FORENSICS**

### **CHB8E**

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

*After the advent of Internet, in all spheres of life, the regulatory framework analysis has become vital in the era of Digitalisation. The course helps in understanding the regulations relating to E-Contracts, E-Banking, Intellectual Property Issues, Cyber Crimes and E-Taxation. The course intends to analyse the need of Cyberspace Regulation both Jurisdictional and Jurisprudential Aspects of Cyberspace.*

#### **COURSE OUTLINE**

##### **UNIT- I**

##### **Introduction**

Cyber Space Introduction and UNCITRAL Model Law - Information Technology Act, 2000 with Recent Amendments - Jurisdictional Issues - Digital Signatures - Regulation of Certifying Authorities - Cyber Regulation Appellate Tribunal

##### **UNIT -II**

##### **Online Contracts**

Formation of Online Contracts - E-Banking Transactions - Online Payment Options - Online Advertising - Electronic and Digital Signature - Taxation Issues in Cyber Space- Indirect Tax-Tax Evasion- Double Tax- International Tax- Permanent Establishment - Protection of Trade Secrets and Deceptive Trade Practices.

##### **UNIT -III**

##### **Cyber Crimes**

Understanding Cyber Crimes – Actus Reus and Mens Rea - Types of Crimes in the Internet- Against Person, Against Property, Against Government - Digital Evidence -

Investigation and Adjudication of Cyber Crimes in India – Cyber Arbitration- Cyber Conflict Investigation.

#### UNIT- IV

##### IPR and Cyber Space

Copyright Issues in the Internet – Protection of Computer Software- Caching- International Regime –OSS- DMCA- DATA PROTECTION DIRECTIVE - Trademark Issues in the Internet – Domain Name- Registration- Domain Name Registration- Domain Name Dispute- ICANN- UDRP Policy- Linking- Framing- Met tagging - Database issues in the internet.

#### UNIT- V

##### Contemporary Issues

Convergence Technologies - Cloud Computing - Online Digital Libraries - Access to Internet: A Human Right Issue - Issue of Censorship - Privacy issues- National Security and Social Security.

##### Books Prescribed

- Nandan Kamath - Law Relating to Computer- Internet and E-Commerce.
- S.K. Verma & Raman Mital- Legal Dimensions of Cyber Space.
- Rahul Mahathan -The Law relating to Computer and Internet.
- Justice Yatindra Singh - Cyber Laws.

##### Books for Reference

- Edtu Chris Reed and Joh Angel -Computer Law
- Roger Leroy Miller & Gaylord A. Jentz.- Law for E-Commerce.



*B.Com.LL.B. (Hons.)*

*FOURTH YEAR - 8<sup>th</sup> SEMESTER*

### LEGISLATIVE DRAFTING - PROCESS AND PROCEDURES (OPTIONAL)

#### SYLLABUS (Subject Code: CHB8G)

**Forms of Legislative Instruments:** Bills, Acts, Orders, Rules, Schedules, Case laws of Constitutional Law.

**Principles:** As a tool of Power – Object to civil – criminal legislation, anticipated goals – Limitations of legislation as a tool for change in relation to religion, morality and tradition – Factors which influence decision of the legislator – correlation between public opinion and legislative formulation – some major problems and trends in legislative formulation in a modern welfare State.

**Ideals of Drafting:** Simplicity, Preciseness, Consistency, Alignment with Existing law, Brevity Select bibliography.

#### UNIT - II

**Process & Preparation:** General rules, words selection, syntax, style, punctuation- Reference of other related laws, and existing law-Relevancy with constitutional provisions- Required instructions for legislative drafting.

**Other requirements:** punctuation, Marginal notes, Provisions, illustrations, Presumptions, Use of non- obstante clauses, Retrospective effect, exceptions, Fictions, Explanations- Classification of statutes-Amending, consolidating and codifying statues-Subordinate Legislation.

#### UNIT - III

**Legislative Processes** –First Reading – Reference of Bills to Departmentally Related Standing Committees (DRSCs) – Second Reading – Bill before the Select/Joint Committee–

Clause-by-Clause consideration – Third Reading – Constitution Amendment Bills – Bill in the other House – Joint Sitting – Assent of the President – Private Member’s Bills- Committee System in the Indian Parliament – Types of Committees – Parliamentary Committees- Composition – Evolution and growth of the DRSC System – DRSCs – Parliamentary Privileges – Question of Privilege and Working of Committee of Privileges.

#### UNIT - IV

**Types of Questions-** Admissibility- Short Notice Questions- Half-an- Hour Discussion – Committee on Government Assurances – Procedural Devices for Raising Matters of Urgent Public Importance on the Floor of the Houses – Changing Roles of Parliament – Types of Motions – Short Duration Discussions – Private Members’ Resolution – Calling Attention – Matters under Rule 377 and Zero Hour.

#### UNIT - V

**Budgetary Process:** Contents of the Budget- General Discussion on the Budget- Vote on Account – Consideration of Demands for Grants by DRSCs- Cut Motions- Annual Reports of the Ministers – Outcome Budget- Guillotine – Supplementary Demands for Grants, Excess Grants, Token Grants, Votes of Credit and Exceptional Grants- Appropriation Bill- Finance Bill – Budget of a State under Presidents’ Rule.

#### References:

1. **The Constitution of India**, M.P. Jain
2. Indian law Institute, **The Drafting of Laws** (1980)
3. W. Friedman, **Law in a Changing Society** (1970)

4. Zander M., **The law Making Process**, Widenfeld & Icholson, England
5. Renton C’ Hee Report. **Preparation of Legislation**, Sweet & Max Well
6. J. Bentham, **Principles Of Legislation**
7. **Practice and Procedure of Parliament-** M. N Kaul& S. L. Shakhder
8. **People, Legislature, Law Making-** K.N. Baisya
9. **Legislative powers, Ideals and Reality-** P.M Bakshi
10. Allen, **Law in the making**, Sweet and Max Well
11. **Legislative Control over Govt. Expenditure-** B. P Singh
12. **Delegation of Legislative Powers-** Monica Chawla
13. **Administrative Law-** Dr.N.K.Jayakumar



**LAW OF INSURANCE**

**CHB9A**

**Objectives of the Course**

*The concept of Insurance has significantly developed in the present post privatization era. The study of insurance law has various dimensions. The concepts like Insurable Interest, Good Faith Criteria, and Remoteness of Cause have been very important in the area of Insurance Disputes. The IRDA, a new regulator has framed various significant rules for regulating the Insurance Sector.*

*The objective of the course is to provide the students*

- i. To know of the legal dimensions relating to formation and discharge of Insurance Contracts.*
- ii. To understand and appreciate the aspects of various Insurance Contracts.*
- iii. To learn the redressal mechanisms available pertaining to the Insurance Sector.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Insurance Meaning - Risk Management - Kinds of Risks - Insurable - Distinction between Insurance and Assurance- Parties of Insurance - Insurance and Contract Linkage - Extent of applicability of General Principles of Law of Contract viz., Offer, Acceptance, Capacity of Parties, Consideration, Consensus Ad-Idem and Lawful Object - Insurance and Wager - Performance of Insurance Contracts - Discharge of Insurance Contract- Necessity for applying Special Principles of Contract to Law of Insurance - Extent of Applicability- Special Principles: (a) Uberrimae fidae: (b) Indemnity (c) Subrogation, (d) Contribution (e) Proximate Cause - Cover Note and Slip.

**UNIT - II**

**Fire Insurance Contract**

Meaning of the term 'Fire' - Fire Policies - Perils Insured - Fire Claims - Scope of Applicability of Special Principles to Contract of Fire Insurance - Standard Fire Policy - 'Average' in Fire Insurance Contract.

**UNIT - III**

**Marine Insurance Contract**

Significance of Marine Insurance Contract - Maritime Perils - Subject Matter covered by Marine Policy - Kinds of Marine Policies- Scope of Applicability of Special Principles to Contract of Marine Insurance - Principle of 'Change of Voyage' and 'Deviation'- Total Loss- Partial Loss - General Average Sacrifice and Expenditure - Salvage - An overview of Marine Insurance Act, 1963 with special reference to Bill of Lading and Counter Party.

**UNIT - IV**

**Life Insurance Contract**

Introduction - Meaning of Life Insurance and its Significance - Kinds of Life Policies - Extent of Applicability of Special Principles to Life Insurance Contract - 'Suicide' Clause in a Life Policy - Assignment and Nomination - Constitution, Powers and Functions of L.I.C. under L.I.C. Act, 1956 - Ombudsman, IRDA.

**UNIT - V**

**Motor Vehicle Insurance**

Introduction - The Motor Vehicles Act, 1939 (As Amended in 1988) - Compulsory Third Party Insurance of Motor Vehicles - No-fault liability - Chapter VIII A of the Act - Motor Accident Claims Tribunals.

**Books Prescribed**

- Raoul Colinvarx- Law of Insurance
- M.N. Srinivasan- Law of Insurance
- Srinivasan and Murthy- Law of Insurance

**Books for Reference**

- Hardy Ivany - Law of Insurance



**LAW OF CRIMES – II  
(CODE OF CRIMINAL PROCEDURE)**

**(Including Juvenile Justice Care and Protection Act  
and Probation of Offenders Act)**

**CHB9B**

**Objectives of the Course**

*Criminal Law is intended to provide a mechanism for the enforcement of Criminal Justice Administration. Without proper Procedural Law, the Substantive Criminal law which defines Offences and provides Punishment would be almost worthless. Every threat does not deter. Without deterrent effect, the Criminal Law will have hardly any meaning or justification. Thus the Code of Criminal Procedure is meant to be complementary to Criminal Law and has been designated to ensure the process of its Administration.*

**COURSE OUTLINE**

**UNIT - I**

**Criminal Procedure Code-Types and Functionaries**

Aquisitorial, Inquisitorial - Brief history about the Code - Definition- Main functionaries of the Code- Powers of Superior Police Officers and Aid to the Magistrates and Police.

**UNIT - II**

**Pre-Trial Proceedings**

Stages of Investigation - Process compelling for the presence of the accused for Investigation and Trial - Arrest-Procedure for Arrest - Rights of Arrested Persons- Consequences of Non - Compliance of Arrest Procedures - Search and Seizure - Process of Investigation by Police - Investigation of Unnatural and Suspicious Death - Local Jurisdiction of the

Courts in Inquires and Trials - Cognizance of Offence and Commencement of Proceedings - Bail Procedures -Types of Bail - General Provision regarding Bond of Accused and Sureties.

**UNIT - III**

**Trial Procedure**

Principal features of Fair Trial - Charge - Common features of Trial - Disposal of Criminal Cases without Full Trial - Preliminary Plea to Bar Trial - Trial before a Court of Session - Trial of Warrant Cases by Magistrates - Trial Summons Cases and Summary Trial Special Rules of Evidence.

**UNIT - IV**

**Appeal Procedures**

Types of Appeals - Reference and Transfer of Criminal Cases - Execution, Suspension, Remission and Commutation of Sentences - Execution of Sentence -Death Penalty and Imprisonment - Execution of Sentence of Fine - Preventive and Precautionary Measures for Keeping Peace and Good Behaviour - Maintenance Procedures - Conditions for Claiming Maintenance - Cancellation of Maintenance - Muslim Women Protection of Rights on Divorce Act.

**UNIT - V**

**Juvenile Justice Care and Protection Act, 2000 and Probation of Offenders Act, 1958**

Introduction - Object - Definitions - Statutory Bodies for Juveniles under the Act - Reformative Institutions for Juveniles - Special Offences - Probation - Object and Meaning - Criminal Court and Probation - Duties of Probation Officers - Report of the Probation Officers- Conditions and Cancellation of Probation.



### Statutory Material

- Code of Criminal Procedure, 1973
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Probation of Offenders Act, 1958

### Books Prescribed

- Ratanlal - Code of Criminal Procedure
- Sarkar -Code of Criminal Procedure
- Kelkar R.V-Outlines of Criminal Procedure
- Basu - Code of Criminal Procedure
- Dr.Nandhal's -Code of Criminal Procedure
- P. Ramanatha Iyer -Code of Criminal Procedure

### Books for Reference

- Sohoni -Code of Criminal Procedure
- R.B. Sethi -Probation of Offenders Act
- Consuls -Probation of Offenders Act and Rules.
- M.K.Chakrabarathi - Probation System in the Administration of Criminal Justice
- Vedkumari - Treaties on the Juvenile Justice Act.
- S.K. Swasthi -Judgments of Juvenile Justice Act 1986.



## **CIVIL PROCEDURE CODE**

### **CHB9C**

### **Objectives of the Course**

*The course intends to understand the Legislative measures in Procedural. The course also helps in understanding the procedures to be followed by the Civil Courts from the institution of Suits till the Final Disposal. The course tries to understand the Computation of Limitation Period for the Institution of Suit, Appeal and Applications along with Exclusion.*

### **COURSE OUTLINE**

#### **UNIT - I**

##### **Introduction**

Definitions - Jurisdiction of Civil Court - Place of Suing - Institution of Suits - Presentation of Plaintiff - Parties to the Suit-Principles of Res Subjudice and Res Judicata.

#### **UNIT - II**

##### **Pleadings and Trial**

Plaint - Written Statement - Service of Summons - Appearance and Non-Appearance of Parties - Discovery, Inspection and Production of Documents - Admission - Production, Impounding and Returning of Documents-Transfer of Suits-Decree and Judgment -Remand-Restitution - Appeals: First Appeal, Second Appeal, Appeals from Orders and Appeals to Supreme Court - Reference - Review - Revision

#### **UNIT - III**

##### **Suits in Particular Cases**

Suits by and against Government and Public Officer - Suits by Indigent Person - Suits by or against Minors and Lunatics,

Aliens and Foreign Rulers, Soldiers, Corporation, Firms, Trustees, Executors and Administrators-Suits relating to Family Matters, Mortgages, Public Nuisance and Public Charities- Interpleader Suit-Summary Procedure.

#### **UNIT - IV**

##### **Execution**

General Principles- Courts by which Decree may be Executed- Payment under Decree- Application for Execution- Mode of Execution- Stay of Execution- Questions to be determined by Executing Court- Arrest and Detention- Attachment of Property Sale and Delivery of Property- Distribution of Assets.

#### **UNIT - V**

##### **Limitation Act**

Definitions - Limitation of Suits - Appeals - Computation of Period of Limitation - Acquisition of Ownership by Possession.

##### **Statutory Materials**

- Code of Civil Procedure- 1908
- Limitation Act- 1963

##### **Books Prescribed**

- C. K. Takwani - Civil Procedure Code
- Mulla -Code of Civil Procedure
- M. P. Jain - Code of Civil Procedure
- Pattabiraman -Code of Civil Procedure

##### **Books for Reference**

- Taxmann - Code of Civil Procedure
- M. P. Tandon - Code of Civil Procedure
- C. K. Takkar - Code of Civil Procedure
- P. Basu - Law of Limitation



**B.Com.LL.B. (Hons.)**

**FIFTH YEAR -9<sup>th</sup> SEMESTER**

## **LAND LAWS**

### **CHB9D**

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

*Land Laws of Tamil Nadu along with the Land Acquisition Act are an important subject to the Law students as the subject has its significance for practicing before the Court of Law. Since, today all the Civil Suits filed are based on Land Acquisition Act and Lease and Rent Control Act, students must know the Local Laws as well as the Central Enactment.*

#### **COURSE OUTLINE**

##### **UNIT-I**

##### **Historical Sketch of Land Reforms/Land Laws**

Concept of Land: Kinds, Ownership and Possession of Land- Land Reforms and Constitutional History: Eminent Domain- Right to Property under Articles 31A, 31B, 31 C of the Constitution- Article 300 A: Protection of Personal Property- Ninth Schedule- Early Revenue Administration in Tamil Nadu- Grants- Inams- Zamindari System: Permanent Settlement- Ryotwari: Rights And Liabilities Of Ryotwari Pattadar- *Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948*

##### **UNIT-II**

##### **Acquisition of Land**

*Land Acquisition Act, 1894 (Repealed)-Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act, 2013)- Need for new land acquisition law- Definitions: Affected Family, Land, Land Owner, Holding Of Land etc- Safeguards against indiscriminate land acquisition- Compensation- Rehabilitation and Resettlement- LARR Authority- Apportionment of Compensation- Payment of Compensation- Temporary Occupation of Land- Amendment Ordinance 2014-Time to time amendments.*

### UNIT-III

#### Enactments and Cultivating Tenants

*The Tamil Nadu Cultivating Tenants Protections Act, 1955:* Definition- Landlord not entitled to Evict the Tenant – Right to Restoration of Possession- Special provision for member of Armed Forces- Bar of Jurisdiction of Civil Courts- Revision by High Court- The TN Cultivating Tenants Special Provisions Act, 1968, 2007, 2008, 2010-The TN Cultivating Tenants Arrears of Rent Relief Act, 1972, 1980- Tamil Nadu Cultivating Tenants Protection from Eviction Act, 1983, 1989.

*The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956:* Definitions – Interpretations – Rights and Liabilities of Cultivating Tenants and Land Owner- Fair Rent- Alteration or Revision of Fair Rent- Kaiaeruvaramdar and Mattuvaramdar- Rent Court and Rent Tribunals- Exception- Powers of High Court.

*The Tamil Nadu Agricultural Land Record of Tenancy Right Act, 1969:* Definition- Preparation of Records of Tenancy Rights- Record Officer- Advisory Committee-Modification of Entries in the Draft and Approved Record of Tenancy Rights- Appeals – Revision- Penalty for failure to furnish information- Cognizance of Offence.

*The Tamil Nadu Occupants of Kudiyiruppu and Conferment of Ownership Act, 1971:* Definitions – Occupant- Conferment of Ownership- Alternative Site- Prohibition of Alienation- Authorized Officer- Compensation- Offences by Companies.

### UNIT-IV

#### Law and Land Ceiling

Tamil Nadu Land Reforms Fixation of Ceiling on Land Act, 1961 and Amended Act 1971: Preliminary- Definitions : Ceiling Area, Family, Stridhana Property, Standard Acre, etc- Fixation of Ceiling on Land Holdings- Land Board- Industrial Undertaking- Publication of Statement- Land Tribunal- Authorized Officer- Determination of Compensation- Exemptions- Special Appellate Tribunal – Courts- Penal Provisions.

### UNIT-V

#### Law - Buildings

Tenancy law:- The TN Buildings (lease and rent control) Act, 1960: Introduction- Definitions- Fixation of Fair Rent – Changes in Fair Rent – Agreed Rent – Procedures for avoid default in payment of rent – Grounds for eviction of tenant- Jurisdiction of the Rent Controller- Execution- Proceedings by Legal Representatives or against Legal Representatives – Appeal.

Tamil Nadu Apartment Ownership Act, 1994: Definition- Ownership, Heritability and Transferability of Apartment- Deeds of Apartment and its Registration- Societies or Association of Apartment Owners, its Bye-Laws and Functions.

#### Books Prescribed

- K.Venkata Rao- The Tamil Nadu Land Reforms Act
- V.N.Krishnamoorthy- The Tamil Nadu Buildings Lease and Rent Control Act, 1960
- Prof. A. Chandrasekar- Land Laws of Tamil Nadu

#### Books for Reference

- Beverley.H – Commentaries on the Land Acquisition Acts
- Maheswaraswamy – “Land Laws”
- Maheswaraswamy – Land Law under the Constitution of India
- V.G.Ramachandran – Law of land Acquisition and Compensation.



**MOOT COURT  
(Clinical Course - III)**

**CHB9E**

**COURSE OUTLINE**

**Moot Court Exercise and Internship**

This paper may have three components of 30 marks each and a viva for 10 marks.

**(A) Moot Court (30 marks)**

Every student may be required to do at least three Moot Courts in a year with 10 marks for each. The Moot Court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral Advocacy.

**(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks)**

Students may be required to attend two Trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-trial Preparations and Internship Diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the Suit/Petition. This will be recorded in the diary, which will carry 15 marks.

**(D) Viva Voce Examination**

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.



**ENVIRONMENTAL LAW  
(Including Animal Welfare Laws)**

**CHBXA**

**Objectives of the Course**

*The objectives of the course are to make Environmental Law familiar to the students by understanding all dimensions of the subject. The contribution of Constitution and Constitutional Courts by recognising the right to wholesome Environment as a Fundamental Human Right with the aid of Public Interest Litigation and Principles of Environmental Law are also explored. It is necessary to explore the Laws enacted by the Union and State Governments by incorporating the International commitment under the various Conventions and Declarations. The Policies and Strategies of the Governments towards Environmental protection are also focused.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction to Ecosystem - Environment and Environmental Law - Factors responsible for Environmental Pollution - Socio and Economic Impacts of Environmental Pollution - History of Environmental Protection in India - Constitutional Obligation on Environmental Protection- Civil Society and Environmental Management.

**UNIT - II**

**International Environmental Law**

Fundamental Principles of Environmental Law - Role of United Nations - Multilateral Environmental Agreements - Stockholm Declaration on Human Environment, 1972 - United Nations Environment Programme - Nairobi

Declaration, 1982 - Brundtland Report, 1987 - Rio Declaration on Environment and Development, 1992 - Agenda 21 - United Nations Commission on Sustainable Development - Climate Change Convention and Protocol - Convention on Biological Diversity - Johannesburg Summit on Sustainable Development 2002 - Rio plus 20

### **UNIT - III**

#### **Pollution Control Laws**

Water (Prevention and Control of Pollution) Act, 1974 - Air (Prevention and Control of Pollution) Act, 1981 - Environment (Protection) Act, 1981 - Power of Central Government to make Environmental Rules - Rules relating to Management of Hazardous, Plastic Waste, Bio-Medical Waste, E-Waste, Municipal Solid Wastes and Batteries - Noise Pollution Rules, 2002 & 2000 - Environmental Impact Assessment - Coastal Regulation Zone Notification - Disaster Management Act, 2005.

### **UNIT - IV**

#### **Resource Conservation and Animal Welfare Laws**

Indian Forest Act, 1927 - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Biological Diversity Act, 2002 - Prevention of Cruelty to Animals Act, 1960 - Chennai Metropolitan Area Groundwater Authority (Regulation) Act, 1987 - Rain Water Harvesting- Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 - Role of Local Bodies.

### **UNIT - V**

#### **Remedies for Environmental Pollution**

Common Law Remedies- Remedies under Law of Tort - Penal Remedies - Indian Penal Code and Code of Criminal Procedure - Remedies under Constitutional Law - Writs - Public Interest Litigation - Public Liability Insurance Act, 1991 - The National Green Tribunal Act, 2010.

### **Books Prescribed**

- P. Leelakrishnan- Environmental Law in India
- P. Leelakrishnan- Environmental Case Book
- S. Shanthakumar -Environmental Law - An Introduction
- Shyam Diwan and Armin Rosencranz- Environmental Law and Policy in India
- N. Maheswaraswamy- Law relating to Environmental Pollution and Protection
- Jaiswal- Environmental Law

### **Books for Reference**

- Alan Boyle and Patricia Bernie- International Law and Environment.
- Philippe Sands- Principles of International Environmental Law.
- Elli Louka- International Environmental Law.
- A Citizen's Report- Centre for Science and Environment, The State of India's Environment.
- R.N. Choudhry - Law of Forests in India.
- Encyclopedia of Environmental Pollution and its control.
- Saksena K.D- Environmental Planning, Policies and Programmes in India.



**LAW OF ELECTIONS**

**CHBXB**

**Objectives of the Course**

*The main objective of the course is to make the students to understand the Election and its Commission, Electoral Practices, Disputes and Corrupt Practices in Election. It helps the students to seek solutions to pressing problems under Democracy and Good Governance. It aims to create awareness among the students and develop their abilities to deal with the Electoral issues and take up professional practice in the field of Electoral Laws.*

**COURSE OUTLINE**

**UNIT-I**

**Democracy and Representation**

Evolution of Democracy and Election System- Types of Election- Direct and Indirect, General, Bye and Mid-Term Election - Types of Representation - General Principles of Election - Election of President and Vice-President - Qualification and Disqualification of Members of Parliament and State Legislature under the Constitution and Appropriate Legislations - Special Provisions for Scheduled Castes and Scheduled Tribes – Reservation for Scheduled Castes and Tribes – Women Reservation – Local Bodies Election.

**UNIT- II**

**Election Commission**

Composition, Powers and Functions of the Election Commission - General Electoral Roll - Preparation and its Revision - Supervisory Powers of the Election Commission - Process of Removal of Member and Chief Election Commissioner - Political Parties - Registration and

Recognition as National and State Parties - Symbols - Election Expenses - Auditing of Party Funds -Public Financing of Elections - State Election Commissions- Monitoring of Electoral Expenditure of the Political Parties.

**UNIT - III**

**Electors and Electoral Practices**

Universal Adult Suffrage - System of Voting - Right to Vote and Contest- Candidates and their Eligibility to Contest - Notification of Election - Constituencies and Delimitation and its Commission- Gerry Meanderings- Nomination, Scrutiny and Withdrawal of Candidature - Grounds for Rejection -Effect of Death- Election Campaign - Code of Conduct - Poll- Ballot Papers Including Postal Ballot and Electronic Voting Machine (EVM)- Hiring of Vehicles - Retuning, Presiding and Polling Officers - Elector's Identity Card -'None of the Above' (NOTA) and Declaration of Results - Voter Verified Paper Audit Trail (VVPAT) - Systematic Voters Education and Electoral Participation (SVEEP) - NRI Voting Options - Electoral Manifesto Guidelines – Freebies- Freedom of Expression - Right to Know - Media and Exit Poll.

**UNIT-IV**

**Electoral Disputes**

Defection - Election Petitions - Electoral Offences - Bribery, Undue Influence, Appeal on Grounds of Caste, Religion etc - Electoral Fraud and Other Crimes Against Electoral System- Corporate Funding of Political Parties and Roll of Black Money - Jurisdiction of Courts - Safeguard against Impersonation - Criminalization of Politics - Publication of False or Defamatory Statements.

**UNIT – V**

**Corrupt Practices**

Prevention of Corruption Act - Lok Ayuktha Act and Lok Pal Act- Electoral Reforms.

## Statutory Materials

- Constitution of India, 1950
- Representation of People Act, 1950 and 1951
- The Presidential and Vice-Presidential Elections Act, 1952
- The Conduct of Election Rules, 1961
- The Election Symbols (Reservation and Allotment) Order, 1968
- The Delimitation Act, 1972

## Books Prescribed

- S.K. Mendiratta - Are You Want to Know about Indian Elections
- R.N. Choudhry - Election Laws and Practices in India
- V.S. Rama Devi and S.K. Mendiratta - How India Votes, Election Laws, Practices and Procedures
- Justice T.S. Doabia - Law of Election Petitions
- Rajesh Kumar Thakur - Indian Electoral Law and Process: An Imperative for Good Governance
- K.C. Saha - Model Code of Conduct – Handbook Elections in India
- K.C. Saha - Election: Model Code of Conduct

## Books for Reference

- Rajni Kothari - Rethinking Democracy
- Manoranjan Mohanty - Theorizing India's Democracy, in Indian Democracy: Meanings and Practices.
- Atul Kohli - The Success of India's Democracy
- Sunil Khilnani - India's Democratic Career in Democracy
- Niraja Gopal Jayal - Democracy and the State, Welfare, Secularism and Development in Contemporary India
- Suhas Palshikar - Who's Democracy Are We Talking About, in Indian Democracy: Meanings and Practices.
- Ramesh Thakur - Government and Politics of India.
- Francine R Frankel - Contextual Democracy: Intersections of Society, Culture and Politics in India.



## LAW OF TAXATION

### CHBXC

### Objectives of the Course

*The course intends to understand the Taxing System in India. The Taxing System is helping the Governments for the proper implementation of various programmes and schemes for the welfare of the people. The course helps in understanding the various modes of Taxation like Direct Tax, Indirect Tax and types of Taxes like Income Tax, Property Tax, Wealth Tax, Service Tax, Sales Tax, Value Added Tax, etc.. This course benefits the students in understanding the importance of payment of Tax and extending the people support for the development of Nation as a whole.*

### COURSE OUTLINE

#### UNIT - I

##### General Introductory Aspects

Definition of 'Tax' - Distinction between 'Tax' and 'Fee' - Mutual relationship between Income Tax Act and Finance Act - Canons of Taxation - Kinds of Taxes ; Progressive, Proportion; Regressive and Digressive - Direct and Indirect Taxes - Applicability of Doctrines under the Constitution to Taxation Laws - Interpretation of Tax Laws.

#### UNIT - II

##### The Indian Income Tax Act, 1961

Preliminaries: Concepts; 'Income', 'Agricultural Income', 'Casual Income', 'Assesse Person' - Residential Status - Previous Year - Assessment Year - General Charging Section and Specific Charging Section - Income - Received - Arising - 'Accrual' - Scope and Total Income - Exempted Income; Tax Liability under 'Specific Heads': (i) Income from 'Salaries' (ii) Income from 'House Property' (iii) Income from 'Business or Profession' (iv) Income from 'Capital Gains' (v) Income from 'Other Sources'; Clubbing of Income: Income of other persons in Assessee's Total Income - Treatment of Losses - Set-Off

and Carry Forward of Losses- Procedure for Assessment- Deduction allowed in certain cases - Chapter VIA Deductions- Assessment of Special Class of Assesses.

### UNIT - III

#### The Wealth Tax Act

Definition of Person, Meaning of Wealth, Net Wealth- Exempted Wealth - Valuation Date - Procedure for Assessment.

### UNIT - IV

#### The Central Sales Tax

Meaning - Constitutional Validity of Central Sales Tax Act - Sales in the course of Inter-State Trade or Commerce - Sale in the course of Import Into and Export Out of the Territory of India - Sale Outside a State - Declared Good's - 'C' From - Customs Frontiers - Liability in Special Cases.

### UNIT - V

#### The Tamil Nadu General Sales Tax Act

Meaning - 'Dealer', Registered Dealer', 'Casual Dealer', Turnover', Total turnover', Taxable turnover - Sale and Works Contract - Single Point Tax V - Multipoint Tax - Value Added Tax - Procedure for Assessment - Kinds of Assessment - Hierarchy of Authorities-Advantages and Disadvantages of VAT.

#### Books Prescribed

- Girish Ahuja - Law & procedure : Professional Approaches to Direct Taxes
- Taxmann - Income Tax Act
- Gurumurthy - Sales Taxation in Tamil Nadu
- Dinager Pagre - Direct Taxes and Indirect Taxes
- Manoharan - Income Tax Act
- Dr. Bagawathi Prasad - Income Tax Law - Practice

#### Books for Reference

- Sukumar Battacharya - Income Tax Law - Practice
- N.A. Palkiwala - Income Tax



## CRIMINOLOGY AND PENOLOGY

### CHBXD

#### Objectives of the Course

*The course aims to provide understanding regarding the concept of scientific study of criminal behaviour of the person who tends to commit crime. There is an inter link between Criminology, Penology and Criminal Law. Basically Criminal Law provides definition and punishment for the crime. The Criminology reveals the reasons that constitute the crime either individually or socially. The penal sanctions depend upon the characteristics of the criminal and the ability to reform through punishments. Thus the course provides the students to understand the criminal behaviour and imposition of punishments scientifically.*

### COURSE OUTLINE

#### UNIT-I

##### Introduction

Meaning and Significance of Crime-Concept of Crime and basis of Criminalization- Definition of Crime -Criminology- Criminological Reminiscence: Global Scenario-Renaissance-Modern Age-Focus on the need for Criminological Study - Ingredients of Crime-Distinguish Crime from Non-Crime - Classification of Crimes -Development of Criminal Law- Sources of Crime Data-Crime Reporting-Uses of Crime Data-Schools of Criminology.

#### UNIT-II

##### Crime Causation

Individual Centric Causes -Societal Centric Causes- Theories on Crime Causation- Juvenile Delinquency- Legislation- Juvenile Justice (Care and Protection of Children) Act, 2000- Statutory Bodies and Procedure- Reformatory Institutions under the Act- Rehabilitation Process-Case Law.



### UNIT-III

#### Types of Crime

White-Collar Crime and Blue-Collar Crime: Implications of White Collar Crimes- White Collar Crimes in India-Santhanam Committee Report- Wanchoo Committee Report - 47th Law Commission Report- Detection and Investigation-Trial of White-Collar Crimes-Case Law.

Crime and Women: Dowry Prohibition (Amendment) Act, 1986 - Female Criminality-Crimes of Passion-New Legislation-Prostitution -Immoral Traffic Offender (Prevention) Act- Medical Termination of Pregnancy Act-Pre Conception and Pre Natal Diagnosis Techniques (Regulation) Act- Domestic Violence Act- Criminal Law Amendment Act,2013.

Terrorism: Definition- Nature of Terrorism-Causative Factors - Funds for Terrorism-Kinds of Terrorism-Terroristic Spectrum-Punishments and Measures for Coping with TADA-POTA-Criticism-Anti-Terrorist Measures-Communal Violence-Causes and Cures.

Marginal and Victimless Crimes: Social Deviance and Marginal Crimes-Kinds of Marginal Crimes -Victimless Crimes-Hidden victims-Drug and Crime-Depiction of Offences and Punishments-NDPS Act.

Modern Crimes and International Crimes: Computer Crime -Kinds of Computer Crimes - Definition of Computer Crime-Information Technology Act, 2000-Human Organ Crimes-International Crime-Environmental Crimes.

### UNIT-IV

#### The Police and Criminal Justice System

Police: Organizational Structure of Indian Police-Police Bureaucracy -Police Setup-Custodial Deaths-Modernization in Police-Crime Records Management - Traditional Vis-a-Vis Modern Crime Records Management - Police Community Relations-Thana Level Committee-Police Advisory Committees-Media and Police-Discipline and Lawlessness-Interpol.

Criminal Justice System: Objectives of Criminal Justice System- Rights of Accused and Arrested person-Plea Bargaining-Human Rights and Administration of Criminal Justice.

### UNIT-V

#### Correctional Institution and Crime Prevention

Probation and Parole: Origin -Salient features of Probation of Offenders Act, 1958 -Parole -Parole Regulations-Parole Recommendations.

Prison: Prison System in India- Problems of Prisoners-Organised Setup -Prison Discipline-Prison Labour-Prison Education-Open Prison-The Prison Community-Prison Reform in India-Dr. Wreckless Committee Report-International Perspective.

Crime Prevention: Theories of Punishment-Kinds of Punishment-Recidivism-Variou forms of Recidivist-Prevention of Crime and Delinquency.

#### Books Prescribed

- Ahamed Siddique-Criminology Problems and Perspectives
- Dr. M. Ponnian-Criminology and Penology
- Dr. Rajendra K. Sharma-Criminology and Penology
- Dr. Sirohi-Criminology
- Paranjape-Criminology

#### Books for Reference

- Bames and Teeters-New Horizons of Criminology
- Sutherland-Criminology
- Taft and England-Criminology
- Siegel-Criminology



**DRAFTING, PLEADING AND CONVEYANCING  
(Clinical Course - IV)**

**CHBXE**

**COURSE OUTLINE**

- A. Drafting:** General principles of Drafting and relevant substantive Rules shall be taught.
- B. Pleadings:**
- a. Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Articles 226 and 32 of the Constitution of India.
  - b. Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
  - c. Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
  - d. Drafting of Writ Petition and PIL Petition.

Instructions class and simulation exercises, preferably with assistance of practising lawyers/ retired judges will be provided for the students.

Apart from teaching the relevant provisions of law, the course may included not less than 15 practical exercises in Drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be allotted for Viva Voce.



**(ALL EVEN SEMESTERS)**

**Internship Goals and Objectives:**

Internship represents capstone of a budding Litigative Lawyer/Corporate Lawyer/Administrator/LPO'S (Legal Process Outsource) formal academic training and his/her smooth induction into the profession. The general mission and philosophy of the training programme, is designed in such a way to assist Interns in developing clinical knowledge, soft skills, communication skills, nuances of Drafting & Pleading skills, Presentation of Arguments before the Court of Law and also to learn the finer points of the administration.

- 1) To train the law students in the profession of advocacy and other corporate management skills to which they are opting;
- 2) To train the law students to broaden the scope of their services beyond those provided to litigants.
- 3) To train the law students to develop and to be guided by their professional identity.

The Internship must be undertaken in all the even semesters, i.e. 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> of the 5 year Integrated (Hons.) Degree Courses and 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> of the 3 year (Hons.) Degree Course, students have to undergo Internship programme compulsorily and earn 2 credits for each even semester in order to qualify for the degree programme and the same may not be taken into account to qualify for the Degree like other core subjects prescribed for the respective course of study.

The students who are undertaking the Twinning Programme under Choice Based Credit System in foreign Universities or in other Law Schools located in India during the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and during the

4<sup>th</sup> semester of the 3 year (Hons.) Degree Course they have to follow the prescribed curriculum of the concerned foreign University or in concerned National Law Schools of India and They need not undertake internship, separately and despite that automatically two credits will be awarded to them, if they submit the certificate of their course of study in other National Law Schools located in India or in other recognized Foreign Universities where English is the language of instruction.

Moreover, internship programme has overarching goals that guide the Interns with a duration of 30 hours in case of attending theory or tutorial classes/remedial classes/60 hours in the field work during the concerned semester period.

**Guidelines for calculation of credit for the Internship (2 Credits for Internship for every even semester):-**

Students are at liberty to under take the following internship at any time during the concerned academic year though the internship is prescribed only for the even semester of the said academic year.

Internship may be classified into (i.) attending theory oriented internship and (ii.) field work oriented internship. In the event of a student undertaking theory oriented internship he/she has to undergo 30 hours of work in that internship. In the field work oriented internship he/she has to undertake internship for 60 hours. A student has to be permitted to undertake the above two types of internship together in an academic year to accrue two credits for the even semester.

**The following are considered as the theory oriented internship:- (30 hours participation)**

- (i.) 1 credit = 15 periods of 60 minutes each - Participation in theory class beyond the class hours/remedial course classes/Computer Labs beyond the class hours /

proceedings of Courts/ proceedings of State Legislative /Tribunals / Commissions/ Seminars / Conferences/ Workshops/Moot Court competitions and any other function organized by the University / Departments of the University. If a student claims OD, Internship credit will not be given to him/her.

**The following are considered as the field work oriented internship:- (60 hours participation)**

- (ii.) 1 period = 120 minutes of field work, therefore (1 credit= 30 hours and for 2 credits = 60 hours) - Participation in special camp of NSS/Regular Activities of the NSS/Legal aid camp/YRC/Lok adalat/advocate chamber visits /Blood donation camp/Marathon/ rally.

- **Source of Internship for the 2<sup>nd</sup> & 4<sup>th</sup> Semester of the 5 year Integrated (Hons.) Degree Courses –** Participation in Special Camp of NSS; regular activities of the NSS, participation in functions organized by the University/Departments of the University; Seminars organized by other educational institutions/Courts & Tribunals/ proceedings of State Legislative /State Human Rights Commission/National Human Rights Commission/ Supreme Court Visit/Participation in Moot Court Competitions organized by other institutions/ Universities/High Courts/YRC; etc. On completion of 60/ 30 hours of the Internship the student has to submit Attendance Certificate from the Programme Officers in case of NSS/YRC and from the concerned Authorities who organized the programme. Further the student has to submit 20 pages of write-up pertaining to the nature of his/her Internship.
- **Sources of Internship for the 6<sup>th</sup> semester of the 5 year Integrated (Hons.) and 2<sup>nd</sup> Semester of the 3 year (Hons.) Degree Courses –** Undertaking Internship in any one of the Advocate's Chamber whose practice has exceeds more than 10 years in the Bar.

On completion of 60 hours of the Internship the student has to submit Attendance Certificate from the concerned Advocate and further the student has to submit 20 pages of write-up pertaining to what they learnt from the Advocate's Office in course of his/her Internship.

- **Sources of Internship for the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and 4<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Undertaking Internship in any one of the Advocate's Chamber whose practice exceeds been more than 10 years in the Bar and to visit the Courts to observe the trial proceedings specifically on petition/application matters. On completion of 60 hours of the Internship the student has to submit Attendance Certificate and they have to submit a write up relating to observation of the Court Proceedings (either Civil or Criminal Court Proceedings only in the sub-ordinate Courts) pertaining to what they learnt from the Advocate's Office in course of Internship.
- **Sources of Internship for the 10<sup>th</sup> semester of the 5 year Integrated (Hons.) and for the 6<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Observe the Appellate Tribunal Proceedings (State Human Rights Commission, National Human Rights Commission, IPR Appellate Tribunals, Tax Appellate Tribunals, proceedings of State Legislative ,Labour Court Proceedings/Hon'ble High Court Proceedings) under the guidance and direct supervision of an Advocate who has more than 10 years of practice in the Bar. On completion of 30 hours of the Internship the student has to submit Attendance Certificate from the concerned advocate and they have to submit a write up relating to observation of the Court Proceedings pertaining to the course of his/her Internship.





**THE TAMIL NADU  
Dr. AMBEDKAR LAW UNIVERSITY**



(State University Established by Act No. 43 of 1997)

M.G.R. Salai, Perungudi, Chennai - 600 113.

## **SYLLABUS**

**B.Com.LL.B. (Hons.)**

**DEGREE COURSE**

**2016 - 2017 BATCH**

**Compiled by**

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**B.Com.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.	
		Nature of the Course (Core or Foundational or Elective or Elective)	Code		L	P	C	Internal	External		
1st	1	Core	CHB1A	ENGLISH-I	Inter Disciplinary	5	5	5	30	70	1
	2	Core	CHB1B	PRINCIPLES OF ECONOMICS	Inter Disciplinary	5	5	5	30	70	8
	3	Core	CHB1C	PRINCIPLES OF MANAGEMENT AND HUMAN RESOURCE MANAGEMENT	Inter Disciplinary	5	5	5	30	70	11
	4	Core	CHB1D	LAW OF TORTS	Inter Disciplinary LAW	5	5	5	30	70	13
	5	Core	CHB1E	CONTRACTS-I	LAW	5	5	5	30	70	15
2nd	6	Core	CHB2A	BUSINESS ENGLISH	Inter Disciplinary	5	5	5	30	70	17
	7	Core	CHB2B	PRINCIPLES OF ACCOUNTING	Inter Disciplinary	5	5	5	30	70	19
	8	Core	CHB2C	SOCIOLOGY	Inter Disciplinary	5	5	5	30	70	21
	9	Core	CHB2D	LEGAL AND CONSTITUTIONAL HISTORY	Inter Disciplinary LAW	5	5	5	30	70	23
	10	Core	CHB2E	CONTRACTS -II	LAW	5	5	5	30	70	25
3rd	11	Core	CHB3A	POLITICAL SCIENCE	Inter Disciplinary	5	5	5	30	70	28
	12	Core	CHB3B	FINANCIAL MARKET AND MARKETING MANAGEMENT	Inter Disciplinary LAW	5	5	5	30	70	31
	13	Core	CHB3C	LAW OF CRIMES - I (IPC)	Inter Disciplinary LAW	5	5	5	30	70	33
	14	Core	CHB3D	FAMILY LAW - I	LAW	5	5	5	30	70	35
	15	Core	CHB3E	CONSTITUTIONAL LAW-I	LAW	5	5	5	30	70	38

**B.Com.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.	
		Nature of the Course (Core or Foundational or Elective or Elective)	Code		L	P	C	Internal	External		
4th	16	Core	CHB4A	MANAGERIAL ECONOMICS	Inter Disciplinary	5	5	5	30	70	42
	17	Core	CHB4B	COST AND MANAGEMENT ACCOUNTING	Inter Disciplinary LAW	5	5	5	30	70	44
	18	Core	CHB4C	JURISPRUDENCE	LAW	5	5	5	30	70	46
	19	Core	CHB4D	FAMILY LAW -II	LAW	5	5	5	30	70	48
	20	Core	CHB4E	CONSTITUTIONAL LAW-II	LAW	5	5	5	30	70	50
5th	21	Core	CHB4F	INTERNSHIP	INTERNSHIP	2	2	2	30	70	127
	22	Core	CHB5A	FINANCIAL MANAGEMENT	Inter Disciplinary	5	5	5	30	70	54
	23	Core	CHB5B	PRACTICAL AUDITING	Inter Disciplinary LAW	5	5	5	30	70	56
	24	Core	CHB5C	PUBLIC INTERNATIONAL LAW	LAW	5	5	5	30	70	58
	25	Core	CHB5D	COMPANY LAW	LAW	5	5	5	30	70	60
6th	26	Core	CHB5E	LEGAL METHODS	LAW	5	5	5	30	70	62
	27	Core	CHB6A	LAW OF EVIDENCE	LAW	5	5	5	30	70	64
	28	Core	CHB6B	LABOUR LAW - I	LAW	5	5	5	30	70	66
	29	Core	CHB6C	CUSTOMS AND EXCISE LAWS	LAW	5	5	5	30	70	69
	30	Core	CHB6D	ADMINISTRATIVE LAW	LAW	5	5	5	30	70	71
		Core	CHB6E	PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR-BENCH RELATIONS (CC-I)	LAW	4	1	5	100		75
		Core	CHB6F	INTERNSHIP	INTERNSHIP	2	2	2	30	70	127

**B.Com.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course	Course Name	Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.
					L	P	C	Internal	External	
7th	31	Core	PROPERTY LAW	LAW	5	5	5	30	70	76
	32	Elective	INTELLECTUAL PROPERTY LAW	LAW	5	5	5	30	70	78
	33	Core	LABOUR LAW-II	LAW	5	5	5	30	70	82
	34	Elective	BANKING LAW	LAW	5	5	5	30	70	85
	35	Core	ALTERNATE DISPUTE RESOLUTION MECHANISM (CC-II)	LAW	4	1	5	50		87
8th	36	Elective	COMPETITION LAW	LAW	5	5	5	30	70	88
	37	Elective	INTERPRETATION OF STATUTES	LAW	5	5	5	30	70	91
	38	Elective	PRIVATE INTERNATIONAL LAW	LAW	5	5	5	30	70	94
	39	Elective	INTERNATIONAL TRADE LAW	LAW	5	5	5	30	70	96
	40	Elective	CYBER LAW AND FORENSICS	LAW	5	5	5	30	70	99
9th	41	Optional	LEGISLATIVE DRAFTING PROCESS AND PROCEDURES	LAW	5	5	5	30	70	101
	42	Optional	INTERNSHIP	LAW	5	2	2			127
	43	Core	LAW OF INSURANCE	LAW	5	5	5	30	70	104
	44	Core	LAW OF CRIMES-II (CR. P.C.)	LAW	5	5	5	30	70	106
	45	Core	CIVIL PROCEDURE CODE	LAW	5	5	5	30	70	109
10th	46	Core	LAND LAWS	LAW	5	5	5	30	70	111
	47	Core	MOOT COURT (CC-III)	LAW	4	1	5	100		114
	48	Core	ENVIRONMENTAL LAW	LAW	5	5	5	30	70	115
	49	Core	LAW OF ELECTION	LAW	5	5	5	30	70	118
	50	Core	LAW OF TAXATION	LAW	5	5	5	30	70	121
11th	51	Elective	CRIMINOLOGY AND PENOLOGY	LAW	5	5	5	30	70	123
	52	Core	DRAFTING, PLEADING AND CONVEYANCING (CC-IV)	LAW	4	1	5	100		126
	53	Core	INTERNSHIP	LAW	4	2	2			127
	54	Total number of credits for the entire programme					260			
	55									

**B.Com.LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course	Course Name	Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.
					L	P	C	Internal	External	
10th	46	Core	ENVIRONMENTAL LAW	LAW	5	5	5	30	70	115
	47	Core	LAW OF ELECTION	LAW	5	5	5	30	70	118
	48	Core	LAW OF TAXATION	LAW	5	5	5	30	70	121
	49	Elective	CRIMINOLOGY AND PENOLOGY	LAW	5	5	5	30	70	123
	50	Core	DRAFTING, PLEADING AND CONVEYANCING (CC-IV)	LAW	4	1	5	100		126
11th	51	Core	INTERNSHIP	LAW	4	2	2			127
	52	Total number of credits for the entire programme					260			
	53									
	54									
	55									

**JURISPRUDENCE**

**CH31A**

**Objectives of the Course**

*Jurisprudence is the study of law, specifically legal philosophy and science. The subject has numerous branches that focus on a range of issues from whether or not law should exist to what penalties are appropriate for violations of the law. The concepts also refer to specific branches of law, such as environmental jurisprudence, medical jurisprudence, etc. The course gives a basic outline about the knowledge of law by describing various theories, schools, concepts and state practice for better administration.*

**COURSE OUTLINE**

**UNIT- I**

**Nature, Definition and Schools of Jurisprudence**

Nature and Definition of Jurisprudence-Analytical Positivism, Natural Law School, Historical School, Sociological School-Economic Interpretation of Law, Indian Jurisprudence-Concept of Dharma, PIL, Social Justice and Compensatory Jurisprudence.

**UNIT- II**

**Nature and Purpose of Law**

Nature and Definition of Law, Constitutional Law and International Law and their nature. Justice- Critical Studies- Feminist Jurisprudence and Art 142 of Constitution-Administration of Justice.

**UNIT-III**

**Sources of Law**

Legislation-Nature of Legislation-Supreme and Subordinate Legislation –Legislation and Sources, Codification and the Interpretation of Enacted Law- Precedents-The authority of Precedents-Circumstances destroying or weakening the



binding force of Precedent, The Hierarchy of Authority- Ratio Decidendi and Judicial Reasoning. Custom: Kinds of Custom, Conventional Custom, Local Custom, Custom And Prescription-The General Custom.

#### **UNIT-IV**

##### **Legal Concepts - I**

Legal Rights and Duties –Correlation of Right and Duty- Persons-Nature of Personality -Status of Unborn, Minor, Lunatic, Drunken and Dead Persons-Corporate Personality-Possession and Ownership.

#### **UNIT-V**

##### **Legal Concepts - II**

Title, Property, Liability, Obligation and the Procedure Law.

##### **Books Prescribed**

- *Salmond - Jurisprudence*
- *Paton-Jurisprudence*
- *Monica David - Jurisprudence*
- *G.C.V - Jurisprudence*

##### **Books for Reference**

- *H.L.A. Hart - Concept of law*
- *Dias - Jurisprudence*
- *Bodenheimer-Jurisprudence*



**LL.B. (Hons.)**

**FIRST YEAR – 1<sup>st</sup> SEMESTER**

## **CONTRACTS – I**

### **CH3IB**

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

*Contract law plays a pivotal role in the society as almost all exchanges between persons and Enterprises alike come within the ambit and are regulated by Law of Contracts. This is the basis of all commercial interactions and all legislations relating to trade and commerce. But for the existence of statutory provisions pertaining to Contract Law, many a private, voluntarily made agreements wouldn't be enforceable due to lack of legal force. Also, it is appropriate to state that Contract Law is quintessential to transactions relating to goods and services.*

#### **The following are the broad objectives of this course:**

- a) An understanding of the Legal dimensions of the law relating to the formation of contracts.*
- b) An insight into the legal provisions, which buttress the operative performance of contracts.*
- c) To comprehend & appreciate the significance of the various modes in which contracts may be discharged.*
- d) To familiarize with the redressal mechanisms available to the aggrieved parties.*

#### **COURSE OUTLINE**

##### **UNIT – I**

Basic Nature of Contract – Formation of Contract – Offer-Acceptance- Revocation- Lapse of Offers and Acceptance – Intention to Create Legal Relationship –Terms of Contract and Standard Form Contracts.

##### **UNIT – II**

Consideration – Past- Present- Future Considerations – Privity as to Consideration - Value and Adequacy of

Consideration- Rule in Pinnel's Case – Exceptions To Consideration – Capacity to Contract – Free Consent – Factors Which Vitiates Free Consent – Objects of a Contract – Unlawful and Illegal Objects or Considerations – Valid-Voidable- Void Agreements.

### **UNIT – III**

Performance of Contract – Privity of Contract – Tender of Performance - Time as Essence to Performance – Law Relating to Time- Place and Order of Performance – Performance of Reciprocal Promises- Contingent Contracts- Joint Promises – Appropriation of Payments.

### **UNIT – IV**

Discharge of Contracts by Impossibility of Performance – Discharge by Agreement-Novation- Rescission- Alteration – Discharge by Breach - Waiver – Accord and Satisfaction – Material Alteration – Damages-Types and Measures.

### **UNIT – V**

Quasi Contracts – Quantum Meruit – Specific Relief Act-1963-Recovery of Possession-Specific Performance of Contracts-Rectification- Cancellation of Instruments- Rescission-Declaratory Decrees-Injunctions.

### **Statutory Material**

- Indian Contract Act- 1872
- Specific Relief Act- 1963

### **Books Prescribed**

- Dr. Avatar Singh – Law of Contract and Specific Relief.
- Anson's Law of Contract.
- Venkatesh Iyer – Indian Contract Law
- M. Krishnan Nair – Indian Contract Law.

### **Books for Reference**

- Cheshire and Fifoot – Law of Contracts.
- Mulla – Indian Contract Act.
- Sarkar – Specific Relief Act.
- Basu – Specific Relief Act.
- Smith and Thomas – A Casebook on Contract.



LAW OF TORTS

CH3IC

**Objectives of the Course**

*In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses. Torts can be intentional torts, negligent torts, or strict liability torts. Employers must be aware that in many circumstances, their employees may create liability in tort. This chapter explains the different kind of torts, as well as available defences to tort claims.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles**

Nature and Scope- Definition- Distinction between Tort and Crime - Tort and Contract- Foundation of Tortious Liability - Elements of Torts - General Defences.

**UNIT- II**

**Liability for the Wrong Committed by other Person**

Vicarious Liability - Joint Tortfeasors- Capacity to Sue and be Sued - Remedies.

**UNIT- III**

**Specific Torts**

Negligence- Contributory Negligence- Nuisance- Remoteness of Damage- Nervous Shock.

**UNIT- IV**

**Torts against Human Being and Property**

Assault- Battery- Distress- Malicious Prosecution- Conspiracy- False Imprisonment- Defamation- -Trespass: To Land- To Goods- Passing Off.

**UNIT- V**

**No Fault Liability**

No Fault Liability - Strict Liability- Absolute Liability - Motor Vehicles Act- 1988.

**Book Prescribed**

- B. M. Gandhi -Law of Torts
- P. S. A. Pillai - The Law of Torts
- Ratanlal and Dhiraj Lal -The Law of Torts
- R. K. Bangia - Law of Torts including Motor Vehicles Act

**Books for Reference**

- Ramaswamy Iyer - Law of Tort
- Winfield - Law of Tort
- Salmond - Law of Tort



**LAW OF CRIMES – I  
(Indian Penal Code)**

**CH3ID**

**Objectives of the Course**

*It is fact that both Crime and Criminal are looked upon with greatest hatred by all the section of the people in the society. Whenever people organized themselves into group- there is a need for some sort of rules to regulate the behaviour of that member. The State has to impose certain penalties upon the wrong doer with the object of prescribing peace in the society at large. Crime and Law are so closely connected with each other that it is very difficult to understand one without knowing the other.*

**COURSE OUTLINE**

**UNIT-I**

**Nature and Scope of Criminal Law**

Definition-Essentials Elements-Strict Responsibility-Mens Rea-Intention and Negligence-Recklessness and Knowledge-Offences Without Conduct - Punishment : Objectives-Basis and Types-Theories of Punishment-Justification of Punishment - General Defences - Excusable Defences-Justifiable Defences-Private Defence - Joint and Constructive Liability-Abetment-Conspiracy-Attempt-Corporate Liability - Jurisdiction-Territorial-Extra Territorial-Personal and Admiralty.

**UNIT-II**

**General Offences**

Offences Against State - Offences Against Public Peace-Unlawful Assembly-Riot -Affray - Offences Against Election-Bribery-Personation-Offences Relating to Religion - Offences Against Public Justice- Administration of Justice-Giving and Fabricating the False Evidence-Disappearance of Evidence.

**UNIT-III**

**Offences against Human Body**

Culpable Homicide and Murder-Suicide-Causing Miscarriage-Hurt-Wrongful Restrain and Wrongful Confinement-Assault-Kidnapping and Abduction-Rape.

**UNIT-IV**

**Offences against Property**

Theft- Extortion- Robbery and Dacoity-Criminal Misappropriation of Property and Trust- Cheating- Mischief- Offences Relating to Documents.

**UNIT-V**

**Offences Relating to Marriage and Reputation**

Mock or Deceitful Marriage-Bigamy-Adultery-Cruelty by Husband or Relatives- Defamation-Intimidation-Attempt to Commit Offences-Thug.

**Statutory Material**

- The Indian Penal Code

**Books Prescribed**

- Kenny - Outlines of Criminal Law (Chapters relating to general principles)
- Ratan Lal - The Indian Penal Code
- M.K.D. Gour - Criminal Law
- Atchuthan Pillai - Criminal Law
- B.M. Gandhi - Indian Penal Code

**Books for Reference**

- Glanville William - Criminal Law
- Russel - Criminal Law
- Ejaz's - Law of Crimes
- Nigam - Law of Crimes (Volume I)
- Dr.H.S. Gour - Penal Law of India
- Raghavan V.V. - Law of Crimes



**FAMILY LAW - I**

**CH3IE**

**Objectives of the Course**

*The course helps in understanding the meaning and concepts that are involved in family system in their Personal Laws. The course also focuses the students to identify the various religious groups particularly Hindus, Muslims and Christians and the application of personal laws in their personal matters relating to Marriage, Matrimonial Reliefs, Adoption, Maintenance, Minority and Guardianship. The course also motivates the students to go through the Statutory Materials and Judgments passed in various matters.*

**COURSE OUTLINE**

**UNIT - I**

**Sources and Schools of Personal Laws**

Application of various Personal Laws - Traditional and Modern Sources of Hindu Law and Muslim Law - The Classical Schools of Hindu Law and Muslim Law - Origin of the Schools -Main Schools and Sub-Schools - Effect of Migration.

**UNIT -II**

**Law on Marriage**

Nature of Marriage - Various forms of marriage and requirements for a valid marriage on a comparative analysis - Void, voidable and valid marriage in different religious texts and statutes-

Laws and Issues on marriage under the Special Marriage Act - Unisex Marriage and question on living together - The demand of Dowry and the concept of Dower under the relevant Personal Laws - Ceremonies of marriage under various religious systems.

**UNIT - III**

**Law on Divorce and Maintenance**

Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage and Divorce - Various grounds and procedure on a comparative analysis - Court's jurisdiction and procedure for the issues raised on Marriage and Divorce - In Camera proceedings - Decree on Proceedings- Maintenance under Hindu, Muslim and Christian Laws - Permanent Alimony - Maintenance during pendency of the Suit - Maintenance under the Special Marriage Act- the Hindu Adoptions and Maintenance Act and the Code of Criminal Procedure- Structure, Procedure and Jurisdiction of Family Courts - The Family Courts Act.

**UNIT - IV**

**Law on Legitimacy of Children and Adoption**

Legitimacy of children born of Void and Voidable Marriages - Their Rights and Legal Issues -Adoption in different religious groups - Requisites, Conditions, Procedure of Adoption - Effect of Adoption - Inter-Country Adoption.

**UNIT - V**

**Law on Minority and Guardianship**

Guardian under the Hindu Minority and Guardianship Act, 1956 - Definition- Types of Guardians- Guardianship under Muslim Law - Procedure for appointment and their powers - Guardian under the Guardian and Wards Act, 1890.

**Statutory Materials:**

- The Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956
- The Hindu Minority and Guardianship Act, 1956
- The Special Marriage Act, 1954
- The Guardian and Wards Act, 1890
- The Dissolution of Muslim Marriage Act, 1939
- The Christian Marriage Act 1872
- Indian Divorce Act, 1869

- Indian Majority Act, 1875
- The Muslim Women (Protection of Rights on Divorce) Act, 1986
- The Family Courts Act, 1984
- The Dowry Prohibition Act, 1961
- The Hindu Widows' Remarriage Act 1856
- Prohibition of Child Marriage Act, 2006

#### **Books Prescribed**

- Mulla - Hindu Law
- N.R. Raghavachari - Hindu Law
- Dr. Paras Diwan - Family Law
- Mulla - Principles of Mohamedan Law
- Fyzee - Outlines of Mohamedan Law

#### **Books for Reference**

- Kusum - Family Law Lectures - Family Law - I
- Mayne - Hindu Law and Usage
- Mitra - Hindu Law



**LL.B. (Hons.)**

**FIRST YEAR – 1<sup>st</sup> SEMESTER**

### **LEGAL METHODS**

#### **CH3IF**

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

*The subject aims to impart the Fundamental aspects of Law. It further provides the basis for developing analytical skills. In par with the requirements of provisional competence, the course adopts to law learning methods. The beginners in Law will be adequately supplemented by tools of understanding on Statutes, Judgments and that of basic research. The course work in totality focuses on providing insights to the basics of legal system as such.*

#### **COURSE OUTLINE**

##### **UNIT- I**

##### **Introduction to Law and Legal System**

What Is Law? -Law in Relation to Concepts of Justice, Morality, State, Citizens, Society and the Globe -Theories of Law -Schools of thought on the Nature, Function, Sources and Role of Law - Law and Custom -Introduction to different Legal Systems of the World -Common Law System -Civil Law System -Role and Functions of the Legal Institutions in Such diverse systems - Global Administrative Law -Global Rule of Law.

##### **UNIT- II**

##### **Indian Legal System**

Overview of the Indian Legal System and Legal Institutions -Role of the Constitution -Process of Legislation -Delegated Legislation -Ordinances -Rules -Regulations -Orders- Notifications -Bye Laws -Customs Having the Force of Law -Constitutional Conventions- Access to Statutes and Bills - Techniques of Reading and Analyzing the Statutes, Rules and Regulations.

### UNIT- III

#### Judicial Process

Hierarchy of Courts -Judicial Review -Stare Decisis - Precedent -Law Declared by the Supreme Court -Complete Justice -Quasi Judicial Authorities -Technicalities and analysis of Judicial Decisions -General Principles of Statutory Interpretation -Comparative Judicial Process -Binding Nature of Foreign Decisions -Legal and Logical Reasoning.

### UNIT- IV

#### Legal Research

Concept of Research -Objectives -Types of Research -Social Science Research -Legal Research

### UNIT- V

#### Socio-Legal Research

Methodology -Identification of the Research Problem - Framing of Hypothesis –Research Questions -Data Collection -Legal Material, Statutes, Subordinate Legislation, Notifications, Policy Statements -Decisional Materials, Foreign Judgments, Legal Databases, Reports of Commissions and Committees -Statistical and Legal Analysis of Data-Interpretation and Implication of Data – Testing of Hypothesis -Report Writing -Limitations of Report Writing.

#### Books Prescribed

- Prof.Tushar Karti Saha- Legal Methods, Research and Systems.
- Kothari -Introduction to Research Methodology.
- S.K.Verma and Afzal Wani (Editors)- Legal Research and Methodology
- Prof.N.V.Paranjape - Jurisprudence

#### Books for Reference

- William J. Goode and Paul K. Hatt- Methods in Social Research
- Adam Podgorecki- Law and Society
- Oaul Oliver- Writing Your Thesis



### CONTRACTS - II

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)

#### CH32A

#### Objectives of the Course

*The subject of Special Contract is developing in all spheres after the impact of Liberalisation, Privatisation and Globalisation (LPG). Many contractual disputes have been reported in specific areas of contract based on the interpretation of the provisions of Contract Act and other related Laws. The growing demands make it imperative to study the various special natures of contractual dealings.*

#### COURSE OUTLINE

##### UNIT - I

#### Indemnity and Guarantee

Definition - English and Indian -Distinction between Indemnity and Guarantee-Rights of the Indemnity Holder-Rights of the Indemnifier-Implied Indemnity -Codification not exhaustive-Principles of Equity applicable-Definition - English and Indian Definitions-Essentials and nature of Guarantee-Distinction between Guarantee and Indemnity -Guarantee and Insurance- Elements of Consideration in a Contract of Guarantee-Nature and Quantum of Surety's Liability- Kinds of Guarantee -Suretyship arises on Contract and not on Notice-Position in English Law- Duty of Disclosure in Guarantee-Rights of Surety -Difference in English Law- Discharge of Surety.

##### UNIT - II

#### Bailment

Definition - Indian and English Definitions-Essentials of Bailment and classification of Bailment- Distinction between Bailment and Pledge-Deposit-Sale-Agency-Rights

and Duties of the Bailor and Bailee-Difference in English Law-Pledge-Definition-Rights of the Pawner and Pawnee-Pledge by Non-Pawners-Lien-kinds of Lien-Their nature and incidents - How lost.

### **UNIT - III**

#### **Sale of Goods**

Definition of Sale and Agreement to Sell - Distinction between Sale and Agreement to Sell - Contract of Work and Layout. Hire Purchase Agreement - Bailment - Exchange - Gift-Definition-Goods - Specific Goods-Future Goods-Mercantile Agent-Documents of Title of Goods-How is Sale made-Rules for Fixing Price and effect of goods getting Damaged or Perished in a Contract of Sale-Stipulation as to time and other stipulation-Conditions and Warranties - Effect of Breach - Ex-Post Facto Warranty -When condition is treated as Warranty-Implied conditions and Warranties in a Contract of Sale - Exemption clauses effect

Of Fundamental Breach-Rule as to Passing Off property-Sale by Non-Owners, Exception to *Nemo Dat Quod Non Habet*-Rules as to Delivery-Unpaid Vendor - His rights or Lien and stoppage in transit-Remedies available to seller and buyer-Auction Sale.

### **UNIT - IV**

#### **Agency**

Definition of Contract of Agency - Creation of Agency-kinds of Agency-Distinction between Agent and Servant and Independent Contractor-Who may be an Agent-Kinds of Agent - Authority of the different kinds of Agent - Authority of Agents - Ostensible and Emergency Authority -Delegation of Authority - Delegates Non Protest Delegare - Sub Agent -Substituted Agent-Essential of Ratification and its effect-Effect of Notice to Agent - Necessary conditions to bind Principal-Principal and Third Parties - The doctrine of Undisclosed Principal and Concealed Principal-Termination of Agency and when it becomes irrevocable.

### **UNIT - V**

#### **Partnership**

Definition of Partnership-Essential of Partnership-Joint Hindu- Partnership-Distinction between Partnership and Co-Ownership - Joint Hindu Family -Incorporation Companies - Contract of Service - Legal Notion and Mercantile Notion-Kinds of Partners and Duration of Partnership-Mutual Rights and Duties of Partners-Minor as a Partner - Difference in English Law-Rights of Legal Representative and Surviving Partners-Authority of Partners - Implied and Emergency-Liability of the Partners of the Acts of the Firm and for the Wrongful Acts of other Partner - Nature of Liability-Principle of Agency in Partnership-Partnership Property - Tests-Settlement of Accounts - Goodwill and its Disposal - Distribution of Assets-Retirement of Partners-Dissolution of Firm and Modes and Circumstances-Effect Of Non - Registration of Firm.

#### **Statutory Material**

- Indian Contract Act,1872
- Sale of Goods Act,1930
- Indian Partnership Act,1932

#### **Books Prescribed**

- Dr. Avatar Singh -The Law of Contracts
- Mulla - Sale of Goods Act
- Krishna Nair -Law of Contracts
- Anson -Law of Contracts

#### **Books for Reference**

- Cheshire & Fifoot - Law of Contracts.
- Mulla - Indian Contract Act.
- Sarkar - Specific Relief Act.
- Basu - Specific Relief Act.
- Smith & Thomas - A Casebook on Contract.





**CONSTITUTIONAL LAW -I  
(Constitutional Features and Principles)**

**CH32B**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. The course also outlines basis of the Constitution to enjoy and enforce the Fundamental Rights; Fundamental Duties; to appreciate the relationship between Part III and Part IV to promote good governance. Finally- the course influences ideas of Citizenship in the minds of the students at large.*

**COURSE OUTLINE**

**UNIT-I**

**Classification of Constitution and Governments**

Definition and meaning of Constitution- kinds of Constitution- Meaning of Constitutionalism-Features of Indian Constitution.

Convention - Significance- Parliamentary Supremacy- Theory of Separation of Powers -Latimer House Principle - Doctrine of Checks and Balances- Doctrine of Judicial Review -Significance.

State -Federal- Quasi-Federal- Co-operative Federalism - Essentials of Federalism - Panchayat Raj System - 73rd and 74th Amendment - Constitution -Written and Unwritten- Rigid and Flexible - Executive -Parliamentary- Presidential -Combination of Both Judiciary-Rule of Law.

**UNIT- II**

**Preamble, Union and its Territories and Citizenship**

Preamble: Meaning- Scope- Importance- Objectives and Values - Union and its Territories (Art 1-4) - Citizenship: (Art 5-11) -Citizenship at the commencement of the Constitution -

Deprivation and the renunciation of the Citizenship - Parliament power to regulate -Citizenship Act.

**UNIT- III**

**State, Laws and Amendment**

State: Definition and meaning- Article 12- New Judicial trends on concept of State -Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws- Various Doctrines like Eclipse- Severability and Ultravires- Judicial Review and Article 13.

Amendment: Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of Constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon Constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule.

**UNIT- IV**

**Fundamental Rights**

Right to Equality: General Equality Clause under Article 14- Judicial Interpretation on Equality -Reasonable Classification. Protective Discrimination Clause- Reservation and Social Justice under Articles 15 and 16- Equality and Reservation- Equality of opportunity in public employment -Art 16- Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression - Art 19- Scope and Ambit- Art 19(1) (a) and (2); Balance between individual interest and collective interest- Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)-

Judicial interpretation on Right to Strike and Bundh - Right to Information.

Rights of the Accused: Article 20 - Rights of the arrested person- Ex-post Facto – Double Jeopardy -Self incrimination- Art 21 - Right to Life and Personal Liberty-Meaning and Scope- Procedure established by law- Judicial Interpretation on Life and Liberty-Applicability of concept of reasonableness. Article 22 -Preventive Detention- Right against Preventive Detention- Exceptions- Safeguards against Preventive Detention.

Freedom of Religion: Articles 25-28- Secularism- Judicial Interpretation- Restrictions on Freedom of religion.

Cultural and Educational Rights: Articles 29-30- Protection for Minorities- Recent trends on Minority Educational Institutions.

Right to Constitutional Remedies: Article 32 and 226- Writ Jurisdiction -Definition- Nature- Scope and functions- Compensatory Jurisprudence- Various Writs -*Habeas Corpus- Mandamus- Quo-Warranto- Prohibition* and *Certiorari*.

## UNIT- V

### Directive Principles of State Policy and Fundamental Duties

Directive Principles- Directions for Social Change- A new Social Order - Fundamental Rights and Directive Principles - Inter-Relationship - Judicial Balancing - Constitutional Amendments -To Strengthen Directive Principles - Reading Directive Principles into Fundamental Rights- Judicial Approach.

Fundamental Duties: The need and status in Constitutional set up- Interrelationship with Fundamental Rights and Directive Principles- Enforcement of Fundamental Duties.

## Books Prescribed

- Dr. V. N. Shukla -Constitution of India
- M. P. Jain- Indian Constitutional Law- Relevant Volume

## Books for Reference

- D.D.Basu - Shorter Constitution of India
- M.P.Singh(ed.)- V.N.Shukla - Constitutional Law of India
- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai - Constitution of India
- G. Austin - Indian Constitution: Corner stone of a Nation (1972).
- M. Galanter- Competing Equalities - Law and the Backward Classes in India
- B. Sivaramayya - Inequalities and the Law.
- S.C.Kashyap - Human Rights and Parliament.
- N.A.Subramaniam -Case law on the Indian Constitution
- T. K. Tope -Constitutional Law
- S. Shiva Rao- Framing of Indian Constitution
- D.J. De -The Constitution of India Vol. I and II.
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)



**PROPERTY LAW**

**CH32C**

**Objectives of the Course**

*The course intends to explain the transfer of immovable property between living persons. The course also covers various general principles of transfer and doctrines for specific transfer. The Easement Act explains various modes of acquisition of easementary rights and extinguishes the same.*

**COURSE OUTLINE**

**UNIT- I**

**General Principles of Transfer**

Concept of Property – Definition of Transfer of Property- Kinds of Interest- Conditional Transfer- Doctrine of Election- Ostensible Owner- Feeding the Grant- Improvement made by Bonafide Purchaser- Lis Pendens- Fraudulent Transfer- Doctrine of Part Performance and other general principles of transfer.

**UNIT – II**

**Specific Transfers – Transfer of Absolute Interest**

- A. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- B. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- C. Exchange

**UNIT – III**

**Transfer of Limited Interest – Specific Transfer**

- A. Mortgage : Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.

B. Charge

C. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.

D. Actionable claim

**UNIT – IV**

**Indian Easement Act**

Definition-Acquisition of Easement- Easement of Necessity and Quasi Easements- Easement by Prescription- Extinction- Suspension and Revival of Easements and License.

**UNIT – V**

Indian Registration Act and Stamp Act.

**Books Prescribed**

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- Shah-Principles of Transfer

**Books for Reference**

- W.Friedmann- Law in a changing society
- G.C.V. Subba Rao-Law of Property
- Mulla-Transfer of Property
- Mitra B.B.-Transfer of Property
- Goyle-Transfer of Property
- C.L.Gupta- Law of Transfer of Property
- Khatiar-Law of Easements



FAMILY LAW - II

CH32D

**Objectives of the Course**

*The main objective of introducing this subject is to make the students to indentify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to uncodified Hindu Law, the matters relating to Joint Family System, Coparcenary, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related Laws. Under Muslim Law the matters relating to Wakfs, Wills, Gifts and Pre- Emption are given in separate chapters in addition to the Sunni and Shia Law of Inheritance. With reference to Christian Law, a Part of the Indian Succession Act, 1925 relating to Law of Wills and the Christian Law of Inheritance are given in separate chapters.*

**COURSE OUTLINE**

**UNIT-I**

**Joint Hindu Family**

Institution of Joint Family-Coparcenary System-Classification of Properties-Karta -Status, Powers and Duties-Principle of Survivorship and Succession-Partition.

**UNIT-II**

**Intestate Succession**

General Principles of Succession under Hindu Law, Muslim Law and Christian Law-Statutory conditions of Disinheritance and Disentitlement-Comparative analysis of right to property of women under different Religious and Statutory Law- Dwelling House and Right of Pre-Emption.

**UNIT-III**

**Testamentary Succession**

Testamentary Succession under Hindu, Muslim and Christian Law-Limitation to Testamentation under various Religious and Statutory Law-Will and Administration of Will- Codicil - Lapse, Abatement and Ademption of Legacies-Probate, Letters of Administration and Succession Certificate.

**UNIT-IV**

**Gift under Islamic Law**

Hiba-Nature and Characteristics of Hiba-Subject matter of Hiba-Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz-Revocation of Gift.

**UNIT-V**

**Religious Endowments and Wakf**

Hindu Religious Endowments-Wakf: Meaning-Formalities of Creation –Types and Administration of Wakf-Mutawalli and his powers-Muslim religious Institutions and Offices.

**Statutory Material**

- The Hindu Succession Act, 1956 with recent amendments
- Indian Succession Act, 1925
- The Hindu Women’s Right to Property Act, 1937
- The Wakf Acts.

**Books Prescribed**

- Dr. Paras Diwan - Family Law
- Prof. G.C.V. subba Rao - Family Law in India
- Paruck - Indian Succession Act
- R. Swaroop - Hindu Law of Succession
- Poonam pradhan Saxena - Family Law Lectures

**Books for Reference**

- Mulla-Principles of Hindu Law
- N.R. Raghavachari - Hindu Law
- D.H. Chaudhari - The Hindu Succession Act, 1956
- Fyzee - Outlines of Mohamedan Law



LABOUR LAW - I

CH32E

**Objectives of the Course**

*Today a Country's development is determined by their development in the industrial field as industry plays an integral role in building the economic structure of the society. Industrial relations play a vital role in the establishment and maintenance of industrial peace and harmony. A quest for industrial harmony is indispensable for economic progress of the country because healthy industrial relations cannot be regarded as a matter in which only the employers and employees are concerned, but vital concern of the community as whole. This could be possible with the cooperation of Labour and Capital. The Prevention of Industrial Dispute thus assumes an important role in National Policy and therefore a number of Legislations have been passed to regulate the relationship between Labour and Management, and their organisation. The workers are ignorant, less organised and less privileged members of the society and they have been exploited by the capitalists. Hence, to prevent exploitation of the weaker section of the society by the employers, it is necessary to regulate the payment of wages and to fix minimum wages in order to secure social justice in the field of industrial relations. The syllabus has been prepared with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Evolution of Labour Legislations**

Origin and Development of Labour Legislation - Object and Nature of Labour Legislation - Evolution of concept of Master and Servant Relationship - Theory of Laissez Faire and State Regulation of Labour Legislation and its Special Features - Role of International Labour Organization in Setting Labour Standards.

**UNIT -II**

**Trade Union Act, 1926**

Definitions - History of Trade Union Movement - Registration of Trade Unions - Rights and Liabilities of Trade Unions - Immunities and Privileges of a Registered Trade Union - Trade Union Funds - Collective Bargaining - Amalgamation and Dissolution of Trade Unions - Recognition of Trade Unions.

**UNIT -III**

**Industrial Disputes Act, 1947**

Scope, Applicability and Definitions - Appropriate Government; Workmen; Industry; Industrial Disputes; Award; Settlement; Public Utility Service; Strike; Lock Out; Retrenchment; Lay Off; Closure - Machinery for the Settlement of Industrial Disputes - Works Committees, Conciliation Officers - Board of Conciliation, Court of Inquiry - Labour Court, Industrial Tribunal - National Industrial Tribunal - Reference Power of The Government - Voluntary Arbitration - Unfair Labour Practices.

**UNIT - IV**

**Industrial Employment (Standing Orders) Act, 1946**

Scope and Definitions - Procedure for Certification of Standing Orders - Duration and Modification of Certified Standing Orders - Domestic Enquiry and Disciplinary Proceedings.

**UNIT -V**

**Law Relating to Wages**

Minimum Wages Act, 1948: Theories of Wages and Wage Policy - Concept of Wages - Living Wage, Fair Wage and Minimum Wage - Fixation of Minimum Rates of Wages - Methodology; Procedure; Advisory Boards - Inspectors, Powers, Claims - Exceptions and Offences.

Payment of Wages Act, 1936: Definitions - Deductions - Authorities under the Act - Inspectors and their powers - Penalty.

**Statutory Materials**

- Industrial Disputes Act, 1947.
- Trade Union Act, 1926
- Industrial Employment (Standing Orders) Act, 1946
- Minimum Wages Act, 1948.
- Payment of Wages Act, 1936.

**Books Prescribed**

- Madhavan Pillai- Labour and Industrial Law
- S.N. Mishra- Labour and Industrial Law
- V.G.Goswami - Labour Law

**Books for Reference**

- O.P. Malhotra- Industrial Disputes Act
- K.D.Srivastava- Law Relating to Trade Union
- K.D.Srivastava -Industrial Employment (Standing Orders) Act
- K.D. Srivastava- Payment of Wages Act, 1936
- K.D. Srivastava- Payment of Minimum Wages Act,1948



**PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS (Clinical Course - I)**

**CH32F**

**COURSE OUTLINE**

Professional Ethics, Accountancy for Lawyers and Bar - Bench Relations

This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer’s Book on “Advocacy”
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major Judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

Examination rules of the University shall include assessment through Case-Study, Viva, and Periodical Problem Solution besides the Written Tests.

Project on Professional Ethics (Written Submission)	:	25 marks
Case study (BCI, HC and SC Judgments)	:	25 marks
Test (Internal)	:	25 marks
Viva-Voce on Project and Case Study	:	25 marks
Total	:	100 marks



**CONSTITUTIONAL LAW- II  
(Constitutional Structure and Centre - State Relations)**

**CH33A**

**Objectives of the Course**

*The course enables the students to understand and appreciate the importance of Constitutional Law as a Fundamental Law of the Country. To identify the Powers, Functions and Duties to be performed by various Constitutional Functionaries; to appreciate the Doctrine of Separation of Power between Executive and Judiciary and the Independence of Judiciary. The course also help in understanding the Centre-State Relationship in Federal Polity including the role of Constitutional Functionaries like UPSC, CAG, CEC and others. The course also leads to understand the nature and consequences of amendments to the Constitutional law and the relevance of Basic Structure for the purpose of promoting Good Governance in India.*

**COURSE OUTLINE**

**UNIT -I**

**The Union and State Executive**

The Union Executive - The President - Election, Term of Office, Powers and functions, Impeachment - Immunities - Pardoning Power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor - Appointment, Powers and functions - Immunities - Pardoning power - Removal of Governor- Doctrine of Pleasure - State Council of Ministers.

**UNIT - II**

**Legislature and Judiciary**

Composition of Parliament and State Legislatures -Office of the Speaker-Qualification/Disqualification of Members - Legislative Procedures, Legislative Privileges -Judicial Interpretations - Anti Defection Law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) - Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court - Civil, Criminal and in other matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation - Compensatory Jurisprudence - Independence of Judiciary - Tribunals.

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

**UNIT - III**

**Centre - State: Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce**

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject matter of Laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance - Doctrine of Occupied Field- Colourable Legislation - Parliament's Power to Legislate in State List - Implied and Residuary Power - Doctrine of Repugnancy-Administrative Relations - Full Faith and Credit Clause - Centre and Inter-State Conflict Management.

Fiscal Relations - Sharing of Tax - Grants-in-Aid - Restriction on the power of State Legislatures - Doctrine of Immunity of Instrumentality - Borrowing Powers - Constitutional Limitations.

Freedom of Trade, Commerce and Intercourse (Art. 301-307) - Meaning of Freedom of Trade, Commerce and Intercourse - Power of Parliament - Restrictions - Goods and Service Tax (GST) Impact of Globalization.

## UNIT - IV

### Emergency Provisions

Emergency Provisions- National Emergency - Duty of the Union to protect the States against External Aggression and Internal Disturbance - Power of Union Executive to issue directions and the effect of non- compliance.

State Emergency - Imposition of President's Rule in States - Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)

Financial Emergency (Article 360)-Emergency and Suspension of Fundamental Rights.

## UNIT - V

### Other Constitutional Functionaries

Organisation- Powers and Functions of Election Commission of India- Union Public Service Commission- State Public Commission- Comptroller and Auditor General- Attorney General & Advocate General- Constitutional Safeguards for Civil Servants Art 311 - Protection against Arbitrary Dismissal- Removal or Reduction in Rank - Exceptions to Art 311 - Role of Finance Commission - Planning Commission - Inter- State Council - National Development Council - Local Self Government (Panchayat Raj)

### Books Prescribed

- M. P. Jain- Indian Constitutional Law - Relevant Volumes
- Dr. V. N. Shukla - Constitution of India

### Books for Reference

- D.D.Basu- Shorter Constitution of India.
- Virendra Grover- Centre - State Relations.
- M.P.Singh(ed.)- V.N.Shukla- Constitutional Law of India

- Granville Austin- Working a Democratic Constitution - A History of the Indian Experience (1999)
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- M.V.V. Ramana- Inter-State River Water Disputes in India
- Anirudh Prasad-Centre-State Relations in India
- Reports of the Sarkaria- M.M.Punchi-Santhanam Commission on Centre-State Relations
- H.M.Seervai- Constitution of India- Vol.1-3(1992)
- Palanithurai -G. Dynamics of New Panchayati Raj Systems in India Vol. I & II
- D. N. Banerjee -Some aspects of the Indian Constitution
- G. Austin- Indian Constitution: Corner stone of a Nation (1972).
- S.C.Kashyap- Parliamentary Procedure Law Privilege, Practice & Precedents
- N.A.Subramaniam - Case law on the Indian Constitution
- T. K. Tope - Constitutional Law
- D.J. De - The Constitution of India Vol. I and II
- Administrative Reforms Committee Vol I and II
- Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)





LABOUR LAW - II

CH33B

**Objectives of the Course**

*The concept of Social Security is based on ideals of human dignity and social justice. The quest for social security and freedom from want and distress has been the consistent urge of man through the ages. The mutual conflict between the employer and employees over the adequacy of their respective shares in social produce constitutes a serious menace in the society. Work can be never be important than the worker because no industry can flourish unless the wage earner who is a partner in the production should be given due status by offering him reasonable working conditions and due share in production. This means social justice and social security has to be restored to the Labour because a contented worker would produce better yields and would increase his efficiency. Therefore, social security is a necessary phenomenon of a welfare state as it is one of the most progressive and dynamic instruments for achieving Socio - Economic Progress. This course shall examine the various dimensions of Labour Security measures and explore the possibility whether or not Labour Security is part of the comprehensive and integrated social security. The syllabus has been prescribed with these objectives.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction: Social Security and Labour Welfare**

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution - ILO on Social Security.

**UNIT - II**

**Social Security: Industrial Injuries**

The Employees' Compensation Act, 1923: Scope, Objects, Coverage and Definitions- Liability of the Employer to Pay

Compensation - Personal Injury, Accident arising out of and in the Course of Employment, Doctrine of Notional Extension and Occupational Diseases - Determination and Distribution of Compensation - Principal Employer's Right of Indemnity - Commissioner's Powers and Functions.

**UNIT - III**

**Social Security: Social Insurance**

The Employee's State Insurance Act, 1948: Objects, Applications and 'Seasonal Factory' - Definitions - E.S.I. Corporation - E.S.I. Funds, Payment of Contributions - E.S.I. Benefits - Adjudication of Disputes - E.S.I. Court - Penalties.

**UNIT - IV**

**Other Social Security Legislations**

The Maternity Benefits Act, 1961: Object and Application - Eligibility and Maternity Benefits - Notice of Claim Prohibition against Dismissal, Wage Deduction - Powers and Duties of Inspectors.

The Employee's Provident Funds and Miscellaneous Provisions Act, 1952: Scope, Coverage, Application and Definitions - Authorities, their Powers and Functions Contributions - Employees Provident Fund Scheme, Employees' Pension Scheme and Deposit Linked Insurance Scheme -Penalties.

The Payment of Bonus Act, 1965: Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and Extent of Bonus - Calculation of Bonus - Available Surplus, Allocable Surplus, Set On Set Off - Forfeiture of Bonus - Prior Charges - Machinery.

Payment of Gratuity Act, 1972: Background, Object and Definitions - Eligibility for Payment of Gratuity - Forfeiture, Exemption, Determination - Controlling Authority - Penalties.

## UNIT - V

### Labour Welfare Legislations

Factories Act, 1948: Background and Definitions - Formalities to start a Factory - Health, Safety and Welfare Measures - Working Hours - Employment of Young Persons - Annual Leave with Wages - Special Provisions.

The Tamil Nadu Shops and Establishment Act, 1947: Applicability and Person covered by this Act, - Opening and Closing Hours - Employment of Young Persons - Working Hours, Public Holiday, Safety, and Cleanliness - Leave and Annual Leave with Wages.

### Books Prescribed

- S.N.Mishra-Labour and Industrial Law
- V.G.Goswami -Labour Law
- Madhavan Pillai -Labour and Industrial Law
- S.C.Srivastava- Social Security and Labour Laws

### Books for Reference

- K. D. Srivastava- The Employees' Compensation Act, 1923
- K.D. Srivastava- The Employees' State Insurance Act, 1948
- K. D. Srivastava- The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
- K. D. Srivastava- The Payment of Bonus Act, 1965
- K. D. Srivastava- Payment of Gratuity, 1972
- K. D. Srivastava- Factories Act, 1948



LL.B. (Hons.)

SECOND YEAR - 3<sup>rd</sup> SEMESTER

## PUBLIC INTERNATIONAL LAW

### CH33C

### Objectives of the Course

*Public International Law is a Law that regulates the relation between States. The syllabus is designed in such a way to facilitate the students to understand the nature and scope of International Law and its increasing importance in the present day International Relations. International Law has a concern towards several issues starting from State Sovereignty to Human Rights. From earth to satellite mankind requires to be regulated for which International Law plays a vital role thereby the International Community lives in peace.*

### COURSE OUTLINE

#### UNIT -I

International Law -Definition, Basis and Nature - Codification -International Law Commission- Sources of International Law -Relationship between International Law and Municipal Law -Theories and State Practice.

#### UNIT -II

State and Individual as a subject -Rights and Duties / Responsibilities -State Recognition -Theories -Kinds and Legal Effects -Nationality -Acquisition and Loss related issues -Extradition- Asylum - Territorial Sovereignty -Modes of Acquisition and Loss of Territory -State Jurisdiction -State Succession and liability.

#### UNIT -III

Law of the Sea - Air and Space Law; Diplomatic Law -Agents Consular's, Immunities and Privileges -Refugee Law

#### UNIT -IV

Concept - Definition of International Treaties -Formation of Treaties and its stages -Reservation, Observance of Treaties, Interpretation of Treaties -Suspension and Termination of Treaties.

#### UNIT -V

Origin, Nature & Scope of International Organisations - League of Nations, United Nations and its Organs - International Tribunals.

#### Books Prescribed

- Starke -International Law
- S.K. Kapoor -International Law
- K.K. Bhattachary -International Law
- Agarwal -International Law
- Malcom N. Shah -An Introduction to International Law

#### Books for Reference

- Oppenheim -International Law
- Brierly - International Law
- Schwarzenberger - International Law
- R.P. Anand -Salient Documents in International Law
- Antonio Cassese -International Law
- Ian Brownlie - International Law
- R.P. Anand -New States in International Law
- D.J. Haris -Cases Materials in International Law
- Andreas Zimmermann -Commentary on the Statute of ICJ



LL.B. (Hons.)

SECOND YEAR – 3<sup>th</sup> SEMESTER

### LAW OF EVIDENCE

#### CH33D

#### Objectives of the Course

*For the purpose of providing the facts in a trial before the Court of Law, relevant evidence has to be placed according to the procedure established under the Indian Evidence Act. It deals with the facts that are permitted to be proved and the manner of letting in Evidence as per Law and the Evidentiary Value of Evidence in the Administration of Justice.*

#### COURSE OUTLINE

##### UNIT -I

##### Preliminary

Indian Evidence Act, 1872- Scope, Object and Applicability of Indian Evidence Act and Exclusion - Statutory Definition-Indian Law of Evidence and English Law of Evidence - Comparison - Constitutional Perspective of Evidence - Golden Rule Evidence, Presumption of Law and Fact -Kinds of Evidence.

##### UNIT -II

##### Relevancy of Facts

Relevance of Facts and Admissibility of Facts - Res Gestae - Hearsay. Occasion, Cause and Effect etc., - Motive, Preparation and Conduct - Explanatory Facts - Acts of Conspirators - When facts not otherwise relevant become relevant -Facts Determining Quantum of Damages-Customs- State of Mind, Body or Bodily Feeling - Similar Facts - Course of Business, Admission and Confession.

##### UNIT -III

##### Relevancy of Third Person Evidence

Relevancy of statement made by person who cannot be called as Witness- Relevance of Judgements of Courts-Relevance of Opinion of Third Persons - Expert Cases- Law of Forensic

Science - Forensic Institutions - Principles of Forensic Science Proof and Forensic Technology- Forensic Science and Criminal Justice System- Criminal Trial, Scientific Examination and Expert Witness under Section 112A - Relevance of character in Civil and Criminal Cases.

#### **UNIT -IV Of Proof**

Facts which need not be proved -Judicial Notice - Modes of Proof -Oral Evidence - Hearsay Evidence- Exceptions- Primary and Secondary Evidence- Documentary Evidence- Documents- Public and Private Documents - Presumptions as to the Documents- Exclusion of Oral Evidence by Documentary Evidence- Burden of Proof - Rules relating to Burden of Proof -Doctrine of Estoppel.

#### **UNIT -V Witnesses**

Witnesses- Categories of Witnesses- Communications- Accomplice- Examination of Witnesses -Questions to be and not to be asked- Hostile Witness -Impeaching Credit of Witness - Refreshing Memory - Judges Question - Appeal against Improper Admission and Rejection of Evidence.

#### **Books Prescribed**

- Ratanlal -Law of Evidence
- Avatar Singh-Law of Evidence
- Vepa Sarathi-Law of Evidence
- Dr.V.Krishnamachari-Law of Evidence
- P.S. Achutan Pillai-Law of Evidence
- B.R. Shvarma-Forensic Science in Criminal Trial and Investigation

#### **Books for Reference**

- Sarkar -Law of Evidence
- Sir John Woodroffee and Syed Amir Ali: Law of Evidence
- Walls H.J- Forensic Science



**LL.B. (Hons.)**

**SECOND YEAR - 3<sup>rd</sup> SEMESTER**

## **INTELLECTUAL PROPERTY LAW**

### **CH33E**

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

*The new trends in International trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching Intellectual Property Laws. The new economic policies, it is assumed, will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote International Trade. This is expected to bring in new technology for the industrial and economic development of India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. This demands, India to afford better protection for the Intellectual Property based on the TRIPS Agreement. This course is intended to introduce the different categories of IP, the minimum standard to indentify the items of protection. Exposing the students the procedural requirements for the acquisition of IPR and also with regard to the International filing system. Bundle of rights conferred to the right holder and remedies available in the case of infringement are also examined.*

#### **COURSE OUTLINE**

##### **UNIT -I**

##### **Intellectual Property**

Meaning and Concept of Intellectual Property - Need for Protection -The World Intellectual Property Organisation (WIPO) Convention - Origin and Functions of World Trade Organisation (WTO) - Trade Related Intellectual Property Rights (TRIPS) Agreement of WTO and its effects on Intellectual Property Law in India; Dispute Settlement Mechanism.

## **UNIT -II**

### **Patents**

The Patents Act 1970 - Object - Definitions - Salient Features - Patentable and Non- Patentable Inventions, Product and Process Patents - Persons entitled to apply for Patents, Provisional and Complete Specifications, Priority Dates of Claims, Opposition to grant of Patent, Anticipation, Provisions for secrecy of certain Inventions - Patent Office and Power of Controller - Grant and Sealing of Patents, Rights of Patentees, Rights of Co-Owners of Patents, Term of Patent, Patents of Addition, Assignment and Transmission, Register of Patents - Amendment of Applications and Specifications, Restoration of Lapsed Patents, Rights of Patentees of Lapsed Patents which have been Restored, Surrender and Revocation of Patents - Compulsory Licences, Exclusive Marketing Rights, Licences of Right, Use of Invocation of Patents Purposes of Government, Acquisition of Inventions by Central Government - Remedies for Infringement of Patents - Patent Agents, Scientific Advisers, International Arrangements - International Law - Right of Plant Breeders and Farmers - National Law on Biological Diversity.

## **UNIT -III**

### **Trade Marks**

The Trade Mark Act (1999), Object, Definitions, Salient Features, Marks Registrable and Non -Registrable, Conditions for Registration, Absolute and Relative Grounds for Refusal of Registration, Procedure for and Duration of Registration, Effects of Registration - Powers and Functions of Registrar - Distinctiveness, Deceptive Similarity, Concurrent Registration, Rectification and Correction of Register - Assignment and Transmission - Use of Trademarks and Registered Users, Collective Marks, Registration of Certification Marks, Trade Mark Agents - Appellate Board - Infringement Action, Passing Off Action - International Treaties - Geographical Indication of Goods (Registrations And Protection) Act (1999), Objects,

Definitions, Conditions for Registration, Prohibition of Registration of Certain Geographical Indications Procedure for and Duration of Registration -Effects of Registration - Special Provisional Relating to Trademark and Prior Users, Remedies for Infringement , International Law.

## **UNIT -IV**

### **Copyright**

The Copyright Act (1957) and Recent Amendments: Works in which Copyright Subsists; Meaning of Copyright; Ownership and Rights of the Owner; Assignment; Term of Copyright-Powers and Functions of the Copyright Board - Registration of Copyright; Compulsory Licences; Licence to Produce and Publish Translations; Copyright Societies - Rights of Broadcasting Organisations and of Performers - International Copyright - Acts Constituting and not Constituting Infringement; Remedies for Infringement.

## **UNIT -V**

### **Industrial Designs**

The Designs Act 2000 -Definitions - Registration of Designs - Copyright in Registered Designs - Piracy of Registered Designs -Remedies - Powers and Duties of Controller - International Law - Semi Conductor Integrated Circuit Layout.

### **Statutory Materials**

- The Patents Act, 1970
- The Trade Marks Act, 1999
- The Copyright Act, 1957
- The Designs Act, 2000

### **Books Prescribed**

- P. Narayanan -Intellectual Property Law
- Dr. B.L. Wadehra -Law relating to patents, trademarks, copyright, design and Geographical Indications
- Dr. S.R. Myneni -Law of Intellectual Property

- P.S. Narayana -Intellectual Property Law in India
- Vikas Vashisht -Law and practice of Intellectual Property in India

**Books for Reference**

- W.R. Cornish -Intellectual Property, Patents, Copyright, Trademarks and Allied Rights
- Arad Sherman and Lionel Bently -The Making of Modern Intellectual Property Law
- David I. Bainbridge -International Property
- Allison Coleman -The Legal Protection of Trade Secrets
- W.R. Cornish -Cases and Materials on Intellectual Property



**ALTERNATIVE DISPUTE RESOLUTION  
MECHANISM**

**(Clinical Course -II)**

**CH33F**

**COURSE OUTLINE**

- i) Arbitration Law and Practice including International Arbitration and Arbitration Rules.
- ii) Negotiation Skills to be learnt with Stimulated Program.
- iii) Conciliation Skills

**Marks Allocation**

Case Study in Arbitration Centre (Practical / Simulation Exercise Three exercise 10 marks each)	: 30 marks
Test Internal	: 10 marks
Presentation / Viva-Voce on Case Study as mentioned above	: 10 marks
<b>TOTAL</b>	<b>: 50 Marks</b>

**Statutory Materials**

- International Conventions
- Arbitration and Conciliation Act, 1996

**Books Prescribed**

- Avatar Singh - The Law of Arbitration and Conciliation

**Books for Reference**

- O.P. Malhotra and Indu Malhotra - Arbitration to Conciliation
- P.C. Markanda- Law Relating to Arbitration and Conciliation
- Justice Dr. B.P. Saraf and Justice S.M. Jhunjhunwala- Law of Arbitration and Conciliation.
- S.K. Chawla- Law of Arbitration and Conciliation.



## MARITIME LAW

## CH34A

**Objectives of the Course**

*As far as concerned, oceans are Common Heritage of Mankind (CHM) that everyone in this world can enjoy the benefits arises from the Sea. Maritime Law is a distinct body of the Law that governs maritime questions and Offences. It deals with the matters including Maritime Commerce, Marine Navigation, Marine Salvaging, Shipping, Sailors and the Transportation of Passenger and Goods by Sea. It also covers many commercial activities on occurring wholly on land that are Maritime in character. This subject gives the basic inputs of International and Indian Maritime Laws.*

**COURSE OUTLINE****UNIT - I****Introductory Elements**

Nature of Admiralty Law: Admiralty Law in relation to Public and Private International Law- Admiralty Law as a part of Law Merchant - Admiralty Law in relation to Common Law and Civil Law - Admiralty Law as the Common Law of the Sea - Sources of Maritime Law and Admiralty Law.

**UNIT - II****Maritime Boundary and Delimitation**

History of Admiralty Law in England, other parts of the World and in India - History of Admiralty Jurisdiction of High Courts of India - Admiralty Courts - Immunity of Government Ships.

**UNIT - III****Admiralty Jurisdiction and the Mode of Exercise**

Admiralty and Maritime Jurisdiction (Scope and Extent) - Enforcement of Maritime claims by *actions in rem* and *in personam* - Juridical Personality of the Ship - Maritime Liens and Priorities. Jurisdiction in matters of Collision - Extra territorial Jurisdiction - Changing concept of Maritime

Frontiers. International waters; Territorial Waters; Contiguous Zone; EEZ; Continental Shelf; International Straits; Archipelagos; International fisheries; High Seas; Consideration and Exploitation of Maritime Sources; Sea as a Common Heritage of Mankind - Role of IMO - Piracy and Hot Pursuits.

**UNIT - IV****Ownership and Management of Ships**

The Ship as Property - Ownership - Registration - Flag of Convenience - Ship Construction Rules - Acquisition of Ships - Transfer of Ships -Negotiation and Contract - Terms of Contract - Inspection by Buyer - Ship Mortgages - Ship's Sale and Purchase. Arrest of Sea Going Ships - ISM and Issues of Safety.

**UNIT - V****Safety and Security at Sea**

Safety and Security Regulations at Sea and in Port, Accidents, Collisions, Salvage, Towage - The Laws of Harbours and Pilotage - Jurisdiction in Maritime Ports; Access to Maritime Ports; Indian Law - The Maritime Zones Act 1976; Civil and Criminal Jurisdiction Over ships; Ship Owner's Liabilities for Damage to Ports - Limitation of Ship Owner's Liability.

**Books Prescribed**

- Samareshwar Mahanty- Maritime Jurisdiction and Admiralty Law in India
- Francis D. Rose- The Modern Law of Pilotage

**Books for Reference**

- Aleka Mandaraka - Sheppard - Modern Maritime Law
- D.C. Jackson- Enforcement of Maritime Claims
- Southampton - Shipping Law
- Halsbury's Laws of England
- Marsden -Collisions at Sea
- Geoffrey Brice- Maritime Law of Salvage
- Chorly and Giles- Shipping Law
- Kochu Thommen -International Legislation on Shipping

**PRIVATE INTERNATIONAL LAW**

**CH34B**

**Objectives of the Course**

*In this 21<sup>st</sup> Century, Liberalisation, Privatisation and Globalization (LPG) works beyond National barriers. The course creates an understanding on the conflict of Laws under various Legal Systems pertaining to Jurisdiction, Marriage, Divorce, Adoption, Maintenance and Property. The course also covers Torts and Contracts Laws. In addition the course also highlights the enforcement of Foreign Judgments and Arbitral Awards.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Introduction - Scope of Private International Law - Theories of Private International Law - Conflict of Law or Private International Law - Codification of Private International Law - Hague Conventions - Distinction between Public International Law and Private International Law.

**UNIT - II**

**Jurisdiction**

Jurisdiction - Choice of Law - Domicile - Residence - Renvoi - Forum Convenience.

**UNIT - III**

**Judicial Attitude**

Cases involving Private International Law - Marriage - Divorce - Adoption - Guardianship and Maintenance.

**UNIT - IV**

Contract - Negotiable Instruments - E-contracts - Private International Law Relating to Corporations - Jurisdiction over Corporations - Insolvency Jurisdiction and effects of Foreign Insolvency Proceedings.

**UNIT - V**

**Enforcement**

Enforcement of Foreign Judgements and Decrees - Enforcement of Foreign Arbitral Awards Evidence and Procedure - Stay of Proceeding - Proof of Foreign Laws.

**Statutory Material**

- Hague Convention

**Books Prescribed**

- V. C. Govindaraj - The Conflict of Law in India.
- ParasDiwan - Private International Law.
- Setalvad - Conflict of Laws.

**Books for Reference**

- Cheshire, North and Fawcett - Private International Law.





**INTERPRETATION OF STATUTES****CH34C****Objectives of the Course**

*Good enactments are those which have least ambiguities, inconsistencies, contradictions or lacunas. Bad enactments are gold mine for lawyers because for half of the litigation, the legislative draftsmen are undoubtedly the cause. The purpose of the Interpretation of the Statute is to unlock the locks put by the Legislature. For such unlocking, keys are to be found out. These keys may be termed as aids for Interpretation and Principles of Interpretation. It is not within the human powers to foresee the manifold permutations and combinations, that may arise in the actual implementation of the Act and also to provide for each one of them in terms free from all ambiguities. Hence Interpretation of Statutes becomes an ongoing exercise as newer facts and conditions continue to arise. Lord Denning rightly pointed out, "English knowledge is not an instrument of mathematical precision... It would certainly save the judges from the trouble, if the Acts of Parliament were drafted with divine precision and perfect clarity. In the absence of it, when a defect appears, a judge cannot simply fold his hand and blame the draftsman..." This subject gives the basic inputs for the students to know the subject matter.*

**COURSE OUTLINE****UNIT -I****Law Making**

Legislature, Executive and the Judiciary - Principle of Utility - Law and Public Opinion - Law and Social Control - Relevance of John Rawls and Robert Nozick - Individual Interest to Community Interest - Law and Morals -Meaning, Objectives and Scope of 'Interpretation', 'Construction' and 'Statute' -Public Opinion and Law Making.

**UNIT - II****Nature and Kinds of Indian Laws**

Statutory, Non Statutory, Codified, Uncodified, State made and State Recognised Laws -Parts of a Statute - Commencement, Operation and Repeal and Revival of Statutes - Purpose of Statutory Interpretation -Basic sources of Statutory Interpretation -The General Clauses Act, 1897: Nature, Scope and Relevance -Definition clauses in various Legislations: Nature and Imperative Rule.

**UNIT-III****Rules of Statutory Interpretation**

Literal and Logical Rules of Interpretation -Legalism and Creativity -Legal Language, Legal Riddles and Logic - Golden Rule and Mischief Rule -Strict construction of Penal Laws and Taxation Laws -Judicial Activism, Judicial Process and Judicial Restraint -Internal Aids and External Aids of Interpretation.

**UNIT- IV****Interpretation of Constitution**

Principles and Theories - Preamble as a Tool -Reading Directive Principles and Fundamental Duties with Fundamental Rights -Interpretation of International Instruments - Presumptions: Presumption against Ousting Established Jurisdiction - Presumption against Exceeding Territorial Nexus - Presumption against Ouster of Jurisdiction of Courts - Presumption against changes in Common Law - Presumption against including what is Inconvenient or Unreasonable - Presumption against Intending Injustice or Absurdity - Presumption against Retrospective Operation of Law - Presumption against Violation of International Law - Presumption in favour of Constitutionality of a Statute.

**UNIT -V****Legislative Drafting**

Principles and Process of Legislative Drafting - Simplicity, Preciseness, Consistency, Alignment with Existing Law,

Brevity -Drafting General Laws -Special Laws -Rules - Orders.

### Statutory Materials

- General Clauses Act, 1897
- Constitution of India, 1950

### Books Prescribed

- Maxwell-Interpretation of Statutes
- P.M. Bakshi-Interpretation of Statutes
- Vepa Sarathi-Interpretation of Statutes
- M.P. Tandon-Interpretation of Statutes
- Bindra-Interpretation of Statutes
- Cross-Interpretation of Statutes
- G.P. Singh-Principles of Statutory Interpretation
- M.P. Jain-Constitutional Law of India
- V.N. Shukla's-Constitution of India
- Indian Law Institute-The Drafting of Laws

### Books for Reference

- Jeremy Bentham-Theories of Legislation
- Jeremy Bentham-Principles of Morals and Legislation
- Dicey-Law and Public Opinion
- P.K. Tripathi-Spotlights on Constitutional Interpretation
- Swarup Jagdish-Legislation and Interpretation
- Bindra-Commentary on the General Clauses Act, 1897
- Thornton, G.C-Legislative Drafting



LL.B. (Hons.)

SECOND YEAR - 4<sup>th</sup> SEMESTER

## INTERNATIONAL TRADE LAW

### CH34D

### Objectives of the Course

*In this 21st century, the concept of Liberalisation, Privatisation and Globalization (LPG) works beyond the trade barriers. This course helps to understand the dominant role of developed countries in exploiting the developing countries. It conglomerate the finer version of International Economic Law, in particular the notion of New International Economic Order, the object of economic integration with that of the pragmatic approaches of the International Trade Regime. As a matter of compliance of International Trade Practices, various bilateral and regional agreements exist in this scenario. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting International Trade in municipal spheres including Dispute Settlement Bodies. This subject provides basic inputs in International Trade Law.*

### COURSE OUTLINE

#### UNIT-I

##### Genesis of International Trade Law

Origin and Development-Theories- UN Conventions- Unification of International Trade Law-International Commercial Contracts- International Sale of Goods- Foreign Direct Investments (FDI)- Transnational Companies - Electronic Business Transactions- Elements of International Taxation- Risk Analysis of International Trade.

#### UNIT-II

##### International Economic Institutions

Structure and Functions of International Economic Institutions-International Trade Organisation (ITO)-

Brettonwood Conference-VariouS Rounds of WTO-General Agreement on Tariff and Trade (GATT)-New International Economic Order (NIEO)-International Monetary Fund (IMF)-International Bank for Reconstruction and Development (IBRD)-International Investments.

### **UNIT-III**

#### **World Trade Organisation (WTO)**

Structure and Functions of WTO-WTO and Covered Agreements-Subsidies-Dumping and Anti-dumping-General Agreements of Trade and Services (GATS)-Trade Related Intellectual Property Rights (TRIPS)-Trade Related Investment Measures (TRIMs) - Trade in Agriculture-Technical Barriers of Trade (TBT) United Nations Committee on Trade and Environment (UNCTE)-United Nations Committee on Trade and Development (UNCTAD)-Summits of the WTO.

### **UNIT-IV**

#### **Bilateral and Regional Trade**

Regional Arrangements under the United Nations-Most Favoured nation (MFN) Clause-South Asian Association for Regional Cooperation (SAARC)-Association for South Eastern Asian Nations (ASEAN)-European Union (EU)-Organisation for Petroleum Exporting Countries (OPEC)-North American Free Trade Agreement (NAFTA)-South Asian Free Trade Agreement (SAFTA).

### **UNIT-V**

#### **Settlement of Disputes in International Trade**

Methods of Dispute Settlement-Alternative Dispute Resolution (ADR) and International Trade-UNCITRAL - International Arbitration, Conciliation, Mediation and Litigation-Online Dispute Resolution-Dispute Settlement Body in WTO - Appellate Body (AB) -Consultation-Trade and Environment Controversies - Enforcement and Compliance.

### **Books Prescribed**

- Myneni- International Trade Law.
- Indira Carr ,Peter Stone -International Trade Law.
- Gupta. R. K -World Trade Organisation
- Autar Krishen Koul -Guide to the WTO and GATT
- Jayanta Bagachi- World Trade Organisation: An Indian Perspective

### **Books for Reference**

- C. Singhania-Foreign Collaborations and Investments in India Law and Procedure.
- Correa, Carlos. M - IPRs the WTO and Developing Countries.
- Day, D. M. and Griffin, Bernardette- The Law of International Trade,
- Anupam Goyal-The WTO and International Environmental Law: Towards Conciliation
- Clive M Schmitthoff - Export Trade: The Law and Practice of International Trade.
- Petersmann, Ernst Ulrich -The GATT/WTO Dispute Settlement Systems: International Law, International Organisations and Dispute Settlement.



**COMPETITION LAW**

**CH34E**

**Objectives of the Course**

*The subject concentrates at mitigating and gradually eliminating Monopolies, Unfair Trade Practices by formulating policies that*

- (a) Promote Competition*
- (b) Regulate or Prohibit abuse of Dominant Position*
- (c) Overseas mergers and amalgamations and acquisition of enterprises to combat adverse effects of formation of combinations.*

*The objective of the course is to provide the students:*

- i. An understanding of the Legal Dimensions of the Competition Law;*
- ii. An insight into the Law, which provides a Fair Trade Practice which enhances healthy competition in the business arena.*
- iii. To comprehend and appreciate the impact of various Anti-Competition Policies.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction**

Objective and Nature of Competition Laws-Origin of Competition Laws- Anti Trust Legislation in USA - Sherman Anti Trust Act, 1890 - Federal Trade Commission Act, 1914 - The Clayton Act, 1914 - UK Competition Act, 1998 - The Enterprises Act, 2002 - Treaty on the Functions of the European Union (TFEU) - MRTP Act, 1969 - Ragavan Committee Report, 2000 - Transformation of MRTP Act to Competition Act, 2002 - Distinction between MRTP Act and Competition Act - Object and Scope of Competition Act, 2002.

**UNIT - II**

**Anti Competitive Agreement**

Definition - Tie in Arrangement - Exclusive Supply Agreement- Exclusive Distribution Agreement - Refusal to Deal- Resale Price Maintenance - Cartel - Bidrigging - Exceptions - Protection of IPR.

**UNIT - III**

**Abuse of Dominant Position**

Meaning of Dominant position - Unfair or Discriminatory Trade Practices - Provisions under MRTP and Consumer Protection Act- Limiting Protection or Technical or Scientific Development - Denial of Access to Market - Imposition of Supplementary Obligations - Protection of other Markets - Predatory Price - Unfair Prices

**UNIT - IV**

**Regulation of Combinations**

Acquisition - Merger - Amalgamations - Ban on Combinations- Non Competition Clauses in Merger and Acquisition -Restrictive Trade Practices - Unfair Trade Practices.

**UNIT - V**

**Competition Commission in India**

Composition - Duties, Power and Functions of the Commission- Contraventions of the Orders of the Commission - Penalties - Competition Appellate Tribunal - Competition Advocacy - Miscellaneous.

**Statutory Materials**

- MRTP Act, 1969
- Competition Act, 2002

**Books Prescribed**

- Ramappa - Competition Law of India
- S.M.Dugar-Commentaries on MRTP Law, Competition Law and Consumer Protection

- Justice D.P.Wadhwa, N.L.Rajesh - The law of Consumer Protection in India
- P.K.Majumdar - Law of Consumer Protection in India
- Paribas- Consumer Protection Dissent.
- Justice Shri.S.Malik - Commentaries on the Consumer Protection Act,1986
- A.Pximer - The Anti-Trust Law
- Eleanor M. Fox - U.S and E.U Competition Law - A Comparison.

### Books for Reference

- Universal's Guide - Competition Law in India.
- Avtar Singh- Law of Monopolies and Unfair Trade Practices
- Avtar Singh- Competition Law.
- Tripathi- Competition Law



## **CYBER LAW AND FORENSICS**

### **CH34F**

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

*After the advent of Internet, in all spheres of life, the regulatory framework analysis has become vital in the era of Digitalisation. The course helps in understanding the regulations relating to E-Contracts, E-Banking, Intellectual Property Issues, Cyber Crimes and E-Taxation. The course intends to analyse the need of Cyberspace Regulation both Jurisdictional and Jurisprudential Aspects of Cyberspace.*

#### **COURSE OUTLINE**

##### **UNIT- I**

##### **Introduction**

Cyber Space Introduction and UNCITRAL Model Law - Information Technology Act, 2000 with Recent Amendments - Jurisdictional Issues - Digital Signatures - Regulation of Certifying Authorities - Cyber Regulation Appellate Tribunal

##### **UNIT -II**

##### **Online Contracts**

Formation of Online Contracts - E-Banking Transactions - Online Payment Options - Online Advertising - Electronic and Digital Signature - Taxation Issues in Cyber Space- Indirect Tax-Tax Evasion- Double Tax- International Tax- Permanent Establishment - Protection of Trade Secrets and Deceptive Trade Practices.

##### **UNIT -III**

##### **Cyber Crimes**

Understanding Cyber Crimes – Actus Reus and Mens Rea - Types of Crimes in the Internet- Against Person, Against Property, Against Government - Digital Evidence -

Investigation and Adjudication of Cyber Crimes in India – Cyber Arbitration- Cyber Conflict Investigation.

#### UNIT- IV

##### IPR and Cyber Space

Copyright Issues in the Internet – Protection of Computer Software- Caching- International Regime –OSS- DMCA- DATA PROTECTION DIRECTIVE - Trademark Issues in the Internet – Domain Name- Registration- Domain Name Registration- Domain Name Dispute- ICANN- UDRP Policy- Linking- Framing- Met tagging - Database issues in the internet.

#### UNIT- V

##### Contemporary Issues

Convergence Technologies - Cloud Computing - Online Digital Libraries - Access to Internet: A Human Right Issue - Issue of Censorship - Privacy issues- National Security and Social Security.

##### Books Prescribed

- Nandan Kamath - Law Relating to Computer- Internet and E-Commerce.
- S.K. Verma & Raman Mital- Legal Dimensions of Cyber Space.
- Rahul Mahathan -The Law relating to Computer and Internet.
- Justice Yatindra Singh - Cyber Laws.

##### Books for Reference

- Edtu Chris Reed and Joh Angel -Computer Law
- Roger Leroy Miller & Gaylord A. Jentz.- Law for E-Commerce.



*LL.B. (Hons.)*

*SECOND YEAR - 4<sup>th</sup> SEMESTER*

### LEGISLATIVE DRAFTING - PROCESS AND PROCEDURES (OPTIONAL)

#### SYLLABUS (Subject Code: CHB8G)

**Forms of Legislative Instruments:** Bills, Acts, Orders, Rules, Schedules, Case laws of Constitutional Law.

**Principles:** As a tool of Power – Object to civil – criminal legislation, anticipated goals – Limitations of legislation as a tool for change in relation to religion, morality and tradition – Factors which influence decision of the legislator – correlation between public opinion and legislative formulation – some major problems and trends in legislative formulation in a modern welfare State.

**Ideals of Drafting:** Simplicity, Preciseness, Consistency, Alignment with Existing law, Brevity Select bibliography.

#### UNIT - II

**Process & Preparation:** General rules, words selection, syntax, style, punctuation- Reference of other related laws, and existing law-Relevancy with constitutional provisions- Required instructions for legislative drafting.

**Other requirements:** punctuation, Marginal notes, Provisions, illustrations, Presumptions, Use of non- obstante clauses, Retrospective effect, exceptions, Fictions, Explanations- Classification of statutes-Amending, consolidating and codifying statues-Subordinate Legislation.

#### UNIT - III

**Legislative Processes** –First Reading – Reference of Bills to Departmentally Related Standing Committees (DRSCs) – Second Reading – Bill before the Select/Joint Committee

– Clause-by-Clause consideration – Third Reading – Constitution Amendment Bills – Bill in the other House – Joint Sitting – Assent of the President – Private Member’s Bills- Committee System in the Indian Parliament – Types of Committees – Parliamentary Committees- Composition – Evolution and growth of the DRSC System – DRSCs – Parliamentary Privileges – Question of Privilege and Working of Committee of Privileges.

#### UNIT - IV

**Types of Questions-** Admissibility- Short Notice Questions- Half-an- Hour Discussion – Committee on Government Assurances – Procedural Devices for Raising Matters of Urgent Public Importance on the Floor of the Houses – Changing Roles of Parliament – Types of Motions – Short Duration Discussions – Private Members’ Resolution – Calling Attention – Matters under Rule 377 and Zero Hour.

#### UNIT - V

**Budgetary Process:** Contents of the Budget- General Discussion on the Budget- Vote on Account – Consideration of Demands for Grants by DRSCs- Cut Motions- Annual Reports of the Ministers – Outcome Budget- Guillotine – Supplementary Demands for Grants, Excess Grants, Token Grants, Votes of Credit and Exceptional Grants- Appropriation Bill- Finance Bill – Budget of a State under Presidents’ Rule.

#### References:

1. **The Constitution of India**, M.P. Jain
2. Indian law Institute, **The Drafting of Laws** (1980)
3. W. Friedman, **Law in a Changing Society** (1970)

4. Zander M., **The law Making Process**, Widenfeld & Icholson, England
5. Renton C’ Hee Report. **Preparation of Legislation**, Sweet & Max Well
6. J. Bentham, **Principles Of Legislation**
7. **Practice and Procedure of Parliament-** M. N Kaul& S. L. Shakhder
8. **People, Legislature, Law Making-** K.N. Baisya
9. **Legislative powers, Ideals and Reality-** P.M Bakshi
10. Allen, **Law in the making**, Sweet and Max Well
11. **Legislative Control over Govt. Expenditure-** B. P Singh
12. **Delegation of Legislative Powers-** Monica Chawla
13. **Administrative Law-** Dr.N.K.Jayakumar



**COMPANY LAW**

**CH35A**

**Objectives of the Course**

*The field of Commerce, Business and Management studies have been assuming importance in the Globalised Era. India adopted the Policies of Liberalisation, Privatisation and Globalisation (LPG); Corporate Governance plays a significant role towards the advancement of the aforesaid area.*

*The objectives of the course are as follows:*

- i. To introduce and help students in understanding the structure of Corporate Organizations.*
- ii. To comprehend the legal aspects pertaining to Funding and Administration of Companies.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

Corporate Personality- The Companies Act 2013- Definition of Company- Types of Association- Illegal Association- Classes of Company- One Person Company.

**UNIT -II**

**Formation**

Formation of a Company -Promoters-Incorporation-Memorandum of Association-Articles of Association-Prospectus -Deposits- Application for Registration and Allotment of Shares.

**UNIT -III**

**Corporate Financing**

Shares -Application for and Allotment of Shares- Members and Shareholders- Shares and Share Capital- Debentures-

Charges and Debenture Holder- Dividends- Borrowings- Lending- Investments- Contracts.

**UNIT -IV**

**Corporate Governance**

Directors- Independent Directors- Women Directors and Managerial Personnel- Meetings- Accounts and Audits- Internal Auditing- National Financial Reporting Authority- E-Filing and Information Technology Act 2000-Corporate Social Responsibility- Majority Powers And Minority Rights- Prevention of Oppression and Mismanagement- Investigation- Powers of Inspectors- Powers of NCLT- Insider Trading

**UNIT -V**

**Compromises, Arrangements and Winding Up**

Compromises- Arrangements and Amalgamations -Mergers and Acquisitions- Winding Up and Kinds of Winding Up- Administration of NCLT and CLAT and Special Courts - Powers of Liquidators- Removal of Names of Companies from Register of Companies-Defunct Companies and Restoration- Revival and Rehabilitation of Sick Companies.

**Statute Prescribed**

- Companies Act- 2013

**Books Prescribed**

- Avatar Singh -Company Law

**Books for Reference**

- Gower -Company Law
- Mayson-French and Ryamn -Company Law
- Palmer -Company Law





**BANKING LAW**  
**(Including Negotiable Instruments Act)**

**CH35B**

**Objectives of the Course**

*Banking Industry has been tremendously impacted due to modernisation in the post capitalisation era. The concept of Nationalisation is also very important in the era of banking regulation. The regulation relating to Banking industry also needs to be dynamic so as to enable smooth developed sector. The students are required to analyse the various provisions relating to Reserve Bank of India. The recent amendments to Negotiable Instruments Act and challenges faced by RBI makes the study of Banking Laws is important and inevitable.*

**COURSE OUTLINE**

**UNIT -I**

**Introduction**

History of Banking- Different types of Banks including Foreign Companies - Nationalisation of Major Banks- RBI's control over Commercial Banks- Special status of RBI and State Bank of India -Subsidiary Banks.

**UNIT -II**

**Banker and Customer**

Definition of Banker and Customer and relationship between them -Special types of Customer -Banker as Borrower -Different types of accounts -Duties and Rights of the Banker and different types of instruments -Banker - Paying Banker and Collecting Banker.

**Unit -III**

**Laws Relating to Loans, Advances and Investments by Banks**

Subsidiary Business Operations of Bankers with special reference to Safety Deposit Lockers- Liability of Banker in

Case of Bank Robberies and Fraud by Bank Employees - Vicarious Liability of the Bank Employees - Vicarious Liability of the Bank - Recovery of Loans and Advances -Recovery of Debts Due to Banks, Financial Institutions Act, 1993.

**UNIT -IV**

**Winding Up of Companies**

Effect of Winding Up of Banking Companies- Rights of Customers on Winding Up of Companies- Necessity for reforms in Indian Banking Law to meet Global Challenges- Banking Ombudsman -Debt Recovery Tribunal - SARFAESI Act.

**UNIT -V**

**Negotiable Instruments**

Definition and Characteristics - Parties to Negotiable Instruments-Presentation -Negotiation Discharge and Dishonour - Liability -Various kinds of Crossing - Effect of Crossing of Cheque -Rights of Holder and Holder in Due Course against Banker - Civil and Criminal Liability for Dishonour of Cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act.

**Statutory Materials**

- Banking Regulation Act, 1949
- Negotiable Instruments Act, 1881

**Books Prescribed**

- Tannan's -Banking Law and Practice in India
- Bhashyan and Adiga -Negotiable Instruments

**Books for reference**

- Sir John Paget-Law of Banking
- H.P. Sheldon -The Practice and Law of Banking



ADMINISTRATIVE LAW

CH35C

**Objectives of the Course**

*Today, we are living in a 'Administrative Age' where there is rising tendency to transfer more and more powers to Executive which include Quasi-Judicial as well as Quasi-Legislative which has become inevitable in modern Democratic State. Therefore, there has been a tremendous increase in powers and functions of the Administrative Authorities and the obvious result, is full of danger of its degeneration and unwanted encroachment on Human Rights and Liberties. Hence, there requires adequate control, safeguard through procedural fairness, Judicial Review and remedies to those affected by the Administration.*

**COURSE OUTLINE**

**UNIT - I**

**Introduction to Administrative Law**

Definition, Nature, Scope - Origin and Development of Administrative Law in U.K., U.S.A., France and India - Sources -Administrative Law and Constitutional Law-. Rule of Law Concept, Evaluation of Dicey's concept of Rule of Law, Modern conception of Rule of Law, Rule of Law in U.K., U.S.A. and India, Rule of Law vis-à-vis Administrative Law-Doctrine of Separation of Powers - Meaning, Origin, Montesquieu's Doctrine of Separation of Powers, System of Checks and Balances, Position in U.K., U.S.A., and India-. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India- Classification of Administrative Action.

A.Nature of Powers-Executive, Legislative and Judicial

B.Legislative Function-Quasi Legislative Functions - Administrative Directions.

C.Judicial Function - Quasi Judicial Functions - Tribunals and Administrative Justice.

D.Executive Function - Ministerial Functions and Discretionary Functions.

**UNIT - II**

**Delegated Legislation**

Meaning, Nature, Origin, Development and Growth of Delegated Legislation, Types of Delegated Legislation and Constitutionality of Delegated Legislation-Delegated Legislation and Conditional Legislation, Sub-Delegation- Restraints on Delegation of Legislative Power, Doctrine of Excessive Delegation- Control over Delegated Legislation - Judicial, Procedural and Legislative Control - Administrative Directions and Delegated Legislation.

**UNIT - III**

**Procedural Fairness and Judicial Review**

Principles of Natural Justice-Concept, Parameters and Application of the Principles of Natural Justice-Rule against Bias-Audi Alteram Partem or the Rule of Fair Hearing - Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing-Reasoned Decisions- Exceptions to the Rule of Natural Justice-Effects of Breach of Natural Justice.

Administrative Process and Judicial Review-Meaning and need for Judicial Review- Scope of Judicial Review, Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136)-Scope and Object of Article 136- Jurisdiction of the High Court-Judicial Review of Administrative Action through Writs-Scope of the Writ Jurisdiction -Against whom the Writ Lies-Territorial extent of Writ Jurisdiction -Relief against an Interim Order - Interim Relief [Art. 226(3)]-Locus-Standi-Kinds of Writ - Grounds for issue of Writs-Principles for the Exercise of Writ Jurisdiction, Alternative Remedy-Laches or Delay-Res Judicata-Public Interest Litigation and Locus-Standi-

Doctrine of Legitimate Expectation and Doctrine of Proportionality.

Statutory Remedies- Injunction- Declaration against the Government - Exclusion of Civil Suits

Privileges and Immunities of Government in Legal Proceedings- Privilege to Withhold Documents - Miscellaneous Privileges of the Government-Notice, Limitation, Enforcement of Court Order-Binding nature of Statutes over the States Action-Promissory Estoppel -Right to Information.

Judicial Control of Administrative Discretion-Meaning, Nature and Need of administrative Discretion -Ground and Extent of Judicial Review -Fundamental Rights and Discretionary Powers.

Liability of the State- Liability of the State in Torts and Contracts

#### **UNIT - IV**

##### **Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission**

Meaning, Object, Main characteristics, Need and Utility- Origin and Development of the Institution -Ombudsman in New Zealand-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India -Lokpal-Lokayukta in States-Central Vigilance Commission

#### **UNIT - V**

##### **Administrative Tribunals and Public Undertaking**

Administrative Tribunals- Meaning, Nature, Main characteristics, Origin and Development (U.S.A., U.K. and India)-Franks Committee-Tribunal and Court, Similarity and Difference-Reason for growth of Administrative Tribunals-Merits and Demerits of Administrative Tribunal-Procedure and Powers of Administrative Tribunal (U.K.,

U.S.A. and India)-Tribunal under Constitution -High Court's Superintendence over Tribunals-Appeal to Supreme Court by Special Leave-Working of the Administrative Tribunal-Administrative Tribunals under Administrative Tribunals Act, 1985-Administrative Procedure Act in U.S.A.-Domestic Tribunal.

Public Undertaking- Object, Importance, Characteristics, Classification, Reason for the growth -Working of Public Corporations-Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking.

#### **Books Prescribed**

- M.P. Jain and S.N. Jain - Principles of Administrative Law
- S.P. Sathe - Administrative Law
- I.P. Massey - Administrative Law
- C.K. Takwani - Administrative Law
- Kailash Rai - Administrative Law

#### **Books for Reference**

- Wade - Administrative Law
- De Smith - Administrative Law
- Foulkes - Administrative Law
- Indian Law Institute - Cases and Material of Administrative Law
- Markose - Judicial Control of Administrative action
- Griffith and Street - Administrative Law
- Report of the Law Commission - First Report, Second Report, Fourteenth Report
- Report on the Committee of Minister's power - Franks Committee report.



**LAW OF CRIMES – II  
(CODE OF CRIMINAL PROCEDURE)**

**(Including Juvenile Justice Care and Protection Act  
and Probation of Offenders Act)**

**CH35D**

**Objectives of the Course**

*Criminal Law is intended to provide a mechanism for the enforcement of Criminal Justice Administration. Without proper Procedural Law, the Substantive Criminal law which defines Offences and provides Punishment would be almost worthless. Every threat does not deter. Without deterrent effect, the Criminal Law will have hardly any meaning or justification. Thus the Code of Criminal Procedure is meant to be complementary to Criminal Law and has been designated to ensure the process of its Administration.*

**COURSE OUTLINE**

**UNIT - I**

**Criminal Procedure Code-Types and Functionaries**

Aquisitorial, Inquisitorial - Brief history about the Code - Definition- Main functionaries of the Code- Powers of Superior Police Officers and Aid to the Magistrates and Police.

**UNIT - II**

**Pre-Trial Proceedings**

Stages of Investigation - Process compelling for the presence of the accused for Investigation and Trial - Arrest-Procedure for Arrest - Rights of Arrested Persons- Consequences of Non - Compliance of Arrest Procedures - Search and Seizure - Process of Investigation by Police - Investigation of Unnatural and Suspicious Death - Local Jurisdiction of the

Courts in Inquires and Trials - Cognizance of Offence and Commencement of Proceedings - Bail Procedures -Types of Bail - General Provision regarding Bond of Accused and Sureties.

**UNIT - III**

**Trial Procedure**

Principal features of Fair Trial - Charge - Common features of Trial - Disposal of Criminal Cases without Full Trial - Preliminary Plea to Bar Trial - Trial before a Court of Session - Trial of Warrant Cases by Magistrates - Trial Summons Cases and Summary Trial Special Rules of Evidence.

**UNIT - IV**

**Appeal Procedures**

Types of Appeals - Reference and Transfer of Criminal Cases - Execution, Suspension, Remission and Commutation of Sentences - Execution of Sentence -Death Penalty and Imprisonment - Execution of Sentence of Fine - Preventive and Precautionary Measures for Keeping Peace and Good Behaviour - Maintenance Procedures - Conditions for Claiming Maintenance - Cancellation of Maintenance - Muslim Women Protection of Rights on Divorce Act.

**UNIT - V**

**Juvenile Justice Care and Protection Act, 2000 and Probation of Offenders Act, 1958**

Introduction - Object - Definitions - Statutory Bodies for Juveniles under the Act - Reformative Institutions for Juveniles - Special Offences - Probation - Object and Meaning - Criminal Court and Probation - Duties of Probation Officers - Report of the Probation Officers- Conditions and Cancellation of Probation.

### Statutory Material

- Code of Criminal Procedure, 1973
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Probation of Offenders Act, 1958

### Books Prescribed

- Ratanlal - Code of Criminal Procedure
- Sarkar -Code of Criminal Procedure
- Kelkar R.V-Outlines of Criminal Procedure
- Basu - Code of Criminal Procedure
- Dr.Nandhal's -Code of Criminal Procedure
- P. Ramanatha Iyer -Code of Criminal Procedure

### Books for Reference

- Sohoni -Code of Criminal Procedure
- R.B. Sethi -Probation of Offenders Act
- Consuls -Probation of Offenders Act and Rules.
- M.K.Chakrabarathi - Probation System in the Administration of Criminal Justice
- Vedkumari - Treaties on the Juvenile Justice Act.
- S.K. Swasthi -Judgments of Juvenile Justice Act 1986.



LL.B. (Hons.)

THIRD YEAR - 5<sup>th</sup> SEMESTER

## CIVIL PROCEDURE CODE

### CH35E

### Objectives of the Course

*The course intends to understand the Legislative measures in Procedural. The course also helps in understanding the procedures to be followed by the Civil Courts from the institution of Suits till the Final Disposal. The course tries to understand the Computation of Limitation Period for the Institution of Suit, Appeal and Applications along with Exclusion.*

### COURSE OUTLINE

#### UNIT - I

##### Introduction

Definitions - Jurisdiction of Civil Court - Place of Suing - Institution of Suits - Presentation of Plaint - Parties to the Suit-Principles of Res Subjudice and Res Judicata.

#### UNIT - II

##### Pleadings and Trial

Plaint - Written Statement - Service of Summons - Appearance and Non-Appearance of Parties - Discovery, Inspection and Production of Documents - Admission - Production, Impounding and Returning of Documents-Transfer of Suits-Decree and Judgment -Remand-Restitution - Appeals: First Appeal, Second Appeal, Appeals from Orders and Appeals to Supreme Court - Reference - Review - Revision

#### UNIT - III

##### Suits in Particular Cases

Suits by and against Government and Public Officer - Suits by Indigent Person - Suits by or against Minors and Lunatics,

Aliens and Foreign Rulers, Soldiers, Corporation, Firms, Trustees, Executors and Administrators-Suits relating to Family Matters, Mortgages, Public Nuisance and Public Charities- Interpleader Suit-Summary Procedure.

#### **UNIT - IV**

##### **Execution**

General Principles- Courts by which Decree may be Executed- Payment under Decree- Application for Execution- Mode of Execution- Stay of Execution- Questions to be determined by Executing Court- Arrest and Detention- Attachment of Property Sale and Delivery of Property- Distribution of Assets.

#### **UNIT - V**

##### **Limitation Act**

Definitions - Limitation of Suits - Appeals - Computation of Period of Limitation - Acquisition of Ownership by Possession.

##### **Statutory Materials**

- Code of Civil Procedure- 1908
- Limitation Act- 1963

##### **Books Prescribed**

- C. K. Takwani - Civil Procedure Code
- Mulla -Code of Civil Procedure
- M. P. Jain - Code of Civil Procedure
- Pattabiraman -Code of Civil Procedure

##### **Books for Reference**

- Taxmann - Code of Civil Procedure
- M. P. Tandon - Code of Civil Procedure
- C. K. Takkar - Code of Civil Procedure
- P. Basu - Law of Limitation



*LL.B. (Hons.)*

*THIRD YEAR - 5<sup>th</sup> SEMESTER*

#### **MOOT COURT (Clinical Course - III)**

**CH35F**

#### **COURSE OUTLINE**

##### **Moot Court Exercise and Internship**

This paper may have three components of 30 marks each and a viva for 10 marks.

##### **(A) Moot Court (30 marks)**

Every student may be required to do at least three Moot Courts in a year with 10 marks for each. The Moot Court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral Advocacy.

##### **(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks)**

Students may be required to attend two Trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

##### **(C) Interviewing Techniques and Pre-trial Preparations and Internship Diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the Suit/Petition. This will be recorded in the diary, which will carry 15 marks.

##### **(D) Viva Voce Examination**

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.



**HUMAN RIGHTS LAW**

**CH36A**

**Objectives of the Course**

*The objective of the course is to introduce the Human Rights Law and facilitate the students to understand the working of both National and International Human Rights Law. Students will be introduced to Theories of Human Rights and its practice. The detailed syllabus has given an overview of Legal aspects of Human Rights to understand the nuances of the subject.*

**COURSE OUTLINE**

**UNIT- I**

**Origin and Development**

General -Concept of Human Rights -The Middle Ages -The Magna Carta -Bill of Rights- American Revolution -French Revolution -Classification of Human Rights – Interdependence of three categories of Human rights.

**UNIT -II**

**International Human Rights Law**

United Nations Charter based Human Rights obligations - Principles of Human Rights and that of jus cogens status and their related instruments - Prohibition of the use of force to resolve International Disputes -Right to Self-determination of People -Prohibition of Genocide - Prohibition of Torture -Prohibition of Racial Discrimination -Prohibition of Slavery -Prohibition of Traffic in persons for Prostitution -Prohibition of Terrorism -Enforced Disappearances -Prolonged Arbitrary Detention - International Bill of Human Rights -Universal Declaration of Human Rights -International Covenant on Civil and

Political Rights -International Covenant on Economic, Social and Cultural Rights - Additional Instruments -Human Rights and Vulnerable Groups -Rights of Women, Children, Disabled, Tribal's, Aged and Minorities -United Nations Charter based Human Rights Institutions -Commission on Human Rights, Human Rights Committee - Human Rights and International Judicial Bodies.

**UNIT -III**

**Indian Perspectives of Human Rights Law**

Human Rights obligations and Indian Constitution -Role of Indian Judiciary in the development of Human Rights Law -India and International Human Rights Law.

**UNIT -IV**

**Human Rights and Institutional Mechanisms in India**

The Protection of Civil Rights Act, 1955 - The National Commission for Women Act, 1990 - The National Commission for Minorities Act, 1992 - The Protection of Human Rights Act, 1993 - The Person's with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 and Rules 1996 - National Charter for Children, 2003 - The Commission for Protection of Child Rights Act, 2005

**UNIT -V**

**Regional Mechanisms, National and International Non-Governmental Organisations (NGO's) in the Enforcement of Human Rights**

Asian, African and European Human Rights Instruments and their Enforcement -Regional Judicial Bodies - (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human Rights) Concept of NGO's and International NGO's -Participation in Human Rights issues -Selective Case Studies.

### Books Prescribed

- Cransten -Human Rights Today
- Galus Esejoifer -Protection of Human Rights under the Law
- John Locke -Civil Government
- Richtel -Natural Rights
- Raphael D.D., Macmillan -Human Rights Old and New
- R.Dworkin -Taking Rights Seriously
- Dr.U.Chandra -Human Rights
- Paras Diwan -Human Rights and Law

### Books for Reference

- Ian Brownlie Guy S.Goodwin-Gill -Basic Documents on Human Rights
- R.P. Anand -Salient Documents on International Law
- South Asia Human Rights Documentation Centre (SAHRDC) -Hand Book of Human Rights and Criminal Justice in India -The System and Procedure
- K.C. Joshi -International Law and Human Rights
- Julius Stone -Human Law and Human Justice
- S.K.Verma, S.C.Srivastava -Right of Persons with Disabilities -Indian Law Institute
- Michael Haas -Genocide in International Law
- William A. Schabas - International Human Rights Law



LL.B. (Hons.)

THIRD YEAR – 6<sup>th</sup> SEMESTER

## LAW OF INSURANCE

### CH36B

#### Objectives of the Course

*The concept of Insurance has significantly developed in the present post privatization era. The study of insurance law has various dimensions. The concepts like Insurable Interest, Good Faith Criteria, and Remoteness of Cause have been very important in the area of Insurance Disputes. The IRDA, a new regulator has framed various significant rules for regulating the Insurance Sector.*

*The objective of the course is to provide the students*

- To know of the legal dimensions relating to formation and discharge of Insurance Contracts.*
- To understand and appreciate the aspects of various Insurance Contracts.*
- To learn the redressal mechanisms available pertaining to the Insurance Sector.*

### COURSE OUTLINE

#### UNIT - I

##### Introduction

Insurance Meaning - Risk Management - Kinds of Risks - Insurable - Distinction between Insurance and Assurance- Parties of Insurance - Insurance and Contract Linkage - Extent of applicability of General Principles of Law of Contract viz., Offer, Acceptance, Capacity of Parties, Consideration, Consensus Ad-Idem and Lawful Object - Insurance and Wager - Performance of Insurance Contracts - Discharge of Insurance Contract- Necessity for applying Special Principles of Contract to Law of Insurance - Extent of Applicability- Special Principles: (a) Uberrimae fidae: (b) Indemnity (c) Subrogation, (d) Contribution (e) Proximate Cause - Cover Note and Slip.



## UNIT - II

### Fire Insurance Contract

Meaning of the term 'Fire' - Fire Policies - Perils Insured - Fire Claims - Scope of Applicability of Special Principles to Contract of Fire Insurance - Standard Fire Policy - 'Average' in Fire Insurance Contract.

## UNIT - III

### Marine Insurance Contract

Significance of Marine Insurance Contract - Maritime Perils - Subject Matter covered by Marine Policy - Kinds of Marine Policies- Scope of Applicability of Special Principles to Contract of Marine Insurance - Principle of 'Change of Voyage' and 'Deviation'- Total Loss- Partial Loss - General Average Sacrifice and Expenditure - Salvage - An overview of Marine Insurance Act, 1963 with special reference to Bill of Lading and Counter Party.

## UNIT - IV

### Life Insurance Contract

Introduction - Meaning of Life Insurance and its Significance - Kinds of Life Policies - Extent of Applicability of Special Principles to Life Insurance Contract - 'Suicide' Clause in a Life Policy - Assignment and Nomination - Constitution, Powers and Functions of L.I.C. under L.I.C. Act, 1956 - Ombudsman, IRDA.

## UNIT - V

### Motor Vehicle Insurance

Introduction - The Motor Vehicles Act, 1939 (As Amended in 1988) - Compulsory Third Party Insurance of Motor Vehicles - No-fault liability - Chapter VIII A of the Act - Motor Accident Claims Tribunals.

### Books Prescribed

- Raoul Colinvarx- Law of Insurance
- M.N. Srinivasan- Law of Insurance
- Srinivasan and Murthy- Law of Insurance

### Books for Reference

- Hardy Ivany - Law of Insurance



## REGULATORY LAWS

### CH36C

### Objectives of the Course

*Economic liberalization in India made many changes regulating public and private equally. The Regulatory Authorities are part of the executive branch of Government and possess all nature of control with them. There are legislations relating to regulatory authority like health, safety, quality and quantity. This course primarily covers the legislations to deal with regulation in consumer interest and economic wealth of the Country.*

## COURSE OUTLINE

### UNIT - I

#### Introduction

Theories of Regulation -Public Interest Theories -Private Interest Theories- Institutionalised Theories -Regulation Beyond the State.

### UNIT - II

#### Securities Exchange Board of India

SEBI (1992) Act – Amendments 2014 – Establishment of Securities Board of India – Powers and Functions of Board – Prohibition of Manipulative and Deceptive Devices, Insider Trading and Substantial Acquisition of Securities or Control – Penalties and Adjudication – Securities Appellate Tribunal – Miscellaneous.

### UNIT – III

#### The Telecom Regulatory Authority of India Act

TRAI Act, 1997 – Establishment and incorporation of TRAI – Powers and Function of Authority – Settlement of Dispute – Amendment in 2000.

## UNIT – IV

### The Electricity Act

Electricity Act 2003 – Licensing – National Electricity Policy and Plan – Central Electricity Authority – Regulatory Commissions – Powers – State Commissions – Tamil Nadu Electricity (Reorganisation and Reforms) Transfer Scheme 2010.

## UNIT -V

### Pension Fund and Development Regulatory Authority Act

PFDRRA – Powers and Functions.

### Books Prescribed

- Bronwen Morgan, Karen Yeung -An Introduction to Law and Regulation
- S.P. Sathe- Administrative Law
- Indian Institute of Management- The Telecom Revolution in India: Technology, Regulation and Policy

### Books for Reference

- Sarkar & Bhatnagar- Law of Electricity in India
- TRAI - Consumers' Handbook on Telecommunications
- A.C. Fernando -Business Ethics: An Indian Perspective
- Sarkriya D -SEBI and Securities Market in India
- Avatar Singh - Competition Law



LL.B. (Hons.)

THIRD YEAR - 6<sup>th</sup> SEMESTER

## ENVIRONMENTAL LAW (Including Animal Welfare Laws)

### CH36D

### Objectives of the Course

*The objectives of the course are to make Environmental Law familiar to the students by understanding all dimensions of the subject. The contribution of Constitution and Constitutional Courts by recognising the right to wholesome Environment as a Fundamental Human Right with the aid of Public Interest Litigation and Principles of Environmental Law are also explored. It is necessary to explore the Laws enacted by the Union and State Governments by incorporating the International commitment under the various Conventions and Declarations. The Policies and Strategies of the Governments towards Environmental protection are also focused.*

### COURSE OUTLINE

#### UNIT - I

##### Introduction

Introduction to Ecosystem - Environment and Environmental Law - Factors responsible for Environmental Pollution - Socio and Economic Impacts of Environmental Pollution - History of Environmental Protection in India - Constitutional Obligation on Environmental Protection- Civil Society and Environmental Management.

#### UNIT - II

##### International Environmental Law

Fundamental Principles of Environmental Law - Role of United Nations - Multilateral Environmental Agreements - Stockholm Declaration on Human Environment, 1972 - United Nations Environment Programme - Nairobi Declaration, 1982 - Brundtland Report, 1987 - Rio Declaration on Environment and Development, 1992 -

Agenda 21 - United Nations Commission on Sustainable Development - Climate Change Convention and Protocol - Convention on Biological Diversity - Johannesburg Summit on Sustainable Development 2002 - Rio plus 20

### **UNIT - III**

#### **Pollution Control Laws**

Water (Prevention and Control of Pollution) Act, 1974 - Air (Prevention and Control of Pollution) Act, 1981 - Environment (Protection) Act, 1981 - Power of Central Government to make Environmental Rules - Rules relating to Management of Hazardous, Plastic Waste, Bio-Medical Waste, E-Waste, Municipal Solid Wastes and Batteries - Noise Pollution Rules, 2002 & 2000 - Environmental Impact Assessment - Coastal Regulation Zone Notification - Disaster Management Act, 2005.

### **UNIT - IV**

#### **Resource Conservation and Animal Welfare Laws**

Indian Forest Act, 1927 - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Biological Diversity Act, 2002 - Prevention of Cruelty to Animals Act, 1960 - Chennai Metropolitan Area Groundwater Authority (Regulation) Act, 1987 - Rain Water Harvesting- Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 - Role of Local Bodies.

### **UNIT - V**

#### **Remedies for Environmental Pollution**

Common Law Remedies- Remedies under Law of Tort - Penal Remedies - Indian Penal Code and Code of Criminal Procedure - Remedies under Constitutional Law - Writs - Public Interest Litigation - Public Liability Insurance Act, 1991 - The National Green Tribunal Act, 2010.

### **Books Prescribed**

- P. Leelakrishnan- Environmental Law in India
- P. Leelakrishnan- Environmental Case Book
- S. Shanthakumar -Environmental Law - An Introduction
- Shyam Diwan and Armin Rosencranz- Environmental Law and Policy in India
- N. Maheswaraswamy- Law relating to Environmental Pollution and Protection
- Jaiswal- Environmental Law

### **Books for Reference**

- Alan Boyle and Patricia Bernie- International Law and Environment.
- Philippe Sands- Principles of International Environmental Law.
- Elli Louka- International Environmental Law.
- A Citizen's Report- Centre for Science and Environment, The State of India's Environment.
- R.N. Choudhry - Law of Forests in India.
- Encyclopedia of Environmental Pollution and its control.
- Saksena K.D- Environmental Planning, Policies and Programmes in India.



## LAW OF TAXATION

## CH36E

**Objectives of the Course**

*The course intends to understand the Taxing System in India. The Taxing System is helping the Governments for the proper implementation of various programmes and schemes for the welfare of the people. The course helps in understanding the various modes of Taxation like Direct Tax, Indirect Tax and types of Taxes like Income Tax, Property Tax, Wealth Tax, Service Tax, Sales Tax, Value Added Tax, etc.. This course benefits the students in understanding the importance of payment of Tax and extending the people support for the development of Nation as a whole.*

**COURSE OUTLINE****UNIT - I****General Introductory Aspects**

Definition of 'Tax' - Distinction between 'Tax' and 'Fee'- Mutual relationship between Income Tax Act and Finance Act - Canons of Taxation - Kinds of Taxes ; Progressive, Proportion; Regressive and Digressive - Direct and Indirect Taxes - Applicability of Doctrines under the Constitution to Taxation Laws - Interpretation of Tax Laws.

**UNIT - II****The Indian Income Tax Act, 1961**

Preliminaries: Concepts; 'Income', 'Agricultural Income', 'Casual Income', 'Assesse Person'- Residential Status - Previous Year - Assessment Year - General Charging Section and Specific Charging Section - Income - Received - Arising - 'Accrual'- Scope and Total Income - Exempted Income; Tax Liability under 'Specific Heads': (i) Income from 'Salaries'(ii)

Income from 'House Property' (iii)Income from 'Business or Profession' (iv)Income from 'Capital Gains' (v) Income from 'Other Sources'; Clubbing of Income: Income of other persons in Assessee's Total Income - Treatment of Losses - Set-Off and Carry Forward of Losses- Procedure for Assessment- Deduction allowed in certain cases - Chapter VIA Deductions- Assessment of Special Class of Assesses.

**UNIT - III****The Wealth Tax Act**

Definition of Person, Meaning of Wealth, Net Wealth- Exempted Wealth - Valuation Date - Procedure for Assessment.

**UNIT - IV****The Central Sales Tax**

Meaning - Constitutional Validity of Central Sales Tax Act - Sales in the course of Inter-State Trade or Commerce - Sale in the course of Import Into and Export Out of the Territory of India - Sale Outside a State - Declared Good's - 'C' From - Customs Frontiers - Liability in Special Cases.

**UNIT - V****The Tamil Nadu General Sales Tax Act**

Meaning - 'Dealer', Registered Dealer', 'Casual Dealer', Turnover', Total turnover', Taxable turnover - Sale and Works Contract - Single Point Tax V - Multipoint Tax - Value Added Tax - Procedure for Assessment - Kinds of Assessment - Hierarchy of Authorities-Advantages and Disadvantages of VAT.

**Books Prescribed**

- Girish Ahuja - Law & procedure : Professional Approaches to Direct Taxes
- Taxmann - Income Tax Act
- Gurusurthy - Sales Taxation in Tamil Nadu
- Dinager Pagre - Direct Taxes and Indirect Taxes

- Manoharan - Income Tax Act
- Dr. Bagawathi Prasad - Income Tax Law - Practice

### Books for Reference

- Sukumar Battacharya - Income Tax Law - Practice
- N.A. Palkiwala - Income Tax



*LL.B. (Hons.)*

*THIRD YEAR - 6<sup>th</sup> SEMESTER*

## DRAFTING, PLEADING AND CONVEYANCING (Clinical Course - IV)

**CH36F**

### COURSE OUTLINE

**A. Drafting:** General principles of Drafting and relevant substantive Rules shall be taught.

**B. Pleadings:**

- a. Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Articles 226 and 32 of the Constitution of India.
- b. Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
- c. Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
- d. Drafting of Writ Petition and PIL Petition.

Instructions class and simulation exercises, preferably with assistance of practising lawyers/ retired judges will be provided for the students.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be allotted for Viva Voce.



## **GUIDELINES FOR INTERNSHIP (ALL EVEN SEMESTERS)**

### **Internship Goals and Objectives:**

Internship represents capstone of a budding Litigative Lawyer/Corporate Lawyer/Administrator/LPO'S (Legal Process Outsource) formal academic training and his/her smooth induction into the profession. The general mission and philosophy of the training programme, is designed in such a way to assist Interns in developing clinical knowledge, soft skills, communication skills, nuances of Drafting & Pleading skills, Presentation of Arguments before the Court of Law and also to learn the finer points of the administration.

- 1) To train the law students in the profession of advocacy and other corporate management skills to which they are opting;
- 2) To train the law students to broaden the scope of their services beyond those provided to litigants.
- 3) To train the law students to develop and to be guided by their professional identity.

The Internship must be undertaken in all the even semesters, i.e. 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> of the 5 year Integrated (Hons.) Degree Courses and 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> of the 3 year (Hons.) Degree Course, students have to undergo Internship programme compulsorily and earn 2 credits for each even semester in order to qualify for the degree programme and the same may not be taken into account to qualify for the Degree like other core subjects prescribed for the respective course of study.

The students who are undertaking the Twinning Programme under Choice Based Credit System in foreign Universities or in other Law Schools located in India during the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and during the

4<sup>th</sup> semester of the 3 year (Hons.) Degree Course they have to follow the prescribed curriculum of the concerned foreign University or in concerned National Law Schools of India and They need not undertake internship, separately and despite that automatically two credits will be awarded to them, if they submit the certificate of their course of study in other National Law Schools located in India or in other recognized Foreign Universities where English is the language of instruction.

Moreover, internship programme has overarching goals that guide the Interns with a duration of 30 hours in case of attending theory or tutorial classes/remedial classes/60 hours in the field work during the concerned semester period.

### **Guidelines for calculation of credit for the Internship (2 Credits for Internship for every even semester):-**

Students are at liberty to under take the following internship at any time during the concerned academic year though the internship is prescribed only for the even semester of the said academic year.

Internship may be classified into (i.) attending theory oriented internship and (ii.) field work oriented internship. In the event of a student undertaking theory oriented internship he/she has to undergo 30 hours of work in that internship. In the field work oriented internship he/she has to undertake internship for 60 hours. A student has to be permitted to undertake the above two types of internship together in an academic year to accrue two credits for the even semester.

### **The following are considered as the theory oriented internship:- (30 hours participation)**

- (i.) 1 credit = 15 periods of 60 minutes each - Participation in theory class beyond the class hours/remedial course classes/Computer Labs beyond the class hours /

proceedings of Courts/ proceedings of State Legislative /Tribunals / Commissions/ Seminars / Conferences/ Workshops/Moot Court competitions and any other function organized by the University / Departments of the University. If a student claims OD, Internship credit will not be given to him/her.

**The following are considered as the field work oriented internship:- (60 hours participation)**

(ii.) 1 period = 120 minutes of field work, therefore (1 credit= 30 hours and for 2 credits = 60 hours) - Participation in special camp of NSS/Regular Activities of the NSS/Legal aid camp/YRC/Lok adalat/advocate chamber visits /Blood donation camp/Marathon/ rally.

- **Source of Internship for the 2<sup>nd</sup> & 4<sup>th</sup> Semester of the 5 year Integrated (Hons.) Degree Courses** – Participation in Special Camp of NSS; regular activities of the NSS, participation in functions organized by the University/Departments of the University; Seminars organized by other educational institutions/Courts & Tribunals/ proceedings of State Legislative /State Human Rights Commission/National Human Rights Commission/ Supreme Court Visit/Participation in Moot Court Competitions organized by other institutions/ Universities/High Courts/YRC; etc. On completion of 60/ 30 hours of the Internship the student has to submit Attendance Certificate from the Programme Officers in case of NSS/YRC and from the concerned Authorities who organized the programme. Further the student has to submit 20 pages of write-up pertaining to the nature of his/her Internship.
- **Sources of Internship for the 6<sup>th</sup> semester of the 5 year Integrated (Hons.) and 2<sup>nd</sup> Semester of the 3 year (Hons.) Degree Courses** – Undertaking Internship in any one of the Advocate’s Chamber whose practice has exceeds more than 10 years in the Bar.

On completion of 60 hours of the Internship the student has to submit Attendance Certificate from the concerned Advocate and further the student has to submit 20 pages of write-up pertaining to what they learnt from the Advocate’s Office in course of his/her Internship.

- **Sources of Internship for the 8<sup>th</sup> semester of the 5 year Integrated (Hons.) and 4<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Undertaking Internship in any one of the Advocate’s Chamber whose practice exceeds been more than 10 years in the Bar and to visit the Courts to observe the trial proceedings specifically on petition/application matters. On completion of 60 hours of the Internship the student has to submit Attendance Certificate and they have to submit a write up relating to observation of the Court Proceedings (either Civil or Criminal Court Proceedings only in the sub-ordinate Courts) pertaining to what they learnt from the Advocate’s Office in course of Internship.
- **Sources of Internship for the 10<sup>th</sup> semester of the 5 year Integrated (Hons.) and for the 6<sup>th</sup> Semester of the 3 year (Hons.) Degree Courses** – Observe the Appellate Tribunal Proceedings (State Human Rights Commission, National Human Rights Commission, IPR Appellate Tribunals, Tax Appellate Tribunals, proceedings of State Legislative ,Labour Court Proceedings/Hon’ble High Court Proceedings) under the guidance and direct supervision of an Advocate who has more than 10 years of practice in the Bar. On completion of 30 hours of the Internship the student has to submit Attendance Certificate from the concerned advocate and they have to submit a write up relating to observation of the Court Proceedings pertaining to the course of his/her Internship.





**THE TAMIL NADU  
Dr. AMBEDKAR LAW UNIVERSITY**



(State University Established by Act No. 43 of 1997)

M.G.R. Salai, Perungudi, Chennai - 600 113.

## **SYLLABUS**

**3 Years LL.B. (Hons.)**

**DEGREE COURSE**

**2016 - 2017 BATCH**

**Compiled by**

**Dr. S.K. RAMANI, Assistant Professor (SG), SOEL**

**Dr. LUCKY GEORGE, Assistant Professor (SS), SOEL**

**Dr. S. RAJALAKSHMI, Assistant Professor (SS), SOEL**



**3 years LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.	
		Nature of the Course (Core or Foundational Elective or Elective)	Code		L	P	C	Internal	External		
1st	1	Core	CH31A	JURISPRUDENCE	LAW	5		5	30	70	1
	2	Core	CH31B	CONTRACTS-I	LAW	5		5	30	70	3
	3	Core	CH31C	LAW OF TORTS	LAW	5		5	30	70	6
	4	Core	CH31D	LAW OF CRIMES I (IPC)	LAW	5		5	30	70	8
	5	Core	CH31E	FAMILY LAW- 1	LAW	5		5	30	70	10
	6	Core	CH31F	LEGAL METHODS	LAW	5		5	30	70	13
2nd	7	Core	CH32A	CONTRACTS -II	LAW	5		5	30	70	15
	8	Core	CH32B	CONSTITUTIONAL LAW -I	LAW	5		5	30	70	18
	9	Core	CH32C	PROPERTY LAW	LAW	5		5	30	70	22
	10	Core	CH32D	FAMILY LAW -II	LAW	5		5	30	70	24
	11	Core	CH32E	LABOUR LAW -I	LAW	5		5	30	70	26
	12	Core	CH32F	PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR-BENCH RELATIONS CC-I	LAW	4	1	5	100		29
	13		CH32G	INTERNSHIP	LAW		2				92

**3 years LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)**

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)			Max. Marks		Page No.	
		Nature of the Course (Core or Foundational Elective or Elective)	Code		L	P	C	Internal	External		
3th	13	Core	CH33A	CONSTITUTIONAL LAW-II	LAW	5		5	30	70	30
	14	Core	CH33B	LABOUR LAW -II	LAW	5		5	30	70	34
	15	Core	CH33C	PUBLIC INTERNATIONAL LAW	LAW	5		5	30	70	37
	16	Core	CH33D	LAW OF EVIDENCE	LAW	5		5	30	70	39
	17	Elective	CH33E	INTELLECTUAL PROPERTY LAWS	LAW	5		5	30	70	41
	18	Core	CH33F	ALTERNATE DISPUTE RESOLUTION MECHANISM (CC-II)	LAW	4	1	5	50		45
4th	19	Elective	CH34A	MARITIME LAW	LAW	5		5	30	70	46
	20	Elective	CH34B	PRIVATE INTERNATIONAL LAW	LAW	5		5	30	70	48
	21	Elective	CH34C	INTERPRETATION OF STATUTES LAW	LAW	5		5	30	70	50
	22	Elective	CH34D	INTERNATIONAL TRADE LAW	LAW	5		5	30	70	53
	23	Elective	CH34E	COMPETITION LAW	LAW	5		5	30	70	56
	24	Elective	CH34F	CYBER LAW AND FORENSIC LEGISLATIVE DRAFTING PROCESS AND PROCEDURES	LAW	5		5	30	70	59
		Optional	CH34H	INTERNSHIP	LAW		2				61
			CH34G		LAW						92

3 years LL.B. (HONS.) DEGREE PROGRAMME  
PROGRAMME - STRUCTURE (Under Choice Based Credit System)

Semester	S. No.	Course		Nature of Course	CREDITS (For Lectures and Practicals)	Max. Marks		Page No.	
		Nature of the Course (Core or Foundational or Elective)	Code			L	P		Internal
5th	25	Core	CH35A	COMPANY LAW	5	5	30	70	64
	26	Elective	CH35B	BANKING LAW	5	5	30	70	66
	27	Core	CH35C	ADMINISTRATIVE LAW	5	5	30	70	68
	28	Core	CH35D	LAW OF CRIMES -II(CR.P.C)	5	5	30	70	72
	29	Core	CH35E	CIVIL PROCEDURE CODE	5	5	30	70	75
	30	Core	CH35F	MOOT COURT(CC-III)	4	1	100		77
6th	31	Elective	CH36A	HUMAN RIGHTS LAW	5	5	30	70	78
	32	Elective	CH36B	LAW OF INSURANCE	5	5	30	70	81
	33	Core	CH36C	REGULATORY LAW	5	5	30	70	83
	34	Core	CH36D	ENVIRONMENTAL LAW	5	5	30	70	85
	35	Core	CH36E	LAW OF TAXATION	5	5	30	70	88
	36	Core	CH36F	DRAFTING, PLEADING AND CONVEYANCING(CC-IV)	4	1	100		91
			CH36G	INTERNSHIP	2	2			92
				Total no. of credits for the entire programme					186

**POST GRADUATE DEPARTMENT OF BUSINESS LAW**

**Subject: CORPORATE GOVERNANCE**

In a developing society such as India, corporates play a pivotal role in the economic development of the Country. The faculties of commerce, business & management studies have gained much significance since the last decade with the adaptation of liberalization, privatization & globalization policy by the Government of India, whereby economic activities involving consumers, such as provision of goods & services have increased on a global scale. Moreover, corporate structuring of business is largely preferred by most people over other forms of business. Also, statutory provisions makes it mandatory to do business in corporate form if the capital / manpower involved in a business organization exceeds a certain level. These aspects make it indispensable that Students of a Masters programme [M.L.] in Business Law gain adequate knowledge on the subject of Corporate Finance & Governance which is the crux of efficient administration of any corporate system & be well equipped / trained in the same.

In view of the above perspectives the broad objectives of this course may be formulated as follows-

- a) To understand the Legal dimensions of business practices involved in corporate structures.
- b) To familiarize Students with the organizational set-up, functioning, lending & accountability aspects of international and state financing.
- c) To enable Students to comprehend & appreciate the process of the inflow & outflow of corporate finance as well as the facets of governance & decision making pertaining to the same.

**I. INTRODUCTION:**

- i. Evolution of companies & history of corporate Law.
- ii. Comparison with other forms of business organizations-advantages & disadvantages of doing business through corporate structure.
- iii. Meaning, significance & scope of corporate finance & governance.
- iv. Objectives of corporate finance-profit & wealth maximization.
- v. Constitutional perspectives-List I-Entries 37, 38, 43-47, 52, 82, 85 & 86; List II-Entry 24.
- vi. Memorandum of Association & Articles of Association.
- vii. Reports.
- viii. Competition Commission of India.

**II. CORPORATE SECURITIES:**

- i. Types & nature of corporate securities-Shares & Debentures.
- ii. Modes of securities Issue.

## UNIT – IV: ARBITRATION Vs. LITIGATION

- 4.1 Common Law system
- 4.2 Civil Law system
- 4.3 Statutory legislation and Conventions
  - 4.3.1 Arbitration and Conciliation Act, 1996 including convention (3 schedules)
  - 4.3.2 UNICITRAL Arbitration Rules, 1976
  - 4.3.3 Ad-hoc and institutional Arbitration
    - 4.3.3.1 Various Arbitration forums and its Rules
    - 4.3.3.2 Forum Selection – Model Institutional arbitration clauses

## UNIT – V: ARBITRATION PROCEDURE & PRACTICE

- 5.1 Arbitration Tribunal
  - 5.1.1 Constitution of the Arbitral Tribunal – Jurisdiction of the Arbitral Tribunal – Kompetenz – Kopetenz – powers and functions of the tribunal.
- 5.2 Proceedings before the arbitral Tribunal
  - Lex Arbitri & Lex Mercatoria – Statutory provisions applicable in resolving disputes – UNIDROIT principles of International Contracts, 1994, production of documents at the time of application – conduct of proceedings – decision making process – Conciliation and Mediation.
- 5.3 UNICITRAL Arbitral proceedings
- 5.4 Types of Awards and applicability of Conventions
  - Interim Award – Final award – Award by consent
  - Foreign Arbitral Awards – New York Convention Awards
  - Geneva Convention Awards – Non-Conventional Awards - Whether conventions apply to domestic awards.
- 5.5 Enforcement and Annulment of Arbitral Awards

Pre-enforcement conditions imposed by claimant-recognition and enforcement of arbitral award deemed to be decree – Rules of procedure for enforcement of a foreign award – enforcement of awards to which the Conventions do not apply – Costs & advances on costs of arbitration – challenge of arbitral awards – Appelable orders – Revision.

### BOOKS PRESCRIBED:

1. G.K. Kwart: Arbitration and alternate dispute resolution. Indian Council of Arbitration
2. A.K. Bansal: Law of International Commercial Arbitration
3. Avatar Singh: Law of Arbitration and Conciliation
4. Dr. S.C. Tripathi: Arbitration Conciliation and Alternate Dispute Resolution
5. M.A. Sujana: Law relating to Arbitration and Conciliation
6. Paul Friedland: Arbitration clauses in International Contracts
7. Berrstein: Handbook of Arbitration Practice (Green Book)
8. L.Gill and Mathew Gravy (Eds.): Russel on Arbitration
9. Allan Redfern & Martin Hunter: Law of International Commercial Arbitration

### BOOKS FOR REFERENCE:

1. N.D. Basu: Law relating to Arbitration & Conciliation
2. Justice R.S. Bachawat: Law of Arbitration and Conciliation
3. Justice P.S. Narayana: The Arbitration and Conciliation Act, 1996
4. Harold Crowter: Introduction to Arbitration

## **BANKING LAW**

### **Unit I: Introduction**

- 1.1 Nature and development of banking.
- 1.2 History of banking in India and elsewhere-indigenous banking – evolution of banking in India – different kinds of banks and their function.
- 1.3 Multi functional banks-growth and legal issues.
- 1.4 Nationalization.
- 1.5 Evaluation: private ownership, nationalization and disinvestments.
- 1.6 Protection of depositors.
- 1.7 Priority lending.
- 1.8 Promotion of under privileged classes.

### **Unit II: Law Relating to Banking in Companies in India**

2. Control by government and its agencies .
  - 2.1.1. On Management.
  - 2.1.2. On accounts and audit.
  - 2.1.3 Lending.
  - 2.1.4 Credit policy.
  - 2.1.5. Reconstruction and reorganization.
  - 2.1.6 Suspension and winding up.
  - 2.1.7 Relationship between Banker and customer.
  - 2.1.8 Rights and duties of banking and customer.
  - 2.1.9 Consumer protection Banking as service.

### **Unit III : Reserve Bank of India as the Central Bank**

- 3.1 Functions of RBI
  - 3.2.1 Function of the RBI
  - 3.2.1 Regulations of monetary mechanism of the economy
  - 3.2.2 Credit control
  - 3.2.3 Exchange control
  - 3.2.4 Monopoly of currency issue
  - 3.2.5 Bank rate policy formulation

#### **3.3 Control of RBI over non-banking companies**

- 3.2.1 Financial companies
- 3.2.2 Non financial companies

#### **3.3 Deposit insurance**

- 3.3.1. The Deposit Insurance Corporation Act 1961: objects and reasons.
- 3.3.2. Establishment of Capital of DIC.
- 3.3.3. Registration of banking companies, insured banks, liability of DIC to depositors.
- 3.3.4. Relations between insured banks , DIC and Reserve Bank of India.

### **Unit IV: NEGOTIABLE INSTRUMENTS**

- 4.1. Meaning and kinds.
- 4.2. Transfer and negotiations.
- 4.3. Holder and holder in due course.
- 4.4. Presentment and payment.
- 4.5. Liabilities of parties.

#### **4.2 Lending by Banks**

- 4.2.1. Good lending principles.
  - 4.2.1. Lending to poor masses.
  - 4.2.2. Securities for advances.
  - 4.2.3. Kinds and their merits and demerits.

4.2.4. Repayment of loans, rate of interest, protection against penalty.

4.2.5. Default and recovery.

4.2.5. Debt recovery tribunal.

### **Unit V : Recent Trends of Banking System in India**

5.1. New Technology.

5.2. Information Technology.

5.3. Automation and legal aspects.

5.4. Automatic teller machine and use of internet.

5.5. Smart card.

5.6. Use of expert system.

5.7. Credit cards.

### **5.2. Reforms in Indian Banking Law**

5.2.1. Recommendation of committees a review

#### **Select Bibliography**

Basu, A review of Current Banking Theory and Practice[1998]Mac millan.

M.Hapgood [ed.] Pagets' Law of Banking [1989] Butterworths, London.

R.Goode, Commercial Law (1995)

Ross Cranston, Principles of Banking and Bankers[1995]Eastern Book Company.

M.L.Tannan,Tannans Banking Law And Practice In India[1997]Indian Law House, New Delhi.  
2 volumes

K.C.Shedkhar, Banking Theory and Practice[1998]UBS Publisher Distributers Ltd ,New Delhi.

M.Dassesse, S.Isaacs and G.Pen,E.C. Banking Law, [1994] Lloyds of London Press, London.

V.Conti and Hamuai (eds), Financial Makets' Liberalization and the Role of Banks Cambridge University Press, Cambridge(1993)

J.Dermine[ed.], European Banking in the 1990's (1993) Blackwell ,Oxford.

C.Goodhart, the Central Bank and the Financial System[1995] Macmillan London

S.Chapman, The Rise of Merchant Banking[1984] Allen Unwin, London.

K.Subramanyan, Banking Reforms in India[1997] Tata Maigraw Hill, New Delhi.

Subodh Markandeya and Chirtra Markandeya, Law Relating to Foreign Trade in India: Being a Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi

R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51C1993), Asia Law House, Hyderabad.

M.A.Mir,The Law Relating to bank Guarantee in India[1992]. Metropolitan Book, New Delhi.

Anthony Pierce, Demand Guarantees in International Trade [1993] Sweet& Maxwell.

Ross Cranston [ed. ] European banking Law : The Banker Customer Relationship [1999 LLP London.

Mitra, The Law relating to Bankers Letters of Credit and Allied Laws, [1998] University Book Agency, Allahabad.

R.K.Talwar, Report of Working Group on Customer Service in Banks.

Janakiraman Committee Report on Securities Operation of Banks and Financial Institution[1993].

Narasimham Committee Report on the Financial System (1991) Second Report (1999)

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# COMPETITION LAW

## UNIT – I

- i) Objectives and Nature of Competition Laws
- ii) Genesis, objects, reasons and scope of the Act, 2002. India – Earlier Law – MRTP Act, 1969.
- iii) Regulatory authorities - SEBI, TRAI, IRDA, NCDRC, CERC

## UNIT – II

### Competition Act, 2002

- i) Anti-Competitive agreements
- ii) Dominant Position and abuse
- iii) Combinations
- iv) Horizontal and Vertical conglomeration mergers
- v) Competition Commission of India – CCI
- vi) Functions and powers of CCI

## UNIT – III

### Competition Law – USA

- i) Anti-trust legislation in the USA
- ii) The origin and objective of Anti-trust law
  - (a) Philosophical origin
  - (b) Historical background
  - (c) Objectives of Anti-trust Law
- iii) The Statutes
  - (a) The Sherman Anti-trust Act, 1890
  - (b) Federal Trade Commission Act, 1914
  - (c) The Clayton Act, 1914
- iv) International Anti-trust Enforcement
  - 1) US Enforcement
  - 2) Anti-trust Enforcement by EU Member States

## UNIT – IV

### Competition Law – European Union

- 1) Treaty on functions of European Union (TFEU) Art. 101  
Cartels or control of collusion and other anti-competitive practices
- 2) Art. 102 TFEU Monopolies or preventing the abuse of forms dominant market
- 3) Consumer interest – Dominance and monopolies, Collusion and Cartels
- 4) Merges and Acquisitions – Concentration of Economic power
- 5) Statutes: The Competition Act, 1998 in UK
- 6) The Enterprises Act, 2002
- 7) Consumer interest/Competition Law India, USA, Europe.

## UNIT – V

### International perspectives/Competition Law

- i) Globalization and competition law
- ii) World Trade organization and competition law
- iii) Intellectual Property Rights and competition law

### Recommended Books:

1. S.M. Dugar, 'Commentaries on MRTP Law, Competition Law and Consumer protection', IVth Ed., Vol. 1 & 2, (Lexis Nexis, 2009).
2. Justice D.P. Wadhara, N.L Rajesh, 'The Law of Consumer protection', 2<sup>nd</sup> Ed. (Butterworth, 2009).
3. P.K. Majumdar, 'Law of Consumer protection in India', (Orient Publishers, Allahabad).
4. Prabirbasu, 'Consumer Protection Disent', (Vinod Publisher House, Delhi).
5. Hon'ble Justice Shri. S. Malik, 'Commentaries on the Consumer Protection Act, 1986', (Law Publishers (India) Pvt. Ltd.)
6. A. Pximer, 'The Anti-trust Laws', 4<sup>th</sup> Ed. John H Shen & Field and Irwin M.L Stelzer
7. Eleanor M Fox, 'U.S. and EU Competition Law – A comparison',

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**Dr. KUMUDHA RATHNA**

**POST GRADUATE DEPARTMENT – BUSINESS LAW**

**SYLLABUS of SUBJECT:REGULATORY LAWS (Optional IV)**

## **Unit I**

### **Introduction**

Theories of regulation – Public interest theories – Private interest theories – Institutionalised theories – Regulation beyond the State.

## **Unit II**

### **SEBI Act, 1992:**

Establishment of Securities & Exchange Board – Powers & functions of the Board – Prohibition of manipulative & deceptive devices, Insider trading & substantial acquisition of securities or control - SEBI (Disclosure and Investor Protection) Guidelines, 2000 as amended in 2008 - Finance, Accounts & Audit – Indian Financial Code', drafted by the Justice Srikrishna Commission on financial sector legislative reforms–Adjudication & penalties – Establishment, jurisdiction, authority & procedure of Appellate Tribunal.

### **The Real Estate (Regulation And Development) Bill, 2013:**

Salient features – Establishment of Real Estate Regulatory Authority – Powers & functions of the Authority – Registration – Mandatory disclosures – Dispute resolution mechanism – Penalties Central Advisory Council.

## **Unit III**

### **Right to Information Act, 2005:**

Introduction –Right to information & obligations of public authorities – The Central Information Commission – The State Information Commission – Powers & functions of the Information Commissions – Appeal & penalties –

## **Unit IV**

### **The Telecom Regulatory Authority of India Act, 1997:**

TRAI Act, 1997 – Establishment and incorporation of TRAI – Powers and function of authority – Settlement of dispute – Amendment in 2000.

## **Unit V**

### **The Electricity Act, 2003:**

Electricity Act 2003 – Licensing – National electricity policy and plan – Central electricity authority – Regulatory commissions – Powers – State Commissions – Tamil Nadu Electricity (Reorganisation and reforms) Transfer Scheme 2010.



**Dr. KUMUDHA RATHNA**

**Pension Fund Regulatory and Development Authority Act, 2013:**

PFRDA – Powers and functions.



**READING MATERIAL:**

**A. Statutory Material:**

1. Securities & Exchange Board of India Act, 1992
2. Right to Information Act, 2005.
3. Telecom Regulatory Authority of India, 1997
4. The Electricity Act, 2003.
5. Pension Fund Regulatory & Development Authority Act, 2013.
6. The Real Estate (Regulation And Development) Bill, 2013.

**B. Reference Material:**

1. An Introduction to Law & Regulation - by Bronwen Morgan, Karen Yeung [Cambridge University Press - 2007].
2. The Right to Information: A Global Perspective - by K.M. Shrivastava.
3. Leading Cases on Right to Information - by DivyaJyotiJaipurkar, JayshreeSatpute [Socio Legal Information Cent, 2009].
4. Manual of Right to Information Act - by Raj Pruthi [Pentagon Press, 2006].
5. Business Ethics: An Indian Perspective - by A.C. Fernando [Pearson Education India].
6. SEBI & Securities Market in India - by Sarkriya D.
7. Manual of SEBI, Notifications & Legislations - by Foreign Service Institute, New Delhi].
8. The Telecom Revolution in India: Technology, Regulation & Policy - by Indian Institute of Management, Bangalore (IIMB).
9. Consumers' Handbook on Telecommunications - by TRAI, MahanagarDoorsancharBhawan, Jawaharlal Nehru Marg, New Delhi.
10. Guide To The Electricity Laws - by NaushirBharucha [ISBN: 9788180382123, 2004].
11. Handbook of Electricity Laws - by P.L. Malik [Eastman Book Company].
12. A Critical Commentary on the Electricity Act, 2003 - by VivekSadashicDhamankar&SandeepSheshmal Jain [ISBN: 8181592816].
13. Law of Electricity in India - by Sarkar&Bhatnagar.
14. Law relating to Electricity in India - by AiyerKrishnamurty.
15. Commentary on Electricity Laws, with State Reforms - by S.K. Chatterjee.
16. A Guide to The Electricity Laws - by Justice Rajesh Tandon.



(optional)

**POST GRADUATE DEPARTMENT OF BUSINESS LAW****Subject: LAW RELATING TO FOREIGN TRADE**

Trade is a crucial process for sustaining & augmenting the economic growth and progress of a Nation. Foreign trade is an avenue for inflow of foreign exchange as well as one of the pathways for India to become a prominent competitor in the global market. Import & export of goods & services, traversing international precincts are the two important mechanisms of foreign trade. Hence, it is pivotal to proliferate these components. An all-encompassing development of India's foreign trade is essential towards manifesting these targets. These aspects make it indispensable that Students of a Masters program [M.L.] in Business Law gain adequate knowledge in the Law relating to Foreign Trade, which is one of the major mechanisms in achieving the afore mentioned aspirations of our Nation. In India, the main legislation concerning foreign trade is the Foreign Trade (Development and Regulation) Act, 1992. This Legislation postulates for enhancing exports, regulating foreign trade and allied matters. The new Foreign Trade Policy of 2009-14, takes an inclusive view aiming for a holistic development of foreign trade in India and provides a blueprint for the expansion of this sector.

In view of the above perspectives, the broad objectives of this course may be formulated as follows:

- a) To understand the Legal dimensions of the law relating to foreign trade, with reference to India.
- b) To enable Students to comprehend & appreciate the process of export-import of goods-services, the resultant inflows & outflows of foreign exchange & the role these play towards establishing India as one of the significant players in the global trade market.
- c) To familiarize Students with the organizational set-up, functioning, lending & accountability aspects of various export promotional schemes, exemptions, special zones & units, authorities established under the Act and associated matters.

**I. INTRODUCTION:**

- i. International Trade-Need & importance of International Trade-Theories of International Trade.
- ii. Basic necessity for export & import in India-India's Foreign Trade Policy-Pre-Liberlization & Post Liberlization era in Foreign Trade
- iii. Control by State over Foreign Trade in India.
- iv. Powers of Reserve Bank of India in controlling Foreign Trade, within India.
- v. Automatic Approval Scheme.

**II. INTERNATIONAL ORGANIZATIONS & FOREIGN TRADE:**

- i. WTO & GATT.
- ii. Dispute Settlement Mechanisms.
- iii. Transfer of technology.
- iv. Tariff & Non-Tariff restrictions.
- v. Dumping of discarded technology & goods in international market-Anti-Dumping.
- vi. Quota Restrictions-Subsidies & Countervailing Duties.
- vii. Permissible & Quarantine Regulations.

**III. STATE MECHANISMS TO REGULATE FOREIGN TRADE IN INDIA:**

- i. Foreign Trade Development & Regulation Act, 1992.
- ii. Director General of Foreign Trade (DGFT)-Board of Trade (BoT)-Central Excise Authority (CEA)-Export Import Bank of India-Export Credit Gurantee Corporation of India Ltd.

## Dr. KUMUDHA RATHNA

- iii. Currency Transfer-Borrowing & Lending of money in Foreign Currency-Repatriation & surrender of Foreign Securities-Investment in Indian Banks.
- iv. Investment in Foreign Countries-Establishment of business outside India.
- v. Promotional Measures:
  - a. Export Promotion Councils.
  - b. Export Oriented Units (EOUs) - Electronic Hardware Technology Parks (EHTPs) – Software Technology Parks (STPs) & Bio-Technology Parks (BTPs).
  - c. Export Promotion Capital Goods Scheme (EPCGS).
  - d. Special Economic Zones (SEZs).
  - e. Free Trade & Warehousing Zones (FTWZs).
- vi. Duty Exemption/Remission Schemes:
  - a. Duty Free Import Authorization (DFIA).
  - b. Advance Licence Scheme.
  - c. Duty Entitlement Pass Book (DEPB).
  - d. Duty Drawback Scheme.

### IV. **FOREIGN TRADE-SPECIALIZED SECTORS:**

- i. Agricultural Products.
- ii. Textile & Clothing.
- iii. Jewellery.
- iv. Joint Venture-FII-NRI-FDI-ADR, GDR & FCCB.
- v. Service Sector.

### V. **CUSTOMS & PREVENTION OF SMUGGLING:**

- i. The Customs Act, 1962.
- ii. The Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (COFEPOSA).
- iii. Prohibition on importation & exportation of goods.
- iv. Money laundering.
- v. Control of smuggling activities in import & export trade.
- vi. Levy of & exemption from Customs Duties.
- vii. Clearance of imported & to be exported goods.
- viii. Conveyance & Warehousing of goods.



### **READING MATERIAL:**

#### **A. Statutory Material:**

1. Foreign Trade Development & Regulation Act, 1992.
2. The Customs Act, 1962.
3. The Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974.
4. WTO & GATT.

#### **B. Reference Material:**

1. Government of India. Handbook of Import Export Procedures Government of India Import and Export Policy (1997-2002)
2. Foreign Trade Development and Regulation Act, 1992 - Rules.
3. Customs Manual.
4. International Trade Law and Practice- Lew, Julton D.M and Clive Stand brook (eds), Euromoney Publications, London, 2009.
5. Export Trade – The Law and Practice of International Trade- Schmothoff C.R, 2008.



**DEPARTMENT OF LAW BUSINESS LAW**  
**(CHOICE BASED CREDIT SYSTEM)**  
**3<sup>RD</sup> SEMESTER OPTIONAL- V**  
**PAPER: LEGAL REGULATION OF ECONOMIC ENTERPRISES**

**UNIT – I**

**EVOLUTION OF LEGAL REGULATION OF ECONOMIC ENTERPRISES:**

1. Constitutional perspective
2. Social welfare Philosophy in India
3. Changing Patterns of Industrial Policy Resolutions and licensing policies in India: From 1948 – 1991
4. Role of the State in regulating the economic enterprises

**UNIT – II**

**GLOBALIZATION AND DEREGULATION OF ECONOMIC ENTERPRISES IN INDIA:**

1. Impact of WTO on economic enterprises in India
2. Transformation of Laws:
  - MRTP – Competition Act
  - FERA – FEMA
3. Restrictive and Unfair trade practice and Intellectual Industrial property
4. Companies Act Provisions relating to merger, Acquisitions
5. SEBI – regulations relating to take over
6. Place of Small Scale Sectors in the changing context
7. Joint Venture Agreement

**UNIT – III**

**PRIVATIZATION OF ECONOMIC ENTERPRISES IN INDIA**

1. Role of Public Sector in India
2. Disinvestment in Public enterprises
3. Emergence of disinvestment policy
4. Changing profile of public sector enterprises in India
5. Sick industrials: Nationalization or winding up
6. Insurance Regulatory and Development Authority Act, 1999
7. Place of Small Scale Sector in the changing context
8. Essential Commodities Act

**UNIT – IV**

**FINANCIAL SERVICES REGULATION:**

1. Investment banking
2. Depository Services
3. Online Share trading

4. Development financial Institutions – IFCI, ICICI, IDBI, SIDBI, IIBI.
5. Investment Institutions – Unit Trust of India, LIC, GIC
6. Specialized Financial Institutions – IFCI, ICICI venture Funds, TFCI, EXIM Bank
7. Non Banking Financial Companies
8. Merchant Banking
9. Stock Banking in India
10. SEBI and capital market reforms

## **UNIT – V**

### **LEGAL REGULATION OF MULTI NATIONAL CORPORATIONS**

1. Development & Regulation of Foreign Investment
2. Investment in India & Abroad
3. Merits and Demerits of Foreign Investment in India
4. Technology transfer
5. FDI Policy in India
6. SEBI guidelines on FDI

### **Select Bibliography**

1. Ruddar Dutt, K.P.M. Sundharam, Indian Economy, S. Chand & Co. Ltd., New Delhi
2. S. Aswani Kumar, The Law of Indian Trade mark (2001), Commercial Law House, Delhi
3. Industrial Policy Resolutions of 1948, 1956, 1991
4. Industrial Licensing Policy 1970, 1975
5. Industrial Policy Statements 1973, 1977, 1980
6. Reports of Committees on Public Undertakings of Parliament
7. Industrial (Development and Regulation) Act, 1951
8. Indian Law Institute, Law of International Trade Transactions, (1993)
9. Prema Chandra Athulorala, Kunal Sen, Saving Investment and growth in India, Oxford University Press
10. Life Insurance Corporation of India, Impact of privatization and performance, Sumninder Kaur Bawa
11. S.R. Myneni, Law of Investment and Securities, Asia Law House
12. Nirvikar Singh, Sugata Marjit, Joint Ventures, Industrial Investment and Technology transfer
13. D. Aneet, Dr. Monika Aggarwal, Small and medium Enterprises in transitional economics, Challenges and Opportunities, Deep and Deep publications
14. Daniel D. Bradlow and Alfred Esher (EDS), Legal Aspects of FDI, Kluwer Law International
15. P.N.Singh, J.K. Singh, Kumar Ratnesh, Encyclopaedia of India Economy, Deep and Deep publications
16. A Ramaiya's Guide to the COMPANIES ACT (Box-1 : 3 Vols. + Appendices 1 & 2) 7th revised edition, Dec. 2010, Latest Reprint
17. Cr Datta On The Company Law (4 Vols + 1 Index) 6<sup>th</sup> Edition, year 2008

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**POST GRADUATE DEPARTMENT - BUSINESS LAW**

**(Elective)**

**Syllabus of Subject: *INSURANCE LAW*:**

Insurance law is a subject of key import to individuals & the business sector. The aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks. Thus, when a person enters into an insurance contract he purchases for an agreed Premium, financial coverage from loss sustained due to the peril insured against.

Insurance can be sketchily categorized into life insurance and general insurance. The later covers a spectrum of insurances such as Marine insurance, an assortment of property insurances, liability insurance.

The objectives of this course is to provide the students –

- a) An understanding of the Legal dimensions of the law relating to the formation of insurance contracts.
- b) An insight into the laws, which buttress the operations of insurance.
- c) To comprehend & appreciate the significance of various types of insurances & the consequences of the happening of the peril/s insured against.
- d) To familiarize with the organizational set-up of the redressal mechanisms, functions & powers of the same, claim settlement procedural aspects, under the various statutes pertaining to insurance.

**1 INTRODUCTION:**

1.1 Nature & scope of insurance.

1.2 Constitutional perspectives-List I-Entries 24, 25,29,30, 47; List III-Entries 19, 23, 32, 35,47, 56.

1.3 History of Marine, Fire & Life insurances.

1.4 Legislations governing insurance-Insurance Act, 1938; IRDA Act, 1999; Consumer Protection Act, 1986.

**2 GENERAL PRINCIPLES OF LAW OF INSURANCE:**

2.1 Essential elements of insurance contracts.

2.2 Classification of insurance.

2.3 Formation of insurance contracts.

2.4 Nature of insurance contracts

2.4.1 Contract is Aleatory;

2.4.2 Contract of Uberrima fide;

2.4.3 Contract of Indemnity;

2.4.4 Contract of Wager.

2.5 Insurable interest.

2.6 Premium.

2.7 Risk.

## **Dr. KUMUDHA RATHNA**

- 2.8 Assignment of Insurance policies.
- 2.9 Warranties & disclosures.
- 2.10 Double insurance & re-insurance.
- 2.11 Doctrine of Contribution, Subrogation & Reinstatement.

### **3 LIFE INSURANCE:**

- 3.1 Nature & scope of life insurance.
- 3.2 Kinds of life insurance contracts.
- 3.3 Events insured against in life insurance with special reference to Felo De Se.
- 3.4 Factors affecting risk in life insurance.
- 3.5 Amounts recoverable under life insurance.
- 3.6 Persons entitled to payment under life insurance.
- 3.7 Settlement of claims.
- 3.8 Legislations governing Life Insurance-LIC Act, 1956; The Fatal Accidents Act, 1855; The Personal Injuries (Compensation Insurance) Act, 1963.

### **4 MARINE INSURANCE:**

- 4.1 Nature & scope of marine insurance.
- 4.2 Salient features of the English & Indian Marine Insurance Acts.
- 4.3 Classification of marine insurance policies.
- 4.4 Change of voyage and deviation.
- 4.5 Maritime perils.
- 4.6 Warranties.
- 4.7 Loss.

### **5 PROPERTY INSURANCE:**

- 5.1 Fire Insurance.
- 5.2 Burglary and theft insurance.
- 5.3 Livestock insurance.
- 5.4 Agricultural insurance.
- 5.5 Plate Glass insurance.
- 5.6 Goods in transit insurance.
- 5.7 Policies for accidental loss or damage to property.
- 5.8 The Emergency Risks (Factories) Insurance.
- 5.9 The Emergency Risks (Goods) Insurance.
- 5.10 The Motor Vehicles Act, 1988.



### **READING MATERIAL:**

- A. Study Material:
  - a. K.S.N. Murthy & Dr. K.V.S. Sarma - Modern Law Of Insurance.
  - b. M. N. Srinivasan - Principles Of Insurance Law (Life - Fire - Marine - Motor And Accident).
  - c. Avtar Singh - Law Of Insurance.
- B. Reference Material:
  - a. E.R. Hardy Ivamy - General Principles of Insurance Law.
  - b. Eric M. Holmes, William F. Young – Insurance: Cases And Materials.
  - c. Colinvaux – Law Of Insurance.
  - d. Edwin W. Patterson – Cases And Materials On Law Of Insurance.
  - e. John Birds – Modern Insurance Law.



**Dr. KUMUDHA RATHNA**



Dr. KUMUDHA RATHNA

Rago.  
LL.M (II Yr)  
- IV Sem.

POST GRADUATE DEPARTMENT - BUSINESS LAW

(Elective)

Syllabus of Subject: INSURANCE LAW:

Insurance law is a subject of key import to individuals & the business sector. The aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks. Thus, when a person enters into an insurance contract he purchases for an agreed Premium, financial coverage from loss sustained due to the peril insured against.

Insurance can be sketchily categorized into life insurance and general insurance. The later covers a spectrum of insurances such as Marine insurance, an assortment of property insurances, liability insurance.

The objectives of this course is to provide the students -

- a) An understanding of the Legal dimensions of the law relating to the formation of insurance contracts.
- b) An insight into the laws, which buttress the operations of insurance.
- c) To comprehend & appreciate the significance of various types of insurances & the consequences of the happening of the peril/s insured against.
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1 INTRODUCTION:

- 1.1 Nature & scope of insurance. ✓ ch-1
- 1.2 Constitutional perspectives-List I-Entries 24, 25, 29, 30, 47; List III-Entries 19, 23, 32, 35, 47, 56.
- 1.3 History of Marine, Fire & Life Insurances. ✓ ch-1
- 1.4 Legislations governing insurance-Insurance Act, 1938; IRDA Act, 1999; Consumer Protection Act, 1986. ch-2

2 GENERAL PRINCIPLES OF LAW OF INSURANCE:

- 2.1 Essential elements of insurance contracts. ✓
- ✓ 2.2 Classification of Insurance. ✓
- 2.3 Formation of insurance contracts.
- ✓ 2.4 Nature of insurance contracts
  - 2.4.1 Contract is Aleatory; ✓
  - 2.4.2 Contract of Uberrima fide;
  - 2.4.3 Contract of Indemnity;
  - 2.4.4 Contract of Wager.
- ✓ 2.5 Insurable interest. ch-6
- ✓ 2.6 Premium. ch-7
- ✓ 2.7 Risk. ch-8

See  
Contract of  
Insurance

KVS Sharma Book

## Optional -Course Branch: Constitutional Law & Human Rights

### Center- State Relations in India (optional-I)

#### Unit-I – Federalism

Federation and Confederation - Models of federal government – USA, Australia, Canada – Evolution of Centre-State relations in India – Indian Union- Composition –Distinct features of Indian Federalism –Part I(Art.1 to 4)

#### Unit – II- Legislative Relations

Territorial nexus theory & principles of resolving conflict – Distribution of Legislative powers – the three lists – Principles of the interpretation of lists- Repugnancy between the Central and State law-Residuary power-Parliamentary legislation in the State field-Centre control over State legislation-Distribution of powers in other federation - Freedom of Inter-State trade and commerce, restrictions on legislative power of the Union and States.

#### Unit – III – Administrative Relations

Distribution of Executive power-Central-State Administrative coordination-Power to carry on trade-States not to impede the Centre-Centre's directives to the States-Statutory provisions-All India Services – impact of emergency and role of executives in the centre-state relations.

#### Unit – IV- Financial Relations

Scheme of Allocation of taxing power - Extent of union power of taxation – inclusion of residuary power in the fiscal power - Inter-Government tax immunities - difference between tax and fee- distribution of tax revenues - borrowing power of the Government of India and state- tax-sharing under the constitution - Finance commission – Specific purpose grants-VAT-GST- Reports of Commission & Committees on Revenue sharing.

#### Unit –V- Co-operative federalism and Planning

Competitive federalism to Co-operative federalism – Full faith and Credit Clause - Inter-state Councils- Zonal Councils – River Boards – Other Statutory bodies - Planning Commission & Finance Commission - National Development Council - Plan grants – Special status given to certain states – impact of Panchayat Raj on Centre-State relations - Commissions and reports on Centre-State relations – Impact of globalization on Centre-State relations.

#### Reference Books:

1. H.M. Seervai, Constitutional Law of India (1998), Tripathi, Bombay.
2. Constituent Assembly Debates: Vol. IX – p. 203, 240 & 320-349; Vol. X – 325-342.
3. Richard M. Pious, The American Presidency, pp.293-331, Ch.9 (1979)
4. Daniel J. Elazar, American Federalism, Chs. 3 &4 (1984)
5. Administrative Reforms commission on center-state relationship Ch.3 (1969)
6. Administrative reforms commission, Report of study Team o central-state relationship (1967) Vol. 1 Sections land 11 pp. IS-168.
7. Report of the English Finance corporation
8. Government of Tamil Nadu report of the Center – State Relations Inquiry committee Ch. 5 (1971)
9. Ashok Chandra, Federalism in India, (1965)
10. V.D. Sebastian, Indian Federalism :The Legislative Conflicts Chs. 6,7 & 8 (1980)
11. Chandrapal, Center-State Relations and cooperative federalism. Chs. 5 & 8 (1983)
12. G.C.V Subba Rao, Legislative Powers in Indian Constitutional law, Chs 37,38 & 39 (1982)
13. K.P. Krishna Shetty, The law of Union-State Relations and the Indian Federalism Ch. 9 (1981)
14. L.M. Singhvi (ed), Union state Relations in India 124-154 (1969)
15. D.T. Lakadwala, Union – State Financial Relations (1967)
16. K. Subba Rao, The Indian Federation (1969)
17. K.C. Wheare, Federal Government (1963)
18. Sudha Batnagar, Union-State financial Relations and Finance Commissions, (1979)
19. M.P. Jain “Indian Constitutional Law” (2011), Wadhwa.
20. D.D. Basu: Commentaries on the Constitution of India.
21. G.Austin: Indian Constitution – Cornerstone of a Nation.
22. V.N. Shukla: Constitution of India.
23. M.C.Saxena: Dynamics of Federalism.
24. M.C.Setalvad: ;Union and State Relations under the Indian Constitution.

# **CONSTITUTIONAL PROTECTION OF HUMAN RIGHTS**

## **UNIT – I HISTORY AND DEVELOPMENT OF HUMAN RIGHTS IN INDIA**

- 1.1 Concept and meaning of Human Rights
- 1.2 Human Rights theories and values
- 1.3 Human values and social movements through the ages
- 1.4 Classification

## **UNIT – II CONSTITUTIONAL PHILOSOPHY**

- 2.1 Constituent Assembly Debates
- 2.2 Preamble
- 2.3 Fundamental Rights
- 2.4 Directive Principles of State Policy
- 2.5 Fundamental Duties

## **UNIT – III IMPLEMENTATION: ENSURING HUMAN RIGHTS THROUGH GOVERNANCE**

- 3.1 Democracy: Guaranteed freedoms; People's participation
- 3.2 Rule of Law: Non-arbitrariness, Fairness in Justice Administration, equal access to justice
- 3.3 Transparent Governance: Elimination of corruption, Right to information, Whistle blowing and judicial accountability

## **UNIT – IV JUDICIAL ACTIVISM AND DEVELOPMENT OF HUMAN RIGHTS JURISPRUDENCE**

- 4.1 Right to Human dignity, livelihood
- 4.2 Freedom from torture
- 4.3 Right to Food, Right to Education
- 4.4 Right to Health
- 4.5 Right to development
- 4.6 Right to clean environment and public safety

## **UNIT – V HUMAN RIGHTS AND STATUTORY MACHINERY**

- 5.1 National Human Rights Commission
- 5.2 State Human Rights Commission
- 5.3 Law Commission
- 5.4 National Commission for women, SC/ST, minorities and National Commission for the protection of Child Rights

### **BOOKS RECOMMENDED:**

1. D.D. Basu, 'Commentary of the Constitution of India' (Vol. 1,2 &3), 8<sup>th</sup> Ed., (Lexis Nexis, Nagpur), 2007 & 2008.
2. D.D. Basu, 'Human Rights in Constitutional Law', 3<sup>rd</sup> Ed., (Lexis Nexis, Nagpur), 2008
3. K.P. Sakesena, 'Human rights & the Constitution: vision and the reality', (Gyan Publishing house), 2003.
4. Chiranjivi.J. Nirmal, 'Human rights in India: Historical, Social and Political perspectives', (Oxford University Press, New Delhi), 2002.
5. J.S. Verma, 'The New Universe of Human Rights', (Universal Law Publications, New Delhi), 2011
6. Gopal Bhargava, 'Meaning & sources of Human Rights', (Kalpaz publications, India), 2003.
7. Corradetti Claudio (Ed.), 'Philosophical Dimensions of Human Rights', (Springer publications), 2012.
8. Michael J. Perry, 'Toward a theory of Human Rights: Religion, Law, Courts' (Cambridge University Press), 2007.
9. Ishay Micheline, 'The History of Human Rights', (Orient Blackwan), 2008.
10. Bharat Jhunjunwala, 'Governance & Human Rights', (Gyan Publishing house), 2002.

# **RIGHT TO INFORMATION – LAW AND POLICY**

## **UNIT – I**

### **Conceptual framework**

- Freedom of Information; history, evolution and development
- Parliamentary debates on Right to Information
- Right to Information Movement
- International efforts towards Freedom of Information in the UK., USA, and South Africa

## **UNIT – II**

### **Transparency, efficacy and good governance**

- Corruption
- Accountability to citizens
- Auditing and good governance
- Official Secrets Act
- Public Records Act
- Whistleblowers' Protection Bill

## **UNIT – III**

### **The Indian Constitution and the Right to Information**

- Freedom of Speech and Expression; its corollary right of citizen to seek information
- Judicial approach to Freedom of the Press; Right to Privacy
- Right to know Vs Confidentiality
- Duty to disclose and right to information
- Access to Information as a human right
- Balance of rights – Right to Privacy and Right to Information
- Laws, Rules and Regulations preventing flow of information
- Freedom of Information Act, 2002

## **UNIT – IV**

### **The Right to Information Act, 2005**

- Evolution of the RTI Act, 2005
- Statutory definitions
- Obligations of Public Authorities; Distinction between “Government” and “Public Authority”
- Information – Meaning; Obtaining information; disposal of request; exemptions from disclosure; Third party information
- Severability
- Institutional arrangements for Public Information – Constitution, Powers and functions of Central and State Information Commissions

- Appeal and Penalties
- Filing RTI Applications – Group Work

## **UNIT – V**

- Jurisprudence on Right to Information
- Working of the Central Information Commission and its orders
- Working of the Tamil Nadu State Information Commissions and its orders
- The RTI and the High Courts
- The RTI and the Supreme Court
- Corporate sector and the RTI
- Private agencies, NGOs and the RTI
- Relationship between Judiciary and Commissions

### **Reference:**

Prof. (Dr) S.V. Joga Rao, “Law relating to Right to Information “

Dr. Madabushi Sridhar, “Right to Information”.

The Right to Information Act, 2005

The Constitution of India

The Official Secrets Act, 1923

The Public Records Act

The Whistleblowers’ Protection Bill

Important decisions of various High Courts on the Right to Information Act – Case Law Digest, Centre for Public Policy, Yashwantrao Chavan Academy of Development Administration, Pune; YASHADA;

[www.yashada.org](http://www.yashada.org)

Analysis of judgment of Central Information Commissions on RTI; [www.pria.org](http://www.pria.org)

Right to Information compilation (January to April 2010); [www.isidelhi.org.in](http://www.isidelhi.org.in)

Commonwealth Human Rights Initiative – [www.chri.org](http://www.chri.org)

[www.rtiindia.org](http://www.rtiindia.org)

### **Case laws**

1. *Namit Sharma Vs Union of India; Supreme Court* – W.P. (Civil) No. 210 of 2012; dated September 2012; appointment of RTI bodies like Central Information Commissioners etc.,

2. *Secretary General, Supreme Court of India Vs Subbashchandra Agarwal* – W.P. (c) No. 288/2009, Dated 12.1.2010; Chief Justice of India is a Public Authority under Sec. 2 (h) of the Right to Information Act

3. *Girish Ramchandra Deshpande Vs CIC and others*; SLP (Civil) No. 27734 of 2012; details disclosed by a person in his income tax returns are “personal information” which stands exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless it involves a larger public interest

## **Comparative Constitutional Law**

This course is designed to examine from a comparative perspective –legal structure and concepts that are found in Constitutions across the world, concepts such as basic rights, rule of law, systems of governance, judicial review, to name a few. Comparative Constitutional Law course is intended to make students familiar with the constitutional systems of a few countries. In this course the constitution of United States of America and Germany along with the Indian Constitution. Students will be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.

### **Unit –I**

#### **Federalism**

- 1.1 Meaning and theories of Federalism,
- 1.2 Maintaining the federal balance, USA, India and Germany,
- 1.3 Constitutionalism – Supremacy of the Constitution,
- 1.4 Reorganization of territory –units’ right to secede,
- 1.5 Legal features of federal constitution.
- 1.6 Impact of globalization on CSR.

### **Unit – II**

#### **The Executive and the Cabinet powers and functions**

- 2.1 The President
- 2.2 The Prime Minister
- 2.3 Cabinet, Permanent executive
- 2.4 Inconsistency and implied repeal
- 2.5 Supremacy or primacy of federal law and repugnancy
- 2.6 International Rule of law



## **Unit –III**

### **Union –State Relations**

- 3.1 Distribution of power between the federal and the provincial units
- 3.2 Provisions for control over States to ensure national unit
  - 3.2.1 Control over State Constitutions
  - 3.2.2 Control over agreements and treaties
  - 3.2.3 The Supremacy Clause
  - 3.2.4 Federal control over State legislation
  - 3.2.5 Federal control over State administrative functions
- 3.3 Legal personality of the Union and the States
- 3.4 Control through executive powers
- 3.5 Need for federal control over the States

### **Unit IV - Judiciary**

- 4.1 System of independence
- 4.2 Powers and functions
- 4.3 Review power under the respective Constitutions
- 4.4 Guardian of the rights
- 4.5 Protector of Constitution and federal umpiring

### **Unit V – Emergency, War Powers and Federal Governance**

- 5.1 Emergency powers
  - 5.1.1 Impact of External Emergency upon Federal powers
  - 5.1.2 Impact of Internal Emergency upon Federal Powers
  - 5.1.3 Impact of Emergency owing to Breakdown of Constitutional Machinery in a State
  - 5.1.3 Impact of Financial Emergency
- 5.2 War power – National Defence
- 5.3 Federal Governance
  - 5.3.1 USA
  - 5.3.2 India
  - 5.3.3 Germany

### **Reference:**

1. Wade and Philips – Constitutional Law.
2. Bernard Schwartz – American Constitutional Law.
3. Hood Philips – Constitutional Law.
4. K. C. Wheare – Federal Government.
5. Freund and Materials on U. S. Constitutional Law.
6. Trenso and Shapiro – American Constitution
7. D.D. Basu – Comparative Federalism
8. J.C. Joshi – New Comparative Government
9. D.D. Basu – Human Rights in Constitutional Law
10. Vishnu Bhagwan and Vidya Bhusan – World Constitutions

# **MEDIA AND THE LAW**

## **UNIT – I: MEDIA AND PUBLIC POLICY**

- 1.1 Concept and Evolution of media industry in India and entry of foreign print media;
- 1.2 Development of Press, Radio, FM, Doodarshan, Cable TV, Satellite TV and films as a medium of mass communication.
- 1.3 Ownership pattern – Public and private – press, film, radio, TV, internet; Differences between visual and non-visual media; Problems of oligopoly.
- 1.4 Airwaves and Government control – Licensing issues in Broadcasting sectors, Community Radio Advocacy,
- 1.5 Pre-censorship of films in big screens - Cinematography Act 1952; broadcasting in small screens – internal scrutiny & self regulation – problems and perspectives.

## **UNIT - II: CONSTITUTION AND LEGAL FRAMEWORK**

- 2.1 Freedom of speech and expression and its restrictions
- 2.2 Right to know v. Right to privacy
- 2.3 Interpretation of Art. 19(1)(a) relating to print & electronic media – Case studies
- 2.4 Power of legislature to impose tax on print media.
- 2.5 Media & Criminal Law-Defamation,Obscenity,Sedition under IPC; Media & Tort Law - Defamation & Negligence; Media & Legislature – Privileges of the Legislatures; Media & Judiciary – Contempt of Court; Media & Executive – Official Secrets Act and Right to information Act; Media & Journalists – Working Journalists (Conditions of Service) Act & Press Council Act.
- 2.6 Judicial review on media

## **UNIT – III: THE NEW MEDIA OF INTERNET**

- 3.1 Evolution of internet as new media
- 3.2 Cyber Journalism - search websites, News website, online publication, E-commerce, Advertisement and Social networking sites.
- 3.3 Problems of Information security, Social, Political and Moral Problems; Pornography includes Child pornography & scandals; freedom of expression in social networking sites.
- 3.4 ICT regulations; Information Technology Act, 2000.
- 3.5 Global regulation of internet & e-commerce.

## **UNIT - IV: MEDIA AND SOCIETY**

- 4.1 Role of media in social change and its ethics.
- 4.2 Mass campaigns on specific issues – social concerns, environmental issues, human rights, gender equality.
- 4.3 Uses and utilization of electronic media in education and research.
- 4.4 Trial by media - Accountability v. Independence.

- 4.5 Hate speech and tolerance - yellow journalism: issues and concerns
- 4.6 Press Council of India & Press Commissions.
- 4.7 Government control v. Private monopoly

## **UNIT – V: MEDIA & ADVERTISEMENT**

- 5.1 Concept & origin of Advertisement and its development.
- 5.2 Advertisement & Ethics.
- 5.3 Commercial advertisement and its socio-economic effects.
- 5.4 The Advertising standards council of India.
- 5.5 Indecent Representation (prohibition) Act, 1986.
- 5.6 The Drugs and Magic Remedies (objectionable) Advertisements Act of 1954.
- 5.7 Issues of Consumer Protection.
- 5.8 Competition Act, 2002 and impact on Advertisements.

### **Statutes to be reviewed:**

Press and Registration of Books Act, 1867,  
The press(objectionable matters)Act 1957,  
The News Paper (prices and Pages)Act, 1956,  
Defence of India Act,  
Delivery of Books and News paper (public libraries) Act, 1954,  
Telegraph Act, 1885;  
Broadcasting Bill, 2006;  
Cable T.V.Networks (regulation) Act of 1995;

### **Select Bibliography:**

1. Mcquail, Dennis, Mass Communication Theories, Sage Publication, 2000.
2. Asa, Berger, Essentials of Mass Communication, Sage Publication, 2000.
3. D.D. Basu, Law of the Press in India, Practice Hall of India, 2003.
4. D.D. Basu, Commentary to the Constitution of India, 2007.
5. H.M. Seervai, Constitution of India (IVth Ed.), 1996.
6. Radha Krishna Murthi, Indian Press Laws, Indian Publishers, Distributors, 1997.
7. Madhavi Goradia Divan, Facets of Media Law, Eastern Book Co., Lucknow, 2006.
8. Peter Carey and Jo Sanders, Media Law, Sweet & Maxwell Ltd., London, 3<sup>rd</sup> Ed. 2004.
9. Joseph R. Dominick, Barry L. Sherman&Fritz Messere, Broadcasting, cable, the internet, and beyond: An introduction to modern electronic media.

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**Department of Constitutional Law and Human Rights**

**3<sup>RD</sup> SEMESTER , OPTIONAL – (IV)**

**PAPER: NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW**

**Objectives of the Course**

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra- ordinary circumstances created by war or external aggression or armed rebellion. Although “amidst the clash of arms, the laws are not silent” they do not speak the same language in war as in peace. Extra- ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put grater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

The following syllabus prepared with this perspective is given below.

**Syllabus**

**Unit I: National Security, Public Order and Rule of Law**

Emergency Detention in England- Civil Liberties

Subjective satisfaction or objective assessment?

Pre- Independence law; marital Law: Provisions in English Law, Indian Law

**Unit II: Preventive Detention and Indian Constitution**

Article 22 of the Constitution

Preventive Detention and safeguards

Declaration of Emergencies

1962, 1965 and 1970 Emergencies.

1975 Emergency

### **UNIT III: Exceptional Legislation**

COFEPOSA and other legislations to curb economic offenders.

TADA: “the draconian law”- comments of NHRC

Special courts and tribunals.

Due Process and special legislation.

Meaning of “Security of State”.

Meaning of “Public Order”.

Suspension of Article 19, rights on declaration of emergency.

President’s right to suspend right to move any court.

Article 21 – special importance – its non-suspendability.

Suspendability – 44<sup>th</sup> amendment.

### **UNIT V: Access to Courts and Emergency**

Article 359: ups and downs of judicial review.

Constitution (Forty-fourth) Amendment Act, 1978.

Constitution (Fifty-ninth) Amendment Act, 1988.

### **Select Bibliography**

G.O. Koppell “ The Emergency, The Courts and Indian Democracy” 8 J.I.L.I. 287(1966)

H.M. Seervai, The Emergency , Future Safeguards and the Habeas Corpus: A Criticism.

International Commission of Jurists, Status of Emergency and Human Rights (1984)

N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).

MP Jain-Indian Constitutional Law(Wadhwa Pb)

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**DEPARTMENT OF CONSTITUTIONAL LAW AND HUMAN RIGHTS**

**3<sup>RD</sup> SEMESTER , OPTIONAL – (V)**

**PAPER: ELECTION LAWS**

**Unit I**

Elections – General Principles and Basic requirements – The office of electorate, and the candidate – Different types of representation – the system of election

General features of Election and Election laws in India – Universal adult suffrage – General Electoral roll – Special provisions for scheduled castes and scheduled tribes – system of voting – Election Commission

Parliamentary elections – House of people – Council of States – the general principles – Election to State Legislatures – the legislative assembly – the legislative council – the electoral law in India for election to parliament and legislatures

**Unit II**

Then Election Commission – composition – conditions of service and protection – functions of the commission – supervisory jurisdiction of the election commission – removal or reduction for disqualification, jurisdiction of High Court over Election Commission

Notification of General Elections – Council of States – House of People – Legislative Assembly and Legislative Council – Public notice

Allocation of seats and delimitation of constituencies – Parliamentary and assembly Constituencies – “Gerry-mandering” present position – delimitation of council constituencies

The Elector – excluded classes – plural or weighted voting – who can be an elector – qualification – minor and election – the proper test, electoral rolls – preparation and revision of electoral rolls – Administrative machinery – assistant electoral registration officers – Assembly rolls – claims and objections – final publication – appeals and amendments – revision – identity cards

**Unit III**

The candidates – qualifications and disqualifications – Parliament and State Legislatures – Nomination – presentation – other requirements – scrutiny – notice of nomination – grounds for rejection – valid lists- withdrawal of candidature – effect of death

Polling and Counting – voting by post – special votes – postal ballot – right to vote – voting in parliamentary and Assembly constituencies- Ballot papers – arrangements in polling station – presiding officers and polling officers – safeguards against impersonation – counting, returning officer – jurisdiction – rejection of ballot papers – rejection of postal ballot papers – declaration of results

#### **Unit IV**

Corrupt practices – Bribery, Undue Influence, Appeals on grounds of caste etc. Publication of false statement. Hiring of vehicles, executive expenditure – Assistance of government servants – offences relating to elections – agency in elections

Election expenses – present position – procedure – necessity for reform – election petition, High Court in the place of election. Tribunal – parties – Grounds and contents of petitions – withdrawal, abatement

#### **Unit V**

Presidential and vice-presidential elections – procedures – conduct – questioning the Elections

Power of the people: Concept and constitutional perspectives – 73<sup>rd</sup> and 74<sup>th</sup> Amendments – salient features of T.N. Panchayat Raj Act and the T.N. State Election Commission and State Financial Commission – Municipalities Act

#### **Prescribed Readings:**

1. Sen Varma, *The Law of Election*
2. M. Krishnan Nair, *Law of Election*
3. Representation of Peoples Act, 1951
4. Dr. K.C. Sunny, *Corrupt Practices in Election Law* (Eastern Book Co.)
5. The T.N. Panchayat Raj Act,
  - a) Constitution of Panchayats at different levels
  - b) Conduct of Elections
  - c) Disputes regarding Elections
  - d) Provisiond relating to Menbers and President of Panchayats
  - e) Finance Commission and Powers
6. The T.N. Municipality Act provisions relating to
  - a) Constitution of Municipal Authorities
  - b) Standing Committee
  - c) Conduct of Elections
  - d) Disputes regarding Elections

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## **Constitutional Law and Human Rights**

### **Service Law**

**(Optional)**

#### **Objective of the course**

In exercise of the powers conferred by proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (CCS (CCA) RULES). The service law jurisprudence in the country, owed its major growth from the English and American development is a recognised fact. The course focuses on the civil servants, their recruitment and promotion, Conditions of service, Special Category of services and Settlement of Disputes over Service Matters This paper shall comprise of the following 5 units to be spread out to a period of one semester.

#### **Syllabus**

##### **1. Civil Servants: Constitutional Dimensions**

Civil Servants and Fundamental Rights: Historical and Comparative Perspective – Equity and Protective Discrimination: Principles and Practices – Service Regulations – The Constitutional Basis-Formulation of Service Rules-Doctrine of Pleasure-Limitation on the Doctrine of Pleasure- Action only by an authority not subordinate to Appointing Authority- Opportunity of Being Heard and its Exceptions.

##### **2. Recruitment and Promotion**

Central and State Agencies for Recruitment –(UPSC & SPSC) –Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.

##### **3. Conditions of Service**

Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission – Kinds of Leave and conditions of Eligibility - Social Security : Provident Fund, Superannuation and Retrial Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in Harness, Compulsory Insurance- Civil and Criminal Immunities for action in Good Faith- Comparative Evaluation with Private Sector, State Government Employees and Central Government Employees.

##### **4. Special Category of Services**

Judicial Services: Subordinate Judiciary – Judicial Officers and Servants: Appointment and Conditions of Services – Officers and Servants of Supreme Court and High Court: Recruitment , Promotion, Conditions of Service and Disciplinary Action – All India Services, Object, Regulation Of Recruitment and Conditions of Service , Disciplinary Proceedings.

##### **5. Settlement of Disputes over Service Matters**

Departmental Remedies: Representation, Review, revision and Appeal: Role of Services Organisations- Remedy Before the Administrative Tribunal: Jurisdiction, Scope and Procedure –Merits and Demerits – Exclusion of Jurisdiction of Courts - Judicial Review of Service Matters- Jurisdiction of Supreme Court and High Court.



## **PRESCRIBED BOOKS AND JOURNALS**

Central and State Laws and Rules relating to Service Matters

ILI (Justice M. Rama Jois ) Service under the State (1987)

N.Narayanan Nair, The Civil Servant under the Law and Constitution (1973)

K.K.Goyal, Administrative Tribunals Act (1985)

Seervai, Constitutional Law Of India

Arjun P.Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)

C.K.Kochukoshy, “All India Services- The role and the Future”,1972. I.J.P.A. 67.

Douglas Vass, “The Public Service in Modern Society”,1983. I.J.P.A. 970

Z.M.S. Siddiqi, “Sanction for the Breach of Contracts of Service”, 1983. I.J.P.A. 359.

O.P.Motilal, “Compulsory Retirement”,1975. I.J.P.A. 247.

D.S.Chopra, “Doctrine of Pleasure – it’s some implication and Limitations”, 1975, I.J.P.A. 92.

G.C.V.Subba Rao, “ The ONGC Case and New Horizons in Public Services Law” S.C.J.29.

M.P. Jain Indian Constitutional Law Volume-I,II

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CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION

FIRST SEMESTER

CRIMINAL JUSTICE SYSTEM IN INDIA

1. Concept of crime-Principles of criminal law-Criminal law and its role.
2. Explanation of crime-Factors responsible for crime causation-Different theories.
3. Criminal Justice system-Its components and functions-role of Police, Prosecution, Defence counsel and Courts in the administration of criminal justice.
4. Concept of punishment-Explanatory theories-Sentencing process-Alternative to punishment.
5. Prison system in India-Open and Closed Prison System -Classification of prisoners-Rehabilitation of prisoners.

**Statutory Materials:**

1. Indian Penal Code, 1860
2. Indian Evidence Act, 1872
3. Code of Criminal Procedure, 1973

**Books Recommended:**

- Sutherland-Principles of Criminology  
Ahmad.Siddique's-Criminology.Problems and Perspectives  
Gillin-Criminology and penology  
Barness & Teeter's- New Horizons in Criminology  
Sethna-Society and the Criminal  
R.V.Kelkar- Outlines of Criminal Procedure  
Basu-Code of Criminal Procedure  
Sarkar- Code of Criminal Procedure  
Malimath Committee Report

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# **JUVENILE JUSTICE –LAW AND POLICY**

**Unit I** Concept of Juvenile Delinquency - Nature and Scope - Evolution of juvenile justice in India - Conception of child under the Indian constitutional Law and under penal Law - Response of the international community towards juveniles.

**Unit II** Determining factors of Juvenile Delinquency - Differential association - Anomie - Economic pressure-Peer group influence -gang sub culture-class differentials.

**Unit III** Legislative approach -Juvenile Justice (care and protection of children) Act 2000 - Juvenile in conflict with law - Juvenile in need of care and protection - Competent Authorities - Procedural safeguards- Community participation in juvenile care.

**Unit IV** Indian context of Juvenile Delinquency - the Child population percentage- Delinquent behavior by children - Juvenile below poverty line - physically and mentally disabled, orphans, destitute and vagrant - impact of child labour.

**Unit V** Preventive strategies- Social and -welfare programs - compulsory education - Role of Community, family NGO's etc., - social action litigation -judicial decisions.

## **SELECT BIBLIOGRAPHY**

- Juvenile Justice (care and protection of children) Act, 2000
- Juvenile Justice (care and protection of children) Rules, 2007
- The Juvenile Justice system in India –Ved Kumari
- Law relating to Juvenile Justice in India –R.N. Choudhry
- The right of the child in India – Justice Rajkumar Manisana Singh
- Encyclopedia of Juvenile Justice –M.C. Shane Williams
- Juvenile Delinquency, Theory, Practice and Law –Larry J. Siegal , Brandon C. Welsh
- Bhargava's Child Laws
- Juvenile delinquency: A Comparative Study-Attar, A.D
- Children in India and their rights-Bhakhry, Savita
- Juvenile Delinquency in India- A Psychological analysis –Desai, Arvindrai N
- Juvenile Courts: Its Philosophy and Procedure-Kochavara, T.L.
- Juvenile Delinquency-Kusum.K
- Juvenile Court in a changing society- Reifen, David
- A report on Juvenile Delinquency in India- Sabris M.S.
- Law Commission of India 165 report, 146 report, 205 report

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# NARCOTIC DRUGS- LAW AND POLICY

## Unit I Introduction

“Drugs” “narcotics” “psychotropic substances” – Drug Dependence and Addiction-Primary drug abuse- Trafficking in drugs- Drug addiction as a victimless crime. -Drug related crimes-Trafficking in drugs. -Anagraphic and Social characteristics of Drug Users- Gender- Age-Socialization--Occupation, Educations & Economical Level.-Reasons adduced at first use-Method of intake- Quantity and Cost, Consequences on addict's health (physical/psychic)-Study on drug addiction: Self - Reporting, Victim-studies, Problem of comparative studies

## Unit II The International Legal Regime

Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972-Analysis of the Convention on psychotropic Substances, 1972-International collaboration in combating drug addiction-The SAARC and -Profile of International market for psychotropic substances

## Unit III The Indian Regulatory System

Approaches to narcotic trafficking during colonial India-Nationalist thought towards regulation of drug trafficking and usage-The penal provisions (under the IPC and the Customs Act)-India's role in the evolution of the two International conventions.-Judicial approaches to sentencing in drug trafficking and abuse-The Narcotic Drugs and Psychotropic Substances Act, 1985-Pattern resource investment in India: policing adjudication, treatment, aftercare and rehabilitation

## Unit-IV Human Rights Aspects

Deployment of marginalized people as carrier of narcotics-The problem of juvenile drug use and legal approaches-Possibilities of misuse and abuse of investigative prosecutory powers-Bail-The problem of differential application of the legal regimes, especially in relation to the resource less

## Unit – V The Role of Community in Combating Drug Addiction

Role of civil societies (NGOs)-Profile of community initiatives in inhibition of dependence and addiction (e.g. de-addiction and aftercare)-The role of educational systems-The role of medical profession-The role of mass media-Initiatives for compliance with regulatory systems-Law reform initiatives

## SELECT BIBLIOGRAPHY

- H.S. Becker, Outsider: Tile studies in sociology of deviance 91966)
- J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974) R. Cocker, Drug Abuse and personality in Young Offenders (1971)
- G. Edwards Busch, (ed.) Drug Problems in Britain: A Review of Ten Years (1981) Kodanram and Y.N. Murthy. "Drug abuse and crime: A preliminary study" Indian Journal of Criminology, 65-68 (1979)
- P.R. Rajgopal Violence and Response: A critique of the Indian Criminal system (1988) Social Defence, ResearchInstitute (UNSDR) Combating drug abuse and related crimes (Rome July 1984, Pub.No.21).
- United Nations, Economic and Social Reports of the Commission on Narcotic Drugs U.N.
- Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful in this area are:
  - (i) The Law and Society (USA)
  - (ii) Journal of Drug Issues (Tallahassee Florida)
  - (iii) International Journal of Addictions (New York)
  - (iv) British JoIrnal of Criminology -
  - (v) Journal of Criminal Law, Criminology and Police Science (Baltimore\_ Md.)
  - (vi) Journal of Criminal Law and Criminology (Chicago, III)
  - (vii) International Journal of Offender Therapy and Comparative Criminology (London)
  - (viii) Bulletin in Narcotics (United Nations)

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# **CYBER CRIMES**

**Unit I** Theoretical Construction and evaluation of legal regulations of technological process and innovations-Debates relating to regulation of Cyber space-Criminal Regulation of Cyber-Space: Issues relating to Criminalization.

**Unit II** Typology of cyber Crimes -Cyber Fraud-Cyber forgery-Damage to computer data or computer programme -Computer sabotage-Unauthorized access-Unauthorized interception - Unauthorized reproduction –Pornography-Money laundering -IP infringements-Other crimes perpetrated in the Cyber context or that can be committed with the help of computer

## **Unit III**

Jurisdiction and criminal regulation of Cyber space in the fundamental context of nation state's sovereignty principle-Issues and procedures relating to Cyber criminal investigation and evidence - Jurisdictional issues

**Unit IV** Adjudication of Cyber crimes- competence, understanding and appreciation about technology insight on the part of stakeholders-Rules of Admissibility – hearsay rule – computer evidence and its admissibility- proof of reliability

## **Unit V**

Information Technology Act- Critical appreciation on criminal aspects -Means and methods to Cyber loss/injury/damage -Technological options-Needed legal reform

## **SELECT BIBLIOGRAPHY**

- Information technology Law –Diane Rowland (1997)
- Information technology – Venkat Sharma (2006)
- Cyber Law Vol 1 & 2 Brian Fitzgerald (2006)
- Information technology Act
- Combating Cyber Crime - Richard Stiennon
- Dimensions of Cyber Crime- S. R. Sharma
- Cyber Safety: An Introduction- Leukfeldt
- Cyber Criminals on Trial- Peter Grabosky, Russell G. Smith, Gregor Urbas
- Cyber Crime - S. K. Bansal

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# **JUVENILE JUSTICE –LAW AND POLICY**

**Unit I** Concept of Juvenile Delinquency - Nature and Scope - Evolution of juvenile justice in India - Conception of child under the Indian constitutional Law and under penal Law - Response of the international community towards juveniles.

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- Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful in this area are:
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  - (iii) International Journal of Addictions (New York)
  - (iv) British JoIrnal of Criminology -
  - (v) Journal of Criminal Law, Criminology and Police Science (Baltimore\_ Md.)
  - (vi) Journal of Criminal Law and Criminology (Chicago, III)
  - (vii) International Journal of Offender Therapy and Comparative Criminology (London)
  - (viii) Bulletin in Narcotics (United Nations)

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**POST GRADUATE DEPARTMENT OF CRIMINAL LAW AND CRIMINAL  
JUSTICE ADMINISTRATION**

**THIRD SEMESTER - OPTIONAL PAPER -V**

**SUBJECT: COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

Objectives of the course

This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender based violence or violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the etiology and the prognosis of CPV. Instead of political analysis, the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

**SYLLABUS**

**UNIT –I Introduction**

Notions of “force”, “coercion”, “violence”

Distinction: “Symbolic” violence, “Institutionalized” violence, “Structural violence”

Legal order as a coercive normative order

Force-monopoly of modern law

”Constitutional” and “criminal” speech: Speech as incitement to violence

“Collective political violence” and legal order

Notion of legal and extra-legal “repression”

**UNIT- II Approaches to Violence in India**

Religiously sanctioned structural violence: Caste and gender based.

Ahimsa in Hindu , Jain, Buddhist, Christian, and Islamic traditions in India.

Gandhiji's approach to non-violence

Discourse on political violence and terrorism during colonial struggle

Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

### **UNIT –III Agrarian Violence and Repression**

The nature and scope of agrarian violence in the 18-19 centuries India.

Colonial legal order as a causative factor of collective political (agrarian) violence

The Telangana struggle and the legal order

The Report of the Indian Human Rights Commission on Arwal Massacre

### **UNIT- IV Violence against the Scheduled Castes**

Notion of Atrocities

Incidence of Atrocities

Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities

Violence Against Women.

Special legislation protecting the interest of schedule castes

### **UNIT –V Communal Violence**

Incidence and courses of "communal" violence

Findings of various commissions of enquiry

The role of police and para-military systems in dealing with communal violence

Operation of criminal justice system tiring, and in relation to, communal violence.

### **Selected Bibliography**

A . R . Deesai; (ed.) Peasant Struggles in India (1979)

A.R.Deesai, Agrarian Struggles in India: After Independence (1986)

A.R.Deesai, Violation of democratic Rights in India (1986)

D.A. Dhangare, Peasant Movement in India 1920-1950 (1983)

Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit guha (ed.) Subaltern Studies Vol. 1-6 (1983-1988)

T. Hondorich, Violence for Equality (1980)

Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab: 22 Contributions to Indian Sociology 65 (1988)

Raiijnil kothari, State Against Democracy (1987)

G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)

K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

Siddique Ahmed Criminology

Tripathy Crime against Working Women

Braverman Mark Preventing Work Place Violence

Choudhry R.N Judgement on Crimes Against women

Dewan V.K Law Relating to Offence Against women

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**POST GRADUATE DEPARTMENT OF CRIMINAL LAW AND CRIMINAL  
JUSTICE ADMINISTRATION**

**THIRD SEMESTER - OPTIONAL PAPER IV**

**SUBJECT: COMPARATIVE CRIMINAL PROCEDURE**

Objectives of the course

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the postgraduate level as this is a subject, which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them to renew and revise their laws to be in tune with developed systems. The paper is taught with reference to India, England, France, U.S. and Russia.

**UNIT -I Organization of Courts and Prosecuting Agencies**

Hierarchy of criminal courts and their jurisdiction  
Nyaya Panchayats in India  
Panchayats in tribal areas  
Organization of prosecuting agencies for prosecuting criminals  
Prosecutors and the police  
Withdrawal of prosecution and compounding- Pardoning powers

**UNIT-II Pre-trial Procedure**

Arrest and questioning of the accused  
The rights of the accused  
The evidentiary value of statements/articles seized/collected by the police  
Rights to counsel  
Roles of judge and prosecutor

**UNIT-III Trial Procedures**

The accusatory system of trial and the inquisitorial system  
Role of the judges, the prosecutor and defence attorney in the trial  
Admissibility and inadmissibility of evidence  
Expert Evidence  
Appeal of the court in awarding appropriate punishment  
Plea bargaining  
Judgement and Appeal

**UNIT-IV Correction and Aftercare services**

Institutional correction of the offenders  
General comparison- After-care services in India and France  
The role of the court in correction programs in India

**UNIT-V Preventive measures in India**

Provisions in the Criminal Procedure Code and special enactments- comparison with other countries  
Role of Police – Prevention Action of the police – Security Proceedings- Dispersal of Unlawful Assemblies  
Role of Executives-Removal of Public Nuisance and apprehensible danger- Disputes as to immovable property

### **Selected Bibliography -**

Legal Systems of the world

Sarkare's The Code of Criminal Procedure.

Celia Hamptom, Criminal Procedure

Wilkins and Cross, Outline of the Law of Evidence

Archbold, Pleading, Evidence and Practice in Criminal Cases

Sarkar, Law of Evidence

K.N. Chandrashekhara Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure(2000), Eastern, Lucknow

Patric Devlin, The Criminal Prosecution in England

American Series of Foreign Penal Codes Criminal procedure Code of People's Republic of China.

John N. Ferdico, Criminal Procedure(1996), West

Sanders & Young, Criminal Justice (1994)

Christina Van Den Wyngart, Criminal Procedure Systems in European Community

Joel Samaha, Criminal procedure (1997), West

Criminal Procedure Code 1973

The French Code of Criminal Procedure

14th and 41st Reports of Indian Law Commission.

R.V Kelker's lectures on criminal procedure, Eastern Book Company, 4th edition Lucknow 2006

S.N.Misra, The Code of Criminal procedure 1973, Central law publication, Allahabad, 15th edition 2008, pp. 18-32

Tondon's Criminal procedure Code, Allahabad Law Agency (pp. 21-36)

Police and Criminal Evidence Act, 1984.

Criminal Justice and Political Order Act, 1994.

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## **MEDICAL JURISPRUDENCE AND FORENSIC SCIENCE (Optional)**

- 1. Scientific criminal investigation:** Medical jurisprudence with crime - Forensic science and Crime- Law of forensic science- Principles of Forensic science- Problems of proof -Expert witness - Forensic science institutions- Tools and technology
- 2. Role of investigator:** Identification of Individual – Interrogation – Surveillance – Scene of occurrence- sketching the scene -police photography -Forensic psychology - Voice analysis- Cyber forensics
- 3. Evidentiary clues:** Death Investigation – Identification of Death – Time of Death – Cause of death (Injuries, Asphyxia) Identification of dead- Sexual Offences – Abortion - Infanticide -skeletal remains
- 4. Tracks and Trails:** Tool marks – Firearms – Disputed Documents – Narcotics – Toxicology – Alcohol – Explosives- Fire (Arson) – Vehicles – Fibres – Micro traces
- 5. Genetic tracing:** DNA profiling- Blood- Blood grouping- Blood fluids and other body fluids- Fingerprints – Semen – Hairs

### **REFERENCE TEXTS**

- Dr. Jaising P. Modi , A Textbook of Medical Jurisprudence and Toxicology (Butterworth Heinemann)
- Sharma B R, Forensic Science in Criminal Investigation and Trials (Universal law publishing)
- J Hala & Raju's, Medical Jurisprudence ( Eastern Book Company)
- H.J. Walls, Forensic Science: An Introduction to Scientific Crime Detection (New York: Praeger)
- Philips J H &Bower JK, Forensic science and Expert witness (Russell & Russell)
- Richard Saferstein, Criminalistics: An Introduction to Forensic Science (Prentice Hall PTR)
- Anthony J. Bertino ,Forensic Science: Fundamentals and Investigations (Cengage Learning)
- Andrew R. W. Jackson, Julie M. Jackson, Forensic Science (Pearson Hall)

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## **Privileged Class Deviance (Elective)**

**1. Introduction:** Meaning and concepts -Theories of Deviance(Individualistic versus Sociological Theories , Functionalism & Anomie Theories , Conflict and Threat Theories , Labeling Theory )

Conceptions of white collar crimes-Indian approaches to socio-economic offences-Notions of privileged class deviance as providing a wider categorization of understanding Indian development-Typical forms of such deviance( Official deviance (deviance by legislators, judges, bureaucrats) ,Professional deviance : journalists, teachers, doctors, lawyers, engineers, architects and publishers ,Trade union deviance ,Landlord deviance (class/caste based deviance) ,Police deviance ,Deviance on electoral process(rigging, booth capturing, impersonation, corrupt practices), Gender-based aggression by socially economically and politically Powerful.

**2. Official Deviance:** Conception of official deviance - permissible limit of discretionary powers Commissions on official deviance( The Chambal valley dacoit - Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971,The Chagla Commission Report in LIC-Mundhra Affair, The Das Commission Report on Pratap Singh Kairon, The Grover Commission Report on Dev Raj Urs,The Maruti Commission Report,The Ibakkar - Natarajan Commission Report on Fairfax)

**3. Police Deviance: Structures** of legal restraint on police power in India-Unconstitutionality of "third-degree" methods and use of fatal force by Police-"Encounter" killings-Police atrocities - The plea of superior orders-Rape and related forms of gender-based aggression by police and para- Military forces.

**4. Professional Deviance: Unethical** practices at the Indian bar- The Lentin Commission Report- The Press Council on unprofessional and unethical journalism- Medical malpractice

**5. Response of Indian Legal Order to the Deviance of Privileged Classes:** Vigilance Commission- Public Accounts Committee- Ombudsman- Commissions of Enquiry - Prevention of Corruption Act, 1947- The Antulay Case

### **REFERENCE TEXTS**

1. Upendra Baxi. The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
2. Upendra Baxi (ed.), Law and Poverty : Essays (1988)
3. Upendra Baxi, Liberty and Corruption : The Antulay Case and Beyond (1989)
4. Surendranath Dwevedi and G.S.Bhargava, Political Corruption in India (1967)
5. A.R.Desai (ed.), Violence of Democratic Rights in India (1986)
6. A.G.Noorani, Minister's Miscounduct (1974)
7. B.B.Pande, "The Nature and Dimensions of Privileged Class Deviance" in the other side of development 136 (1987, K.S.Shukla ed.)
8. Indira Rothermund. "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 23 J.I.L.I. 522 (1981)

(p.t.o)

**Reports**

1. The Chagla Commission Report in LIC-Mundhra Affair
2. The Das Commission Report on Pratap Singh Kairon
3. The Grover Commission Report on Dev Raj Urs
4. The Maruti Commission Report
5. The Ibakkar - Natarajan Commission Report on Fairfax



# ENVIRONMENTAL LAWS AND LOCAL SELF GOVERNMENT

## **1 GENERAL LAW ON ENVIRONMENTAL CONCERN**

- 1.1 Code of Criminal Procedure Code : Public Nuisance
- 1.2 Provisions in the Indian Penal Code
- 1.3 Tort Law Remedies
- 1.4 Indian Constitution and Protection of Environment
- 1.5 Directives of the State, Obligation of Citizens, Right to Healthy Environment

## **2 ENVIRONMENT PROTECTION ACT, 1986**

- 2.1 Powers of the Central Government
- 2.2 Prevention, Control and Abatement of Environmental Pollution
- 2.3 Penalties and Procedures
- 2.4 Power to delegate and make rules
- 2.5 Delegated Legislation: Power to make rules, regulations and issue directions
- 2.6 Delegation of Powers

## **3 COASTAL ZONE MANAGEMENT**

- 3.1 Physical limits of Zones
- 3.2 Prohibitions and Conceptions
- 3.3 Harvesting of Ground Water
- 3.4 Construction Activities
- 3.5 Regulation of Permissible Activities
- 3.6 Environmental Clearance
- 3.7 Coastal Zone Management Plans
- 3.8 Classification of Zones
- 3.9 Guidelines for Beach Resorts and Hotels
- 3.10 Judiciary on Coastal Zone Management
- 3.11 Aquaculture in Coastal zones

## **4 LAWS ON HAZARDOUS SUBSTANCE**

- 4.1 Preparedness on Environmental Disasters
- 4.2 Emerging Legal Controls
- 4.3 Eco mark
- 4.4 Environmental Audit
- 4.5 Environmental Impact Assessment
- 4.6 Public Participation in Environmental Decision Making
- 4.7 Environmental Information

## **5 ROLE OF PANCHAYATS AND MUNICIPALITIES IN ENVIRONMENTAL PROTECTION**

- 5.1 Subjects related to environmental in the seventh schedule of Constitution of India, List I, List II and List III
- 5.2 Constitutional Amendments and Local Bodies - 73<sup>rd</sup> Amendment and 74<sup>th</sup> amendment
- 5.3 Panchayats and Environmental Protection
- 5.4 Municipalities and Environmental Protection
- 5.5 Role of Local Bodies in the Environmental Management
- 5.6 Local bodies – Environmental Education
- 5.7 Local bodies – Conservation of Natural Resources

## **6 Judiciary – Protection of Environment**

- 6.1 Duty of Care
- 6.2 Citizen's Obligations
- 6.3 Right to Wholesome Environment
- 6.4 Right to Livelihood *vis a vis* Environment
- 6.5 Management of Environment in Tribal Areas

## Reference Book

1. Leela Krishnan, Pet. Al. (eds)., Law and Enforcement (1990), Eastern, Lucknow
2. Leela Krishnan.P, The Environmental Law in India (1999), Butterworth, India
3. Department of Science and Technology, Government of India, Report of the Committee for recommending legislative measures and administrative machinery for ensuring environmental protection (1980) (Tiwari Committee Report)
4. Indian Law Institute, Environmental Protection Act: An Agenda for Implementation (1987)
5. Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1998, Vol. XXXV, No.
6. 3, Findley, R.N and Farber, D.A, Environmental Law
7. David Hughes, Environmental Law (1999)., Butterworths, London
8. Admin rozencrang, et.al (eds.), Environmental Policy and Law in India (2000), Oxford
9. Local Environmental Struggles, Kenneth A. Gould, allan Schnaiberg, Adam s.weinberg,
10. Cambridge University Press, 1996, Pages 5-8, 18, 33, 42-79, 85-116, 164-213
11. Local governance in India, Decentralisation and Beyond.
12. Noiraja Gopal Jayal,Oxford University Press, New Delhi Description, 2008
13. Good governance in local self government, Dhatiwal, S.S. Deep and Deep Publications, New Delhi Description : 2004, Pages: 1-25, 170
14. Case studies on Environmental Law and Local Self government or Environmental Law and Constitutional Law
15. Bare Acts on Environmental Law
16. Bare Act on Constitutional Law

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# **OPTIONAL – INTERNATIONAL ENVIRONMENTAL LAW**

## **SEMESTER - I**

### **Objectives of the Course**

Through the centuries of their growth, societies had done their best to keep their neighbourhood clean and health. Industrialization brought in its wake unprecedented and unpredicted environmental hazards and upset the old ethos and equilibrium. The environmental consciousness had made a radical change in the character of international law from a moral code of ethics among nations to an almost positive law imposing on the states to observe environmental norms. Striking a significant note at the close of the last millennium, areas of international concern of environment are legion. Modes of reconciling the conflicts are also varied. The concept of sustainable development is a significant tool both at the international level and at the domestic system for reconciliation of environmental values and developmental needs.

This paper prepared with the above neutered perspectives comprises about 43 units of one hour duration to be spread over semester.

### **Syllabus:**

#### **1. International Concern for Environment Protection**

##### 1.1 World Environment Movement

1.1.1 Stockholm Declaration

1.1.2 Brundtland Commission

1.1.3 Rio – declaration

1.1.4 Agenda 21

1.1.5 Earth Summit Plus Ten

1.1.6 Rio + 20

##### 1.2 Natural and Cultural Heritage

1.3 Role of International and Regional Organisations

1.4 Climate Change – Green House Effect – Ozone – Global Warming.

## **2 International Obligations towards sustainable Development**

2.1 Principle of State Responsibility

2.2 Intergenerational Financing Policy

2.3 World Environment Fund

2.4 Intergenerational Regulations and Supervision

2.5 Global Environment Facility (GEF)

2.5.1 International Co-operation

2.5.2 Poverty alleviation

2.5.3 Agenda - 21

## **3 Marine Environment**

3.1 Marine Resources : Conservation and Exploitation

3.2 Scientific Research and Exploitation

3.3 Antarctic Environment

3.4 International Sea bed Authority

3.5 Polluter for ships

3.6 Dumping of oil and other wastes into the sea

## **4 Transboundary Pollution Hazards**

4.1 Oil Pollution

4.2 Nuclear fall outs and accidents

4.3 Acid Rain

4.4 Chemical Pollution

4.5 Air Pollution

4.6 Space Pollution

## **5 Control of Multinational Corporations and Containment of Environmental Hazards and Disposal and Dumping of Hazardous Waste**

5.1 Problems of liability and control mechanisms

5.2 Disaster management at international level

5.3 Monopoly of biotechnology by MNCs

5.4 Disposal and Dumping of Hazardous Wastes: Transnational Problems and Control

### **Select Bibliography:**

Priya Kanjan Trivedi, International Environmental Law (1996). A.P.H Publishing Corporation, New Delhi

Sir Elworthy and Jane Holder, Environmental Protection: Text and Materials (1997), Butterworths.

Nathali L.T.J Horbach, Contemporary Developments in Nuclear Energy Law (1999), Kluwer.

Claus Bosselmann and Benjamin J.Richardson, Environmental Justice and Market Mechanism (1999), Kluwer

Jean – Pierre Beurier, New Technologies and Law of Marine Environment (2000), Kluwer

Richard L.Reversz et. al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambride.

Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer

Indian Law Institute, Legal Control of Environmental Pollution (1980)

Varshney, C.K. (ed), Water Pollution and Management (1983), Wiley eastern, New Delhi.

World Commission on Environment and Development, *Our Common Future* (1987), Oxford.

Briny, Institute of International and Comparative Law, *Selected Documents on International Environmental Law* (1975), London

Standing Committee on Environmental Law, American Bar Association, *Common Boundary / Common Problems: the Environmental Consequences of Energy Production* (1982).

J.M. Spector, “ Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons” 15 *AMU INTERNATIONAL LAW REVIEW*, 5, pp. 976 – 1038 (1999).

Conventions

Important Decision.

# **OPTIONAL – INTERNATIONAL ENVIRONMENTAL LAW**

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5.3 Monopoly of biotechnology by MNCs

5.4 Disposal and Dumping of Hazardous Wastes: Transnational Problems and Control

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Claus Bosselmann and Benjamin J.Richardson, Environmental Justice and Market Mechanism (1999), Kluwer

Jean – Pierre Beurier, New Technologies and Law of Marine Environment (2000), Kluwer

Richard L.Reversz et. al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.

Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer

Indian Law Institute, Legal Control of Environmental Pollution (1980)

Varshney, C.K. (ed), Water Pollution and Management (1983), Wiley eastern, New Delhi.

World Commission on Environment and Development, *Our Common Future* (1987), Oxford.

Briny, Institute of International and Comparative Law, *Selected Documents on International Environmental Law* (1975), London

Standing Committee on Environmental Law, American Bar Association, *Common Boundary / Common Problems: the Environmental Consequences of Energy Production* (1982).

J.M. Spector, “ Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons” 15 *AMU INTERNATIONAL LAW REVIEW*, 5, pp. 976 – 1038 (1999).

Conventions

Important Decision.

**TAMILNADU DR.AMBEDKAR LAW UNIVERSITY, CHENNAI**

**M.L DEGREE COURSE (CBCS)**

**2<sup>ND</sup> SEMESTER , OPTIONAL-III SYLLABUS**

**NATURAL RESOURCES MANAGEMENT – LAW AND POLICY**

**1. WATER RESOURCES**

1.1.Overutilisation of ground water, Rainwater Harvesting and conservation.

1.2.Salinity

1.3.Bunds and Spillways

1.4.Aquaculture and Fishing: Regulation.

1.5.Conflicts over sharing of water

**2. LAND RESOURCES**

2.1.Legal Machinery on Land resources:TownPlanning,slum sanitation.

2.2.Conservation,utilization and conversion, Ecofriendly land plans.

2.3.Mining and quarrying and their impacts.

**3.CONCEPTS OF COMMON PROPERTY AND STATE PROPERTY**

3.1.Forests

3.2.Wildlife

3.3.Right to use:roads,parks, pathways,lakes,rivers.

3.4.Natural Heritage

3.5.Historical Monuments

3.6.Wetlands.

**4.ENERGY**

4.1.Energy resources

4.2.Kinds of energy resources

4.3. Multi purpose development projects and environmental impacts.

4.4. Utilisation of Conventional energy:Hydroelectric energy,Thermal and nuclear energy.

4.5. Non Conventional Energy: Solar,Wind,Tidal, Biogas.

## **5. Ocean and Air Resources**

5.1 Ocean and Marine living resources including Biomedical Organisms – Exploitation and Conservation

5.2 Ocean and Marine Non-living resources – Exploration and Exploitation – Regulatory measures Sea bed authority – Sustainable measures and related conventions

5.3 Resources of Antarctic and Arctic Regions – Exploitation and Conservation – related conventions

5.4 Air Resources – Spectrum and frequency information resources – Use of Air on outer space for communication and technology – Satellited Location – Recent Trends and Development – Regulatory measures.

### **Select Bibliography:**

Kailash Thakur, Environmental Protection:Law and Policy in India1997, Deep and Deep Publications,NewDelhi.

WCED,Our Forest, Our Future(1999),Cambridge.

Abraham C.M. Environmental Jurisprudence in India(1999) Kluwer.

Diwedi, India's Environmental Policies, Programmes and Stewardship(1999),Mc.Millan.

Enid M.Barron, et Al.(eds.).Agriculture and sustainable use in Europe (1998), Kluwer.

Trevera Hella Well, Blackstone's Guide to Contaminated land(2000), Blackstone Press.

LeelaKrishnan, P et.Al.(eds), Law and Environment(1990)

Leelakrishnan,P, The Environmental Law in India(1999), Butterworths- India.

Frodorick R. Anderson, et.al Environmental improvement through neconomic incentives.

Armin Rozencranz, et.Al(eds), Environmental Policy and Law in India(1988), Butterworths, India.

**TAMILNADU DR.AMBEDKAR LAW UNIVERSITY, CHENNAI**

**M.L DEGREE COURSE (CBCS)**

**2<sup>ND</sup> SEMESTER ,**

**OPTIONAL-II – ENVIRONMENTAL POLLUTION – LAW AND POLICY**

**SYLLABUS**

**ENVIRONMENTAL POLLUTION LAWS AND POLICIES**

**1. ENVIRONMENTAL POLLUTION**

- 1.1. Meaning, nature and scope
- 1.2. Classification of pollutants
- 1.3. Various types of pollution and their effects.

**2. WATER POLLUTION**

- 2.1. Definition, sources and effects.
- 2.1. Ground water pollution.
- 2.2. Legal Machinery
- 2.4. Pollution Control Boards Powers and functions
- 2.5. Offences and penalties
- 2.6. Judiciary and water pollution

**3. AIR POLLUTION**

- 3.1. Sources and effects
- 3.2. Modalities of control
- 3.3. Conflicts of Jurisdiction
- 3.4. Agencies
- 3.5 Judiciary and air pollution.

**4. NOISE POLLUTION**

- 4.1. Sources and effects
- 4.2. Legal Machineries
- 4.3. Noise pollution and judicial trends.

## **5.DISPOSAL OF WASTE**

5.1.Classification of wastes

5.2.Legal provisions-Hazardous wastes, Biomedical wastes, Hospital wastes.

5.3.Reduction,Reuse and Recycle of wastes.

5.4.Role of citizens in Prevention of Pollution.

### **Select Bibliography:**

Air Pollution Control: A design Approach, C.David Cooper

Kailash Thakur, Environmental Protection Law and Policy in India[1997],Deep &Deep Publications, New Delhi.

Enid.M.Barson and Ila Neilson[eds.], Agriculture and sustainable use in Europe[1998],Kluwer

John F.Mc.Eldownery and Sharron Mc.Eldownery, Environmental Law Regulation[2000], Blackstone Press.

Leelakrishnan, Pet.Al.[eds.], Law and Environment[1990]

Leelkrishnan,P.The Environmental Law in India[199], Butterworths

Frodorick R.Anerson, et.al.Environmental Improvement through Economic Incentives.[1977]

David Hughes, Environmental Law[1999],Butterworths,London

Daniel R.Mandekar, environmental and Land controls Registration[1976],Bobs Meril,NewYork.

Indian Law Institute, Mass disasters and Multinational Liability:The Bhopal case[1986]

Armin Rozenclanz, et al.[eds.] Environmental Policy and Law in India [2000], Butterworths India.

Doabia (TS) & others, Environment Pollution Laws in India, Vol.1 & Vol.2 (2010), Lexis Nexis, Butterworths, Wadhwa Nagpur.

Daniel Vallero, Fundamentals of Air Pollution, Third Edition, August, 5, (1994)

Air Polution Control: A Design Approach, C.David Cooper, (2012)

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**SYLLABUS FOR THE M.L DEGREE COURSE**  
**3<sup>rd</sup> Semester-CBCS PATTERN**  
**BIOLOGICAL DIVERSITY AND LEGALL ORDER**  
**Optional Paper IV**

**Objectives of the course:**

Biological diversity includes all life forms on the earth and signifies a life supporting order, essential for the normal functioning of eco-systems and the Biosphere as a whole. Dependence of human life on biological diversity is thus no doubt essential. Destruction of bio-diversity, especially of the developing countries is disturbing phenomenon and presents a matter of grave concern. The growth of bio-technology and genetic engineering triggers off numerous issues of ethical and legal significance in relation to experimentation and animals and plants. Apart from being considered as gifts of nature, animals and plants becomes a target of commercial exploitation. Sustainable development envisages country position and lays emphasis on the duty to protect the diverse flora and fauna not only for present generation but also for the succeeding generations to come. With the above perspectives the course focuses on the legal mechanisms of preserving bio-diversity in a sustainable manner.

**Syllabus**

**1. Bio-Diversity**

- 1.1 Meaning
- 1.2 Need for protection of bio-diversity
- 1.3 Dependence of human life on the existence in flora and fauna
- 1.4 Significance of wild life
- 1.5 Medicinal plants
- 1.6 Plant and micro-organism

**2. Bio-diversity and Legal Regulation**

- 2.1 Utilization of flora and fauna for bio-medical purposes
- 2.2 Experimentation on animals; Legal and ethical issues
- 2.3 General mutation of seeds and micro-organisms
- 2.4 Genetic Engineering
- 2.5 Legal Mechanisms of control
- 2.6 Recognition of regional and local agencies
- 2.7 Bio-Ethics

**3. Development projects and destruction of bio-diversity:**

**Concept of sustainable development**

- 3.1 construction of Dams-Salient Valley and Doon Valley Projects-Narmada BahavAndolan-Almatti Dam Project, etc.

- 3.2 Deforestation – Coal Mining operations – Sustainable use of forests and protection of wild life.
- 3.3 Principles of sustainable development- National & International perspectives.
- 3.4 Convention on bio-diversity (CBD) – Biological Diversity Act 2002 (BDA)

#### **4. Problems in Legal Regulation of Medicinal Plans**

- 4.1 cosmetic plants
- 4.2 Animal products
- 4.3 Utilization of flora and fauna for bio-medical purpose by Multi-national corporation: Problems of control
- 4.4 Regulation of trade in wild-life products

#### **5. Legal framework for Development and protection of Sanctuaries**

- 5.1 parks
- 5.2 zoos
- 5.3 Biosphere resources
- 5.4 Protection of genetic resources for agriculture

#### **Select bibliography:**

Arjun Prasad Nagore – Bibliological Diversity and International Environmental law (1996), A.P.H. Publishing Corporation, New Delhi.

Project large, Plant Variety Protection and Plant Bio-technology-options for India (1999), Allied.

M.S.Swaminathan, Gentic Conservation – Microbes to Man, Presidential Address at XV International congress of Genetics, New Delhi, India, December 12-21.1983.

Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982).

K.L.Mehta and R.L.Arora, Plant Genetic Resources of India; their diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi.

P.N.Bhatet.al., Animal Genetic Resources in India (1981).

P.N.Bhat, “Conservation of Animal Genetic Resources in India, “ Animal Genetic Resources, Conservation and Management FAO, Rome, (1981).

P.Leelakrishnan, “Environmental Law in Inida” –LexixNexisButterworths (2005)

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**SYLLABUS FOR THE M.L. DEGREE COURSE**  
**3<sup>rd</sup> Semester – CBCS PATTERN**  
**URBAN ENVIRONMENTAL LAW**  
**Optional Paper- V**

**I. Introductory:**

- 1) Urbanization and urban Environment
- 2) Process of urbanization and Urban culture
- 3) Dynamics of urbanization and patterns
- 4) Factors promoting urbanization
- 5) Urbanization and Environment in developing countries

**II. Urban Environmental Problems:**

- 1) Slums, Sanitation waste and Health
- 2) Urban water supply, drainage and sewerage
- 3) Housing and rental problems
- 4) Urban transportation and traffic
- 5) Urban poverty
- 6) Town and country planning

**III. Urban Environmental Legislation:**

- 1) Slum clearance Acts
- 2) Rent Control Legislations
- 3) Town Planning & Apartment Regulations
- 4) Water, Air and Noise Pollution Regulations
- 5) Urban land, Zoning and Taxation Laws
- 6) Urban land, Zoning and Taxation Laws
- 7) Tamil Nadu Rent Control, Apartment & Slum Clearance & Town Planning Legislation.

**IV. Urban Enforcement Mechanisms:**

- 1) Urban Development & Metropolitan Development Authorities
- 2) Corporation and Municipalities
- 3) Pollution Control & Water Boards
- 4) Licensing Authorities
- 5) Land Acquisition

**V. Urban Environment and Judiciary:**

- 1) Protection of Urban Environment
- 2) Urban Environment and Sustainability
- 3) Environmental Management
- 4) Case Studies

## Reference Books:

- 1) Law & Urbanisation, I.L., New Delhi
- 2) Law for the Urban poor – Justice Krishna Iyer
- 3) N.A. Adinarayanappa-“Urbanization, Slums and Environmental Health”, Anand Publications KPvt. Ltd., India (2008)
- 4) K.C. Sivaramakrishna & Amitabh Kundu, “Hand Book of Urban in India”, Oxford University Press (2007)
- 5) Sujathapatil & Kushal Dev “Urban Students, Oxford University Press (2009)”
- 6) R. Ramachandran “Urbanization and problems in India, Oxford University Press (2010)
- 7) Ministry of Housing & Urban poverty Abbreviation GOI, India Urban Poverty Report (2009)
- 8) Report on ‘Urbanization’, Govt. of India
- 9) Census Reports 1981, 1991 and 2001
- 10) Govt. of India Reports and Services on Poverty, Slum Clearance, Housing and Traffic etc.
- 11) National Urban Renewal Mission, Govt. of India outlay.
- 12) Case Studies of Delhi, Bombay, Kolkatta and Chennai and Other cities.
  - (a) Pandit Jayalakshmi (1984 C- 1983) Elites & Urban Politics. A case study of Delhi, New Delhi, Inter- India Publications.
  - (b) Vimze, Medha Dubbashi ‘Women entrepreneurs in India’: A socio-economic study of Delhi 1975-85, Delhi Mittal Publications.
  - (c) Caplan, Patricia (1985) class & gender Justice, Women and their organization in south India City Tacistock Publication.
  - (d) Lapierre Dominilue (1985). The city of joy, Garden City doubleday.
  - (e) Wersch Hunert W.M. Van (1992), Bombay Textile Strike 1982-83, Oxford, Oxford University Press.
- 13) “Urban Environmentalism: Global change and mediation of local conflict”- Brour P. And Thomas M.J., London Spon.
- 14) Evelt. J.B. “Efforts of urbanization and land use changes on law stream flows”, University of North Carolina, Charlotte College of Engg., Dept of civil Engg., June 1994.

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## **Climate Change and Legal Order (Elective )**

### **I: Global Climate**

1. Introduction to Climate
2. Elements of Climate (Wind, temp. humidity, Precipitation, pressure)
3. Different Climate Zones
4. Micro Macro Climate effects

### **II: Global Warming**

1. Energy Issues and Climate Change – alternate Energy Sources
2. Green – House Effect as a natural Phenomenon, Green House Gases GHGs) and their Emission Sources

### **III: Climate Change and Impact**

1. Modeling climate change, Ozone layer depletion and its control
2. Impacts of climate change-Global and India, Temperature Rise Sea level rise, Coastal erosion and landslides, Coastal flooding, wetlands and Estuaries loss
3. Carbon Trading – Mechanisms various Models (European, Indian) Global and Indian Scenario
4. Cleaner Development Mechanisms – Various projects related to CO2 Emission Reduction

### **IV: Climate Change and Legal Order**

1. Frame work convention and climate change 1992
2. Kyoto Protocol 1997: Significance and Role in climate change
3. Establishment of IPCC and its reports
4. Vienna Convention 1985

### **V: Indian Climatology**

1. Different seasons – Distribution of means Sea level pressure/ temperature in different seasons
2. Wind circulation and temperature distribution over India in lower, middle and upper troposphere in different seasons. In rainfall in different seasons
3. Indian summer monsoon, onset, withdrawal, rainfall distribution, inter annual variability of monsoon
4. Main synoptic pressure systems causing weather over India in different seasons

### **Reference**

1. Barry R.G. and Chorley R.L. (1992), “ Atmosphere, weather and climate “ 4<sup>th</sup> edition Publication
2. Bolin B., (ED) (1981), “ Carbon Cycle Modeling” , John Wiley and Sons Publications.
3. Corell R.W., and Anderson P.A., (Eds.) (1991) “Global Environmental Change “ Springer Verlag Publishers.
4. Francis D., (2000), “Global Warming: The Science and Climate Change” Oxford University Press
5. Frame B. Medury Y., and Joshi Y., (Eds.) (1992), “ Global Climate Change: Science, Impact responses”
6. Linden E., (2006). “ The winds of change: climate, weather and the destruction of civilization”, Simon and Shuster Publications.
7. Mintzer I.M., (Ed), (1982), “Confronting Climate change, risks, Implications and Responses” Cambridge University Press
8. Srivatsava A.K., (2007), “ Global Warming”, APH Publications.
9. Wyman R.L., (Ed.) (1991), “ Global Climate Change and Life on Earth”, Chapman and Hall Publication.
10. Yadav, Chander and Bhan, (2005), “ Global Warming”: India’s Response and Strategy”, RPH Publications.
11. Phillippe Sands: Principles of International Environmental law- Cambridge Second Edition.
12. Syamdivan and Rosencranz – Environmental Law and Policy in India

## **CHOICE BASED CREDIT SYSTEM**

### **ENVIRONMENTAL LAW & LEGAL ORDER**

#### **Disaster Management and Legal Order (Optional)**

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

The hazards of complex industrial society of our times are numerous. Apart from natural disasters like earthquakes, tsunami, cyclones and storms which cause death, destruction and suffering on a vast scale, our civilization is increasingly getting exposed to hazards arising out of technological progress. The factories of industrial establishments involved in the manufacture, distribution and transportation of hazardous products are under legal obligation to comply with numerous provisions of law to prevent disaster, and to provide information to persons likely to be exposed to the hazards regarding safety measures to be taken.

The legislative and administrative responses have been lacking with the result that such disasters are increasing in magnitude and frequency. Every time adhoc arrangements are made to fact the disaster but not before incalculable damage is done and avoidable hardships suffered. What is needed is an integral approach for prevention and mitigation of sufferings arising out of disasters. A policy oriented approach would need examination of duties and obligations of various persons connected with disaster management.

Victims of disaster, being amorphous body of individuals, look at the bounty of state rather than the court process to vindicate their rights under the law. Inquiries and investigations are conducted only on public demand. There is no uniformity regarding the system of investigating authority, procedures to be followed and the obligatory force of recommendations made by investigating agency. The existing court process is dilatory and cumbersome. Due to obvious reasons the victims do not wish to undergo another ordeal or initiating proceedings for legal redress. The mismanagement and corruption in administering relief has also reached alarming proportions.

The course, is therefore, designed to have an insight into the problem arising out of disasters and inadequacies of the court process. The public law perspectives of this kind litigation will open new vistas of remedial process including risk coverage through public liability insurance.

The following syllabus prepared with this perspective will comprise of about 43 units of one hour duration each to be spread over a period of one semester:

##### **Syllabus:**

## **I. Introductory**

- 1.1 Meaning of Disaster
- 1.2 Distinction between natural and man-made disaster
- 1.3 High potential and Low Potential Disaster
- 1.4 Escape of dangerous substances
- 1.5 Explosions
- 1.6 Nuclear radiation, Poisoning
- 1.7 Dam Bursts, Fires, Collapse of Structures, Earth Quakes
- 1.8 Accidental Disasters (Rails, Air, Sea, Motor Vehicle)
- 1.9 Victims of Disaster

## **II. Ad-hoc Character and inadequacy of legislative Responses**

- 2.1 Laws relating to atomic energy, explosives
- 2.2 Laws relating to air crafts, insecticides, factories, motor vehicles, railway ships and petroleum products
- 2.3 Public Liability Insurance - National and International
- 2.4 Disaster Management Act, 2005 – Features, Task Force – Relief and Rehabilitations

## **III. Disaster Management**

- 3.1 First aid
- 3.2 State responsibility to provide short term relief
- 3.3 Legal responsibility of officials of the State
- 3.4 Role of Voluntary Organizations
- 3.5 Disbursement of relief grants and public accountability of official and other voluntary disbursement agencies
- 3.5 Participatory management by trade unions
- 3.6 Right of certain classes of victim; children, women

## **IV. Inquiries and Investigations for disasters**

- 4.1 The duty to institute investigations and inquiries to determine causes of mass disaster
- 4.2 The investigation process
- 4.3 Right to hearing to affected individual
- 4.4 Right to hearing to voluntarily organization and public spirited individuals

## **V. Liability and Judicial Process**

- 5.1 Statutory liability
- 5.2 Contractual liability
- 5.3 Tortious Liability
- 5.4 Criminal Liability
- 5.5 Civil Nuclear Liability
- 5.6 Measure of Damages

- 5.7 Initiation of proceedings
- 5.8 Representative Suits
- 5.9 Costs of Litigation - Court Fee, Counsel Fee
- 5.10 Rules of Evidence
- 5.11 Bhopal Gas Leakage Case, Chernobyl Nuclear Disaster Case, Fukushima Earth Quake and Nuclear Disaster Case, Tsunami, Lathur and Gujarat Earthquakes
- 5.12 Problems of Execution
- 5.13 Need for reform – dilatory and expensive character of court processes

### **Suggested Readings**

Government of India, Department of Environment, Management of Hazardous Substances Control Act and Structure and Functions of Authority Created thereunder.

Indian Chemical Manufacturer's Association and Loss Prevention society of India, Proceedings of the National Seminar on Safety in Road Transportation of Hazardous Materials: (1986)

Industries Commissionerate Ahemadabad, Task Force Report: 9.J.MEHTA). To oversee safety measures in various industries dealing with Hazardous and Toxic Materials (1986).

Organization for Economic Co-operation & Development, (Paries), Safety of Consumer Product, Policy & Legislation if OEOE Countries.

Indian Law Institute (Upendra Baxi and Thomas Paul (ed.) Environment Protection Act: An Agenda for implementation (1987).

Asian Regional Exchange for Prof.Baxi., Nothing to lose but our lives: Empowerment to oppose londustrail Hazards in a transnational world (1989)

Gurudip Singh Environmental Law: International and National Perspectives (1995), Lawman (India) Pvt. Ltd

Leelakrishnan, P, The Environmental Law in India, Chapters VIII, IX and X (1999), Butterworths, New Delhi

Chaturvedi and Chaturvedi, The Law on Protection of Environment and Prevention of Pollution (1996)

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## HUMAN RIGHTS AND INTERNATIONAL ORDER

### **Objectives of the Course**

Human rights have universal application. They gathered importance when the United Nations adopted the 4 Universal Declarations of Human Rights in 1948. The role of international organizations in promoting awareness of human rights is very significant. The international conventions through not binding, have persuasive force since the violations will be decried by the international community international Non-governmental organization watch and monitor human rights violations in every country. However, in the absence of national, the enforcement of the rights will be difficult.

### **Syllabus**

#### **1. Development of the Concept of Human Rights under International Law**

- 1.1 Role of International organization and Human Rights
- 1.2 Universal Declaration of Human Rights (1948)
- 1.3 Covenant on Political and Civil Rights (1966)
- 1.4 Covenant on Economic, Social and Cultural Rights (1966)
- 1.5 ILO and other Conventions and protocols dealing with human rights
- 1.6 Convention on the elimination of all forms of discrimination against women (CEDAW)
- 1.7 Convention on Rights of Children 1989.
- 1.8 Conventional against torture & other cruel inhuman or degrading Treatment or punishment (1990)

#### **2. Regional Conventions**

- 2.1 European Convention on Human Rights
- 2.2 American Convention on Human Rights
- 2.3 African Convention on Human Rights
- 2.4 Other regional Conventions/Instruments

#### **3. UN Mechanism**

- 3.1 Reporting System
- 3.2 Treaty based Committee System
- 3.3 Organization & Functioning of I.C. of Human Rights
- 3.4 Regional Mechanism

#### **4. Protection agencies and mechanisms**

- 4.1 ECOSOC( Economic, Social Council) established by commission on Human Rights on 16<sup>th</sup> February 1946.
- 4.2 Amnesty International
- 4.3 Non-governmental organizations
- 4.4 U.N.Division of Human Rights
- 4.5 International Labour Organisation
- 4.6 UNESCO
- 4.7 UNICEF
- 4.8 Voluntary Organizations

#### **5. International Enforcement of Human Rights**

- 5.1 Role of ICJ
- 5.2 NAHRC
- 5.3 European Commission on Human Rights
- 5.4 African charter on Human & Peoples Rights
- 5.4 Regional Mechanism

#### **Select Bibliography**

- Benedetto conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts,(1997)
- Francisco Forrest Martin, International Human Rights Law and Practice,(1997)
- Luck Clements, European Human Rights Taking a Case under the Convention, (1994)
- Evelyn A.Ankumah, The African Commission on Human Rights and People's Rights,(1996).
- R.K. Sinha, Human Rights of the World, (1997)
- Philip Alston, The United Nations and Human Rights a Critical Appraisal, (1992)
- R.S. Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997)
- The Human Rights Watch Global Report on Women's Human Rights,(2000) Oxford.
- B.P.Singh Seghal, Human Rights in India (1996)
- Chandan Bala, International Courts of Justice: Its Functioning and settlement of International Dispute,(1997).

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## **INTERNATIONAL ENFORCEMENT OF HUMAN RIGHTS LAW**

This subtopic gives an overview of the creation and enforcement of international law. It also deals with the issues of armed conflicts, humanitarian law and war crimes.

### **UNIT – I Sources of International Human Rights Law**

Custom – Treaties- the UN resolutions - Jus Cogens - General Principles - Subsidiary Sources - Soft Law

### **UNIT II Judicial Enforcement of International Human Rights Law**

International Court of Justice (UN) - European Court of Justice - European Court of Human Rights- Inter-American Court of Human Rights - Jurisdiction of National Courts - the Role of the Individual in International Law.

### **UNIT –III Non-Judicial Enforcement of International Human Rights Law**

Human Rights Monitoring and Reporting - Humanitarian Intervention - Bilateral Foreign Policy Action.

### **UNIT - IV Conflicts, Human Rights and Humanitarian Law**

The Red Cross and Humanitarian Law - War Crimes- International Criminal Tribunals - International Criminal Court (UN).

### **UNIT – V Non-Governmental Organizations (NGOs)**

NGOs as International Lobbyists - NGOs and International Judicial Proceedings - NGOs and the United Nations

### **Reference Materials**

1. Human Rights in International Law, Council of Europe Publishing, Universal Law Publishing Co. Pvt. Ltd;
2. How is International Human Rights Law Enforced? Written by Harold Hongju Koh, Yale Law School Published in Volume 74, Issue: 4, Indiana Law Journal, Maurer School of Law: Indian University, Digital Repository @ Maurer Law ;
3. Enforcing International Human Rights in Domestic Courts, Edited by B.Conforti, Francesco Francioni, Published by Kluwer Law International, Canada; 2010
4. Protection of Human Rights: National & International Perspectives, Khwaja Abdul Muntaqim, Published By Law Publishers (India) Pvt Ltd, Allahabad;
5. Human Rights: International Protection, Monitoring, Enforcement, Edited by Janus Symonides, Published by Ashgate Publishing Limited, 2003;
6. International Enforcement of Human Rights: Reports submitted to the colloquium of the International Legal Science, Edited by Rudolph Bernhardt, John Anthony Jolowicz, Publisher: Springer-Verlag, 1987;
7. Exploring International Human Rights: Essential Readings, written by Rhonda L. Callaway, Julie Harrelson-Stephens, Lynne Rienner Publishers, 2007;
8. International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police, Author: United Nations High Commissioner for Human Rights, Published by United Nations, Geneva;
9. International Law & Human Rights, written by N.K. Jayakumar, Published by LexisNexis India;

10. International Human Rights Law: Texts, Cases and Materials, written by Mark Freeman and Gibran van Ert, Published by Irwin Law, 2005;
11. International Human Rights Organizations: Human Rights Watch, Survival International, Amnesty International, Carter centre, Edited by Books Llc Books Group, published by General Books, 2010;
12. International Human Rights: Texts and Materials, written by Rebecca M.M. Wallace, Published by Sweet & Maxwell, 1997

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## **CHILD AND THE LAW**

### **1 Social, Constitutional and International Legal Status of Child**

- 1.1 Magnitude of the problem
- 1.2 Special Status of child- National policies
- 1.3 Constitutional concern-Article 15(3), Article 24, Art 39 (e) & (f) and Article 45
- 1.4 International concern and endeavour for the welfare of the children:
  - 1.4.1 Minimum Age conventions
  - 1.4.2 Child Rights Conventions
  - 1.4.3 U. N. Declaration of the rights of the child, 1924, 1959.

### **2. State responsibility for the development of children**

- 2.1 Evaluation of the efforts of the State towards the provision of education to children. Art 21.A.
- 2.2 Contributions by International Organization -UNESCO, UNICEF – Education - Bal Panchayat.
- 2.3 The role of the State in Preventing Child Labour.
- 2.4 International conventions and recommendations of the ILO.
- 2.5 Recommendations of the National Commission of Child Rights.
- 2.6 Protection to Children as a Vulnerable Group- Child Helpline.

### **3. Child and Criminal Liability**

- 3.1 Crimes committed by child;
- 3.2 Implementation of social policy through criminal sanctions in relation to child;
- 3.3 Variation of procedure in case of child offender
- 3.4 Judicial proceedings in criminal cases relating to children
- 3.5 Cr. P.C. Reformatory Schools Act 1897- Juvenile Justice Act 2000

### **4. Law and Offences Against Child**

- 4.1 Protection of neglected children; Institutions for the protection of neglected children;
- 4.2 Juvenile delinquency: law and offences against child
- 4.3 Protection of girls from immoral traffic;
- 4.4 Cybercrime : Pedophilia : Child Sexual Abuse.
- 4.5 Female Foeticide; infanticide
- 4.6 Inter-country adoption- Suppression of Immoral Traffic Act 1956 (SITA) – penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978- Young Persons Harmful Publication Act 1956

### **5. Social issues related to the child**

- 5.1. Tortious liability against injuries to unborn children.
- 5.2. Coparcenary and property rights of the unborn children.
- 5.3. Law relating to maternity benefit and relief
- 5.4. Lack of legal protection of children of impoverished parentage

#### **Suggested readings:**

Awasthi, S.K., Juvenile Justice Act 1986, (1998), Law Vishon, Allahabad

Indian Law Institute, Treatise on the Juvenile Justice Act (1993)

Indian Law Institute, Child and the Law (1979, S.N.JaIN ED.)

P.L.Mehta and S.S.Jaswal, Child Labour and the Law 1996, Deep and deep Publications.

S.R.Bakshi and Kiran Bala, Development of Women, Children and Weaker Sections 1999), Deep &n Deep Publications.

U.Baxi (ed.) Law and Poverty: Critical Essays (1988) (Selected readings concerning the positions of children may be prescribed)

All relevant Acts of the Indian Parliament and International Conventions and reports of Various Commissions are to be Studies.

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# **Criminal Justice System and Human Rights**

## **Objective:**

Criminal Justice is one of the critical areas of human rights where the legal system is tested on a continuous basis for preservation of peace and security in society on the one hand, and prevention of human dignity of both victims of crime and person accused of it, on the other. Besides the conceptual laws and practice of the criminal justice, the paper intends to cover, the human right perspective of criminal justice administration. The rights intended to be cared and safeguarded towards accused and the detenu in various homes and rehabilitation centers and the judicial attitude towards sentencing of the convicts has been given the human rights focus.

### **1. Criminal Justice system**

- (i) Concept of crime and Criminal liability
- (ii) Offences violative of human rights
- (iii) Rules of criminal procedure and evidence
- (iv) The administration of criminal justice

### **2. Human rights in the criminal justice administration**

- (i) Human rights perspective of crime
- (ii) Role of police and criminal justice administration – Human rights issues
- (iii) Security issues and human rights

### **3. Detenu and human rights**

- (i) Constitutional safeguards
- (ii) Fair trial concept
- (iii) Sentencing, execution and human rights

### **4. Inmates of institutional homes, prison and human rights**

- (i) Protective homes
- (ii) Reformatory homes and other Institutions
- (iii) prison, prisoners life and prisoners rights

### **5. Indian judiciary and human rights**

- (i) Judiciary as guardian of human rights
- (ii) Compensation to crime victims
- (iii) P.I.L. in criminal justice
- (iii) National human rights commission in Indian

## **Reference:**

1. Emmeson Ben Qc, Human Rights and Criminal Justice
2. Andrew Ashworth, Sentencing and Criminal Justice
3. Human rights best practice relating to criminal justice in a nutshell
4. Jonathan Doak Victims Rights, Human Rights and Criminal justice: Recovering the role of 3<sup>rd</sup> parties
5. Bellary Uma Devi Arrest, Detention and Criminal Justice system- A study in the context of Constitution of Indian
6. Utrecht Law Review -The Protection of Fundamental Human Rights in Criminal Process- General Report

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**POST GRADUATE DEPARTMENT OF HUMAN RIGHTS AND  
DUTIES EDUCATION**

**THIRD SEMESTER – ELECTIVE PAPER II**

**SUBJECT: REGIONAL AND HUMAN RIGHTS ORGANIZATION**

**Object:**

The notion of regions acquired significance a in the post UN era due to the liberation of the Afro-Asian, Latin American states. Regionalism at the international level contributed to the development of the major sources that is Human Rights Law, supplemented by the international and national Human Rights instruments. The basic idea of the “Unity and security for the people of the region” has resulted in evoking of the elementary values of Human Rights in future. The quest for justice among the region has also resulted in the establishment of many such Regional Judicial bodies, example include that of the European Court of Human Rights, and that of the African Court of Human Rights. This paper aims at introducing the evolution of the Principles of Human Rights adopted and instituted by such regions such established regional mechanisms also to provide the substantive and procedural aspects various dispute settlement bodies therein. It also attempts to address the challenges contained and the realities to be adopted.

**UNIT I: EUROPE**

1.1 The Council of Europe—instruments.

- European Convention on Human Rights.
- European Court of human Rights.
- Additional Protocols of the Convention.
- European Social Charter.

1.2 The Council of Europe –Convention and Remedies.

1.3 The Economic Commission for Europe.

1.4 The European Union.

**UNIT II: THE AMERICAS**

2.1 The Inter American Convention of Human rights.

2.2 The Inter American Convention on Elimination of All Forms of Discrimination against Persons with Disability.

2.3 The Inter American Commission on Human rights.

2.4 The American Court of Human rights.

**UNIT III: AFRICA**

3.1 African Human rights Instruments.

3.2 African Charter on Human and People Rights, 1981.

3.3 African Commission on Human and People Rights.

3.4 African Charter on Rights and welfare of the Child, 1990.

## **UNIT IV: ASIA**

4.1 Regional Seminar and Meetings.

4.2 Asia and Pacific Decade for Person with Disability (1993-2002).

4.3 International Convention to Protect and Promote the Rights and Dignity of Person with Disability.

4.4 Arab Regional Meeting on Norms and Standard related to Development and the Rights of Person with Disability.

## **UNIT V: OTHER REGIONAL ORGANIZATIONS.**

5.1 The Economic and Social Commission for Asia and Pacific.

5.2 The Economic and Social Commission for Western Asia.

5.3 The Economic Commission for Africa.

5.4 The Economic Commission for Latin America.

## **BOOKS REFERRED:**

1. Dr S.K. Kapoor—International Law and Human Rights—17<sup>th</sup> edition.
2. Ian Brownlie-Guy S. Goodwill-Gill—Basic Documents on Human Rights—5<sup>th</sup> edition.
3. European Convention on Human Rights (1950)—basic text.
4. D.Lawsons—Encyclopaedia of Human Rights, 1996.
5. Rhone K.M. Smith—Text book on International Human Rights.

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# **POST GRADUATE DEPARTMENT OF HUMAN RIGHTS AND DUTIES EDUCATION**

## **THIRD SEMESTER – OPTIONAL PAPER IV**

### **SUBJECT: HUMAN RIGHTS OF VULNERABLE GROUPS: PROBLEMS AND ISSUES IN THE PROTECTION AND ENFORCEMENT**

Human Rights are considered to be the primary rights of every individual without any discrimination. Through the several mechanisms these rights are being applied equally to the citizens of any country without bias on the basis of sex, race, caste, community, religion or language with the primary of welfare and wellbeing of every individuals. However, due to social, political, cultural differences, there is deprivation of these rights across the world. Whatever be the form of deprivation, if it has the direct impact on the basic and fundamental rights of the people, they are referred to as vulnerable and disadvantaged groups. In the view of International Humanitarian Law, they classified these groups as women and children, disabled, HIV/AIDS victims, prisoners, mentally ill, sex workers, minorities etc. The objective of this course is to study the human rights violations of these groups, the possible measures to prevent the violation and to structure the future goal of curbing the violations and protecting the vulnerable and disadvantaged groups through various enforcement agencies like national and international mechanisms and instruments, United Nations Convention, Covenants, Declarations, and the contributions of Regional Human Rights Organizations.

#### **UNIT I: CONCEPT OF DISADVANTAGED AND VULNERABLE GROUPS**

Meaning and Concept of Vulnerable and disadvantaged- Human Value- Dignity – Liberty – Socially and economically disadvantages groups – Groups and Culture – Cultural Problems of disadvantaged and vulnerable.

#### **UNIT II: WOMEN AND CHILDREN AS VULNERABLE GROUPS**

Human rights and women rights –Rights of Children – Social status of women and children – National and international scenario on protection of human rights of women and children – Role of UN.

#### **UNIT III: SOCIALLY AND ECONOMICALLY DISADVANTAGED GROUPS**

Prisoners – Stateless persons – Dalits – Mentally ill – AIDS/HIV victims – Sex workers – Transgender – Aged – Minorities.

#### **UNIT IV: HUMAN RIGHTS: ENFORCEMENT MECHANISM AND PROTECTIVE LAWS: NATIONAL AND INTERNATIONAL PERSPECTIVE**

Human rights legislations – Judicial organs – Supreme Court, High Courts – Human Rights Commissions – Commission for women and children – UN and Human rights – UN Charter and its significance – UN and rights of persons with disability – UN Declaration on the Rights of Indigenous People, 2007 – Conventions and Covenants on human rights of disadvantaged.

#### **UNIT V: DEVELOPMENT OF HUMAN RIGHTS: FUTURE GOALS**

National policies – Role of International Organizations – Implementation of International Instruments – Indian Scenario – Constitutional safeguard – Role of Media – Press – Advocates – Educational Institutions – Community – NGO's.

#### **SELECT BIBLIOGRAPHY**

1. G.S.Bhargava and R.M.Pal, Human Rights of Dait Societal Violation (1999)
2. Geradine Van Bueren, The International law on the rights of the child (1998)
3. Prabhat Chandra Tripathi, Crime against working women (1998)
4. Philip Alston (et,al) Children, Rights and the Law
5. Janaki nair, women and law in colonial india (1996)



6. Simon creighton, Vicky king, Prisons (1996)

7. Mamta Rao, Law Relating to Women and Children EBC publications(2012)

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Corrected

POST GRADUATE DEPARTMENT OF HUMAN RIGHTS AND DUTIES EDUCATION

THIRD SEMESTER - OPTIONAL PAPER V

SUBJECT: TRADE, ENVIRONMENT, DEVELOPMENT AND HUMAN RIGHTS

**Objective of the Course**

In the Twenty First Century trade and commercial activities work beyond trade barrier. The New International Economic Order (NIEO) helps in economic integration with that of the pragmatic approaches of the international trade regime. International Trade Agreements also encroach the arena of both environment and human rights arena. The Dispute Settlement Body of the World Trade Organisation is actively working in harmonizing the trade, environment, development and human rights issues. The Five units that it comprises deal with the role of human rights in development, general aspects of international trade and development, the role of TNCs, trade-related sanctions for human rights violations, the question of sovereignty, and human rights perspective in India.

**Course content**

**1. Role of Human Rights in Development**

- I. Theories of development
- II. Vision of the NIEO
- III. Development and trade off on human rights

**2. International Trade and Development**

- I. From ITO to WTO
- II. Unequal terms of trade imposed by the Uruguay Round of GATT negotiation
- III. Role of unfair terms of trade in human rights violation

**3. Role of Transnational Corporations in trade/Development**

- I. Monopolies and right to development
- II. National control over international trade
- III. Codes of conduct and TNCs and function
- IV. Destruction of environment by TNCs
- V. From consumer rights to human rights

**4. Trade-related Sanctions for Human Rights Violations**

- I. Debate on the social clause
- II. Sanctions imposed by unilateral/bilateral trade terms, blockade of Cuba, US sanctions on the Third World
- III. Trade related sanctions under the multilateral system  
Human Rights standards and international trade

## 5. International Trade and Human Rights Perspective in India

- I. Impact of GATT-WTO on Sovereignty
- II. Sovereign states and peoples' rights: issues of economic sovereignty
- III. Human Rights Law and Institutions in India
- IV. Judiciary on Right to Development and Right to Environment

### Recommended Books

- ❖ Author Krishen Koul - Guide to the WTO and GATT
- ❖ Anupam Goyal - The WTO and International Environmental Law Towards Conciliation
- ❖ Andrew F. Lowenfeld – International Economic Law
- ❖ John H. Jackson, Sovereignty, the WTO and the changing fundamentals of International Trade Law
- ❖ Day, D.M and Griffin, Bernardette - The Law of International Trade
- ❖ Philip Sands - Principle of International Environmental Law
- ❖ Indira Carr and Peter Stone - International Trade Law
- ❖ Petersmann, Ernest Ulrich - The GATT/WTO Dispute Settlement System: International Law International Organization and Dispute Settlement System
- ❖ Alan Boyle and Patricia Birnie - International Law and Environment.
- ❖ Julius Stone- Human Law and Human Justice.
- ❖ R.Dworkin-Taking rights Seriously

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# *Women And Law*

*(Optional)*

## **Objectives of the course:**

The need to gender justice as special subject is to be emphasized as the constitutional mandates have not achieved the desired results. The fundamental rights did not preclude having special provisions. The planners and 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 into the mainstream. However, this trickle-down theory of development is still to be materialized in spite of the positive action of women's representation in local bodies. Women are discriminated in almost all sectors that perpetuate the patriarchal values. The course should draw attention to the helpless condition of women, their exploitation and sufferings and also the strategies to remove the discrimination.

## **Unit – I**

**Women in India:** Constitutional background and legal protection both at national and international level- rights of women in industry- in prison-in family-in unorganized sector- rights of tribal women

## **Unit – II**

**Violence against women:** Offences against women; contemporary issues- recent developments in law relating to rape, marital rape, Nirbhaya Law, Sexual Harassments at Workplace, Acid attack, Domestic violence and its forms

## **Unit – III**

**Science & Technology and women:** Assisted Reproductive Technology and its implication- contraceptive technology and sterilization- Amniocentesis and its impact on the society- pervasive technology and invasive privacy, Women and Media

## **Unit – IV**

**Empowerment of Women:** Social, economic, political, legal and cultural empowerment of women – Legal reforms (Legislative and Judicial reforms) towards empowerment of women – Role of NGOs in the empowerment of women

## **Unit – V**

**Commissions and Committees:** National and State Human Rights Commissions in the protection of women – National and State Commissions for Women- Towards Equality Report; National Policy on Women Empowerment, 2001; Justice Verma Committee Report

### **Reference Books**

Agnes Flavia, *Law as Gender Inequality* (Oxford,1999)

GB Reddy, *Women and Law* (Asia Law House, Hyderabad)

Sharma K. Maga, *Law with respect to Rape, Sodomy, Abduction & Kidnapping* (Kamal Publishers)

Ruth A. Brand Wein (Ed.), *Battered Women, Children and Welfare Reform (the ties that bind)* (Sage Publications)

Dr. Paras Diwan, *Law with respect to Dowry, Dowry Deaths, Bride burning, Rape and related offences* (Universal Law Publishing Co.)

Nirmala Jeyaraj (Ed.), *Women and Society (A Reader in Womens' Studies)* (Cambridge Press 2005)

## 2: GENERAL PRINCIPLES OF INTELLECTUAL PROPERTY

This course is intended to introduce the theoretical and conceptual understanding of intellectual property protection in the context of TRIPS Agreement. The course will cover various theories of private property protection and its relation to various items protected under the TRIPS. The major thrust will be to examine the conflicting philosophical justification for the protection of these items. The following topics will be discussed for about 60 hours.

### UNIT - 1: INTRODUCTION TO INTELLECTUAL PROPERTY

- 1.1 A brief description of the subject
  - (a) Definition of intellectual property
  - (b) Importance of intellectual property
  - (c) Proprietary Rights
  - (d) Non-proprietary Rights
  - (e) Constitutional protection of property and intellectual property
- 1.2 Common features of intellectual property Rights
  - (a) Territoriality
  - (b) Anti-competitiveness
  - (c) Tradability
  - (d) Independence
  - (e) Divisibility
  - (f) Volatility
- 1.3 Sources of IP Law
  - (a) National sources
  - (b) International sources
  - (c) Treaties and Conventions

### UNIT - 2: UNDERLYING THEORIES OF INTERNATIONAL IP PROTECTION

- 2.1 The philosophical debate over the nature of intellectual property
  - (a) Utility of a natural right
  - (b) The theory of property
    - (i) Natural law theory
    - (ii) Locke's labour theory
    - (iii) Hegel's individual will theory
    - (iv) Bentham's utilitarian theory
    - (v) Prospect theory
    - (vi) Contract theory
    - (vii) Reward theory
    - (viii) Incentive theory
    - (ix) Marxian theory
    - (x) Psumpetarian Theory
- 2.2 Economic considerations
  - (a) Intellectual property and international trade
  - (b) Economic of intellectual property
    - (i) The Economic impact of intangibility
    - (ii) Com modification

## Copyright Law

### Unit – I

Historical Development of Copyright – nature & scope of copyright protection – Items covered under copyright and the test of originality – Idea and expression dichotomy in copyright law. Doctrine of Merger – Copyright a statutory right – registration mandatory or not procedure followed.

### Unit – II

Ownership and assignment of rights – First owner, Joint owner, rights of the owner – moral rights of author – Employer and employee relationship and transfer of ownership – assignment of rights, licensing of rights – Term of copyright.

### Unit – III

Infringement of copyright – Principles for deciding infringement of copyright – Factors involved in determination of infringement – acts that are not infringement – statutory exception – fair use – secondary infringement.

### Unit – IV

Copyright – civil, criminal and Administrative approaches and enforceability – collecting societies – nature and function.

### Unit – V

Challenges – Protection of computer programme under copyright – rights given to the authors and protection in the context of digital technology – Data base protection.

### **Reference Book:**

1. Nimmer On Copyright - David Nimmer
2. International Copyright Law And Practice - David Nimmer
3. Sacred Text, Technology And Dmca - David Nimmer
4. "Fair use, Free use and use by Permission: how to handle Copyright in all Media" -Lee Wilson, Newyork: Alworth press
5. Technology and copyright law" - Arlene bielefield

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## PATENT LAW

### **UNIT 1:**

Origin & development of patents- Theoretical Justification for patent protection- patent law in UK, USA and India – Patent as Monopoly- Economic Benefits of Patent- International Character of Patent including TRIPS Agreement & PCT

### **UNIT 2:**

Concept of Invention-Scope & new face- Patentability Criteria- i.e., Novelty, Inventive Step & Industrial Application- Non patentable Subject Matters- Patent on Software- Patent on Bio-technology-Distinction between Discovery and Invention- Patent on Nano-technology and Space technology.

### **UNIT 3:**

Prosecution for obtaining patent- who can apply- provisional and complete specification- claim and claim interpretation- examination – anticipation- opposition- grant & sealing of patent- patent of addition- amendments- revocation and surrender of patent – rights and obligation of patent – ownership and assignment of licence- compulsory licence- International patent filing.

### **UNIT 4:**

Patent Litigation- What amounts to infringement of patent jurisdiction- Burden of Proof- Remedies including Anton Pillar Order- Defenses – Enforcement.

### **UNIT 5:**

Plant Variety Protection – Plant Patent – Sui generis Protection – Utility patent relating to patent- multiple protection – plant variety protection and Farmers Right Act- Test of Distinctiveness – Novelty – Uniformity – Registration of New Variety – Farmers Variety and extant variety – Farmers Rights- benefit sharing – National Gene Fund – Genetically Modified Seeds, crops and farmers’ interest

## BOOKS

1. *Source book on TRIPS Agreement*
2. W.R.Cornish – *Intellectual Property Law*
3. David Bainbridge - *Intellectual Property Law*
4. Dr. Elizabeth Varkey – *Law of Patents*
5. Dr. Elizabeth Varkey – *Law Of Plant Variety Protection*
6. *Terrels On Patent*
7. *Merges Patent Law And Policy: Cases And Materials*
8. *WIPO Reading materials on Intellectual Property*
9. Michael Blakeney- *TRIPS- A concise guide to the TRIPS Agreement*
10. P.Narayanan-*Patent Law*
11. Mare S.Gross.et.al-*Biotechnology and Pharmaceutical Patents*
12. Rajiv Jain, Rakhee Biswas- *Law of Patents*
13. Ashlety Roughton- *The Modern Law Of Patents*
14. Markus Nolff- *TRIPS, PCT & Global Patent Procurement*
15. Janice M. Muller – *Patent Law*
16. Robert C. Kahril- *Patent claim construction*
17. Gregory A. Stabbs – *Software Patent*
18. Patricial Lucia, Cantuaria Marin – *Providing Protection For Plant Genetic Resources*
19. Wester lund – *patents on Biotechnology*

## INTERNATIONAL SOURCES

- ❖ Paris Convention
- ❖ PCT
- ❖ European Patent Convention
- ❖ Budapest Treaty
- ❖ TRIPS Agreement
- ❖ Patent Law Treaty

## NATIONAL SOURCES

- ❖ Patent Act, 1970
- ❖ Protection of Plant Varieties And Farmers Rights Act, 2001

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**Department of Intellectual Property Law**  
**3<sup>rd</sup> Semester (Elective) Paper**

**Intellectual Property Rights and Human Rights**

The object of the course is to realize the importance of interface between intellectual property rights and human rights. How far the international regional and national instruments relating to various instruments relating to various categories / subject matters of IP recognizes embodies/ enforces human rights as the component of IP. Also, international, regional and national instruments relating to human rights law recognizes / embodies the right to IP as a Human Rights.

**Unit – I**

Concept of IP relating to Human Rights – Concept of Human Rights relating to IP – Jurisprudential aspects of IP and Human Rights – Constitutional Aspects – Fundamental Rights, DPSP including right to property – comparative perspective position in various countries including US, India and EU

**Unit – II**

International Instruments relating to IP – WTO based regime – Agreement establishing World Trade Organisation – TRIPS Agreement – Doha Declaration of TRIPS Agreement on Public Health – Doha Development Agenda – WIPO based regime – IGC on Traditional Knowledge and Folklore – CBD – ITPGR – Co-operation between WTO and WIPO and other organization including WHO, ILO – International instruments relating to Human rights – UDHR – ICCPR – Permanent Forum on Indigeneous People.

**Unit – III**

National IP and Human Rights – Constitutional Provision relating to IP and Human Rights – Article 19 (1) (g) – Article 300 (a) and relevant entries – Patent Act – Copyright Act – Biological Diversity Act – Protection of Plant Variety and Farmer’s Right Act – Seed Bill – Geographical Indications Act – Trade Marks – Human Rights Act, 1933

**Department of Intellectual Property Law**  
**3<sup>rd</sup> Semester (Elective) Paper**

**Unit IV**

Copyrights v. Human Rights – Right to Freedom of expression – Privacy Issues – Right to Education, research – Right to Information – Cultural rights – Performer’s rights – Digital Environment – IP and Human Rights – Right to Health – Genetic Informations – Clinical Trials – Hazardous invention Vs. Human Environment – Patent on Body Parts and Human Dignity.

**Unit - V**

Traditional Knowledge – Former’s Rights – Tribal rights – Consumer rights – Indigenous people rights Food Security – GM Food and Human Health – Recent Development across the world.

**Department of Intellectual Property Law**  
**3<sup>rd</sup> Semester (Optional V)**  
**Intellectual Property Law and International Perspectives**

**Objectives:**

The new trends in International Trade ushered in the WTO and the TRIPS Agreement demands a serious rethought on teaching intellectual property laws. The rapid change towards liberalization and globalization is assumed to facilitate free movement of capital, technology and goods based on new technology across the border to promote global trade. The new technologies promise industrial and economic development in India, hence more investment on Research and Development to keep pace with the International competition is expected. This necessitates India to provide more broader protection for Intellectual properties based on TRIPS Agreement. A critical look at the developmental model reflected in TRIPS and its feasibility to solve the domestic problems in the International context warrants attention. The merits and demerits of the TRIPS Agreement has to be analyzed and has to be renegotiated when a periodical review takes place.

With the changing technologies, the understanding of the acquisition, maintenance, and protection of intellectual properties at the International level is essential. In the area of digitalization and genetic engineering special skills are required to prepare the documents for registration both at national and international forum. To meet the challenges posed, a good understanding of science, technology and law is essential. The following core is designed to equip the students to tackle the challenges in the Intellectual Property field at International Level.

**Syllabus**

**UNIT – I: International Intellectual Property Treaties and Convention**

1. The Nature and scope of International Law
2. International Intellectual Property Instruments
3. Leading International Institutions and Actors: -- W.I.P.O, W.T.O. European Union
4. The Negotiation of Intellectual Property Treaties
5. National Treatment, unconditional MFN Treatment,
6. Principles of Territoriality, Exceptions: ‘Famous Marks’: exceptional if any  
Basis for Acquiring rights
7. Territoriality, Use in Commerce and other standards.

**UNIT – II International trade Mark Agreements:**

1. Paris convention
2. Implementation in National Law
3. Mechanisms facilitating multinational Rights
4. Principle of Independence of rights, Tellequelle principle;
5. Well-known marks.  
Art 6 bis Paris convention, TRIPS Agreement, Article 16, WIPO joint Recommendation?
6. TRIPS Agreement Trademark Provisions.
7. Trademark Law Treaty:
8. IPO standing committee Report on Trademarks, 2003
9. European union: Subject Matter of Trademark, distinctiveness, Exception to the grant of protection.
10. Geographical Indications: global Agreements (Madrid & Libson) EU Regulations

- TRIPS Agreement and mandated Negotiations.
11. Mechanism for acquisition of Rights: Madrid Agreement, Madrid Protocol, Community Trademark
  12. International Domain Litigation, The conflict between D.N & TM, UDRP.

**UNIT – III: International Patent Agreements:**

1. The Paris Convention  
Exploitation of the patented invention
2. TRIPS Agreement  
Exceptions to patent rights
3. Canada Pharmaceuticals Patents case  
Access to essential Medicines, Doha declarations
4. Mechanism for acquisition of Rights: Community Patent, Patent Cooperation Treaty

**UNIT – IV : International Copyright Agreements:**

1. Basic Principles: Berne Convention  
National Treatment and connection factors, TRIPS Agreement, Rome Conventions.
2. EU Copyright Law; The Interaction of copyright and common Market Policies,  
Secondary Legislations:-
3. Software Directive
4. Term Directive
5. Database Directive
6. E-Commerce directive – Service Provider Liability.
7. WIPO Internet Treaties: The Diplomatic Conventions and Treaty Provisions, Treaty Implementation Laws: Digital Millennium Copyright Act, Article 6 of EUcopyright Directive.

**UNIT – V : Basic Issues and Principles:**

1. Institutional Challenges Post TRIPS
2. Traditional Knowledge, Genetic Resources and Protection of Folklore, Database protection.
3. Dispute Settlement: State to State dispute settlement. Unilateral Trade measures (Special 301)
4. The role of Special 301 after TRIPS WTO Dispute settlement; Enforcement Mechanisms  
Cross Sectoral Retaliation
5. WIPO & TRIPS Council developments in DSB Proceedings.

**Reference:**

- (1) Cornish and Llewelyn , “Intellectual Property”, 6<sup>th</sup> Edition(2007) Sweet and Maxwell, London
- (2) Resource Book on TRIPS and Development,(2005) Cambridge, University Press USA
- (3) Samuelson and Others, Software and Internet Law 3<sup>rd</sup> Edition (2006) Aspen Publishers US
- (4) Ginsburg and Others, Trademark and unfair Competition Law, 4<sup>th</sup> Edition(2007) Foundation Press US.
- (5) TRIPS Agreement 1995
- (6) IP Bare Act.

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**Department of Intellectual Property Law**  
**3<sup>rd</sup> Semester (Optional IV)**

**LAW RELATING TO INDUSTRIAL DESIGNS**

**Syllabus**

**Objective :**

The Objective of the papers is to equip the students to understand the concept of Industrial Design, its acquisition, rights conferred by registration and the remedies in the Indian context and also focus on the subject matter scope of semi conductor integrated circuit layout design.

**UNIT – I**

- 1.1 Concept of Industrial Design
- 1.2 Essential of a Design
- 1.3 Novelty and Originality
- 1.4 Protection of functional designs
- 1.5 Conflicts between copyright and design protection
- 1.6 Statutory right
- 1.7 Requirements. US,UK & EU approach

**UNIT – II**

- 2.1 Registration of Designs
- 2.2 Registrable Designs and non –registrable designs
- 2.3 Objections
- 2.4 Decisions of Controller
- 2.5 Certificate of Registration
- 2.6 Effect of Registration – Cancellation of Design.

**UNIT – III**

- 3.1 Rights granted to 'Design' Holders
- 3.2 Copyright in Design
- 3.3 Protections from Piracy
- 3.4 Fraudulent and obvious imitations

**UNIT -- IV**

- 4.1 Infringement of Design
- 4.2 Tests to determine Infringement
- 4.3 Onus to prove infringement
- 4.4 Right to claim profits earned by the Infringement
- 4.5 Terms of copyright in Design, US,UK & EU treatment.

**UNIT -- V**

- 1.1 The Semi-Conductor Integrated circuits
- 1.2 Lay – out and Design Act 2000 : Meaning of circuit
- 1.3 Integrated Circuit
- 1.4 Semi-conductors
- 1.5 Transistor
- 1.6 TRIPS information technology regime.
- 1.7 Enforcement provisions
- 1.8 Similarity between law relating to Designs and Trade Mark Law.

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Reference:

- (1) Industrial Designs Act-2000
- (2) Russel Clarke , “Industrial Designs”6<sup>th</sup> Edition (1999) Sweet & Maxwell, London
- (3) B.L.Wadhera,Intellectual Property Law
- (4) Semiconductor Integrated Circuit –Layout Design Act (2000).

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## **INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS**

This course is designed to equip the students with the ability for an in depth analysis of the legal issues involved in the ongoing debate on the protection of computer programme under copyright law and patent laws. To examine the impact of digitalization of the copyright work and also using of cyberspace for commercial purpose to promote trademark goods had brought with it manifold issues in IP regime. This course will focus on new issues and challenges in cyberspace.

### **1. Introduction to Computer Programme**

- 1.1 Basic concepts of computer science –concepts, terminology and principles
- 1.2 Distinction between computer programme and software
- 1.3 Elements of computer programme –algorithm computer languages – literal and functional element

### **2. Copyright Issues in cyberspace**

- 2.1 Historical development of copyright protection for computer programme
- 2.2 Concept of Originality in Computer programme
- 2.3 Idea –expression dichotomy in computer programme
- 2.5 Reverse Engineering
- 2.6 Anti Circumvention Law

### **3. Patent Protection of Computer Programme**

- 3.1. Development of patent protection of computer programme in US
- 3.2 Algorithm as patentable subject matter
- 3.3 patentability of computer relation invention
- 3.4 patent of business method
- 3.5 TRIPS obligation and Indian Law

### **4. Trademark Issues in Cyber Space**

- 4.1 Metatagging
- 4.2 Pop-up- advertisement
- 4.3 Keyword advertisement
- 4.4 Domain Name
- 4.5 The ICANN Uniform Domain Name Dispute Resolution Policy

### **5. New Issues and Challenges in Cyberspace**

- 5.1 Cloud Computing
- 5.2 Convergence Technology

### **References:**

- 1. Nandan Kamath, Law Relating to Computers Internet & E-Commerce, 2nd Edition, Universal Law Publishing Co.Pvt.Ltd.
- 2. David Lindsy, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon.
- 3. Rodney D Ryder, Intellectual Property and the Internet, (2002) Lexis Nexis Butterworths, New Delhi.
- 4. Samuelson and others, Software and Internet Law,Third Edition (2006) Aspen Publishers, U S.

(Optional)

## **Trademarks Law and Geographical Indications**

This course is aimed at exposing the basic concept of trade mark and geographical indication. The standard or test laid down to identify the mark to be protected; the procedural requirement for the acquisition of rights; enforcement of rights in case of infringement; civil criminal and administrative remedies provided under the law will be examined.

Further to examine the goods which can be protected under geographical indication; procedure for registration of geographical indication; right holder of it; enforcement of rights and remedies. This course will focus on the Indian law.

### **1. An Introduction to Trademarks**

- 1.1 Historical development of the concept of trademark and trademark law-National and - Introduction to Trademarks
- 1.2 Need for Protection of Trademarks
- 1.3 Kinds of Trademarks
- 1.4 Well known Trademark

### **2. Registration of Trademarks**

- 2.1 Grounds of refusal of registration
  - 2.1.1 Absolute grounds
  - 2.1.2 Relative grounds.
- 2.2 Procedure for registration of Trademarks:
  - 2.2.1 Application.-intent to use
  - 2.2.2. Opposition 2.2.3 Registration

### **3. Rights of Registered trademark owners.**

- 3.1 Assignment and licensing of Trademarks

### **4. Infringement of Trademarks**

- 4.1 Passing Off
- 4.2 Defences.
- 4.3 Remedies for Infringement and Passing Off
  - 4.3.1 Civil remedies. 4.3.2 Criminal remedies.

### **5. Geographical Indications**

- 5.1 Concept of geographical Indication
- 5.2 The Geographical Indications of Goods (Registration and Protection) Act, 2000
- 5.3 Procedure for Registration, Duration of Protection and Renewal
- Infringement, Penalties and Remedies

### **References :**

1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
2. Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet & Maxweel.
3. A. K. BanSal, Law of Trade Marks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
4. Christoher Wadlow, The Law of Passing Off, 1995
5. Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
6. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

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F. Lecture - 1

## SYLLABUS – INTERNATIONAL CRIMINAL COURT

### UNIT 1

Introduction to International Criminal Law; Overview of International Humanitarian law; International law regarding Human rights; International criminal responsibility; Definition and understanding War Crimes; Definition and understanding Genocide; Crimes against humanity; Crimes without borders; UNHCR and war crimes.

### UNIT 2

Development of International law post World war I and II; Nuremberg Charter; Nuremberg trials and the outcome; Geneva Conventions and Protocols, War Crimes Tribunals; Principles of Universal Jurisdiction; War Crimes and Prosecutions; Deterrence of war crimes; Accountability for War Crimes Present and Future; International Crime Tribunal for Rwanda, International Crimes Tribunal former Yugoslavia,

### UNIT 3

Pursuit of Global Justice; Nuremberg to Rome: Preparatory Commission for International Criminal Court; Rome Statute; Permanent International Criminal Court – perspectives and challenges; International Criminal Court – Framework, Structure, Duties and Jurisdiction; Enforcement Procedure for ICC; ICC – challenges of Jurisdiction;

### UNIT 4

Accountability – criteria for effective ICC; Impunity of ICC; International institutions and the ICC; ICC and Gender Justice; ICC Reparation to Victims of Crimes; Challenges in enforcing International I justice; Protection of Witnesses; Non-parties to ICC – issues of ratification; issues regarding non ratification by China and US; ICC and the Indian Perspective;

### UNIT 5

Alternates to ICC;

Annotated Leading Cases of ICC

#### Recommended Books

- ❖ Claire de Thane and Edwin Shorts, International Criminal Law and Human Rights
- ❖ Broke Broomhole, International Criminal Court
- ❖ Antonio cassesse, Introduction to Criminal Law
- ❖ Robert Cryes, Prosecuting International Crimes

#### Reference Books

- ❖ Mark Lattimer, Genocide and Human Rights
- ❖ Carstar Starh, Future Perspective on International Criminal Law
- ❖ Heinonline.org



**POST GRADUATE DEPARTMENT OF INTERNATIONAL LAW**

**PUBLIC INTERNATIONAL LAW**

**UNIT – I - INTRODUCTION AND DEVELOPMENT OF INTERNATIONAL LAW**

International Law – Definition, Origin, Development, Scope and Basis, Codification – International Law Commission – Sources of International Law – Relationship between International Law & Municipal Law – Theories, State Practice - U.K., USA and India with respect to Treaties and Customary Norms.

**UNIT – II – STATES, RECOGNITION AND RESPONSIBILITY**

State – Types, Rights and Duties, State Subject - Individual, International institutions, Colonial Territories and MNC's, State – Responsibilities; Protection of Individual and Groups, Human rights-Calvo Clause, Protection of Environment , State Recognition – State and Government, Theories, kinds and legal effects, Nationality – Acquisition and loss -Extradition and Asylum – Refugee, Stateless persons – Principle of Non-Refoulement, Territorial Sovereignty- Modes of acquisition and loss of territory – State Jurisdiction – State Succession.

**UNIT – III – STATE SOVEREIGNTY AND DIPLOMATIC IMMUNITY**

State – Sovereignty- Jurisdiction – Basic Principles – Civil and Criminal Jurisdiction – Permanent Sovereignty over Natural Resources - Law of the Sea – State jurisdiction, High Seas, Air & Space Law - Sovereignty, Freedoms and Liability, Diplomatic Law – Agents Consulars, Immunities and Privileges, Refugee Law- Principle of Non-Refoulement

**UNIT – IV- TREATIES**

Concept – Vienna Convention - Definition of International Treaties – Formation of Treaties and its stages – Reservation, observance of Treaties, Interpretation of Treaties – Suspension and Termination of Treaties.

**UNIT – V- INTERNATIONAL ORGANISATION AND DISPUTE SETTLEMENT MECHANISM**

Origin, Nature & Scope of International Organisations – League of Nations, United Nations; System, Legal Status, Peace Keeping and Peace Making role, Collective Security, Organs- Secretariat, Security Council, General Assembly ECOSOC and Trusteeship – Specialised Agencies – Dispute Settlement Mechanism ; ICJ, ICC, International Arbitration & International Tribunals.

**Books prescribed:**

Ian Brownlie: Principles of International Law  
Starke J.G. – International Law  
Malcolm Shaw – An introduction to International Law  
D.J.Haris-Cases Materials in International Law

**Books for reference:**

Oppenheim – International Law  
Brierly - International Law  
Schwrenberger - International Law  
D.J. Haris – Cases Materials in International Law  
D.W. Bowett: International Institutions  
Akehurst, Michel, Modern introduction to International Law  
Salient Documents in International Law – R.P. Anand  
Tunkin.G – International law  
Antonio Cassese – International Law  
R.P. Anand – New States in International Law  
Mani, V. S., Basic Principles of Modern International Law  
Indian Journal of International Law  
American Journal of International Law,  
International Law and Comparative Law Quarterly;

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**TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY, CHENNAI**  
**M. L. DEGREE COURSE – INTERNATIONAL HUMANITARIAN AND REFUGEE LAW**  
**Course outline**

**UNIT I. Origin and Development of International Refugee Law:**

1. Development of the Concept of “Refugee” and Refugee Organization.
2. Arrangements under the League of Nations.
3. International Refugee Organization .
4. Institution of the office of the High Commissioner of Refugees.
5. 1951 Refugee Convention and its 1967 Protocol.
6. Convention Definition with its essential ingredients.
7. Expanding Dimensions of the Definition.
8. Exclusion and Cessation Clauses.

**UNIT II. Refugee protection and Durable Solutions:**

1. Right of Asylum.
2. Principle of *Non-Refoulement*.
3. Expulsion under Article 32 of the 1951 Convention.
4. Exceptions to *Non-Refoulement* Article 33 (2).
5. Other Convention Rights.
6. “Persons in Need of Protection”- (IRPA, 2002, Canada)
7. Voluntary Repatriation.
8. Local Integration
9. Third Country Settlement.

**UNIT III. - Emerging Issues in International Refugee Law And Regional Developments:**

1. Burden Sharing.
2. Compensation to the Refugees to be paid by the Country of Origin.
3. UNHCR Interventions with Internally Displaced People.
4. Temporary Refuge.
5. Safety Zones/Safe Haven Concepts.
6. Vulnerable groups: Women, Children.
7. OAU Convention in Africa.
8. European and Latin American Developments-Schengen and Dublin Conventions-Cartagena Declarations.
9. Asian Developments-AALLCO Declaration.
10. Model National Law on Refugees in South Asia and the Regional Declaration.

**UNIT IV. - Refugee Protection in India:**

- a. Refugees in India.
- b. *Ad Hoc* Arrangements dependent upon Administrative Convenience- Laws Applicable to Refugees in India including the Constitutional Provisions.
- c. Judicial Approach to Refugee Protection in India.
- d. Internally Displaced Persons - Evolution of the concept of IDPs - Guiding Principles on Internally Displaced - National policy in India

- e. Role of Institutions and NGOs- NHRC Refugee Protection, Internally displaced - Role of national and International NGOs

#### **UNIT V. International Humanitarian Law**

- a. Evolution of International Humanitarian Law
- b. Geneva Conventions and Protocols
- c. Geneva Conventions Act, 1961
- d. ICRC, Indian Red Cross
- e. Role of International and National NGOs

#### **Prescribed Books:**

1. Guy S Goodwin Gill, *The Refugee in International Law*, Clarendon Press, Oxford, 1996.
2. James C Hathaway, *The Law of Refugee Status*, Butterworths, Toronto, 1991.
3. B S Chimni (Ed.), *International Refugee Law: A Reader*, Sage Publications, New Delhi, 2000.

#### **Reference Books:**

1. Manik Chakrabarty, *Human Rights and Refugees*, Deep and Deep Publications, New Delhi, 1998.
2. Howard Adelman (Ed.), *Indo-Chinese Refugee Movement: The Canadian Experience*, Operation Life Line, Toronto, 1980.
3. UNHCR, *The State of World Refugee: A Humanitarian Agenda*, Oxford University press, Oxford, 1997.
4. Daniele Joly, *Refugees: Asylum in Europe*, Minority Rights Publications, London, 1992.
5. Prafulla K Chakrabarty, *The Marginal Men: The Refugees and the Left Political Syndrome in West Bengal*, Lumiere Books, West Bengal, 1990.
6. Paul Hockings, *Ancient Hindu Refugees*: Vikas Publishing House, New Delhi, 1980.
7. Gil Loescher, *Beyond Charity: International Co-operation and the Global Refugee Crisis*, Oxford University Press, Oxford, 1993.
8. Peter H Koehn, *Refugee From Revolution: US Policy and Third World Migration*, Westview Press, Boulder, 1991.
9. Robert F Gorman, *Refugee Aid and Development*, Greenwood Press, Westport, 1993.
10. Edward Newman and Joanne Van Selm, *Refugees and Forced Displacement: Internal Security, Human Vulnerability and the State*, Manas Publications, New Delhi, 2004.
11. Anthony H Richmond, *Global Apartheid: Refugees and Racism in the New World Order*, Oxford University Press, Toronto, 1994.
12. Ivor C Jackson, *Refugees and Human Rights: The Refugee Concept in Group Situations*, Martinus Nijhoff Publishers, The Hague, 1999.

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# LAW OF THE SEA

## 1. Historical introduction to the Law of the Sea

Contributions of Seldon, Grotius, Bynkershock and others to the development of the early law; the Anglo-Norwegian Fisheries case and its aftermath; the technological revolution and utilization of the new resources of the sea; population explosion and its impact on the law, the U.N. conferences on the Law of the Sea; Developing nations and the uses of Sea.

## 2. Changing concepts of Maritime Frontiers

- 2.1 Rights of States over territorial waters and contiguous zone
- 2.2 Continental Shelf
- 2.3 Exclusive Economic Zone
- 2.4 Principles of determination of maritime frontiers and maritime boundaries under the customary and conventional law.

## 3. Exploitation of Deep Sea Bed Resources

- 3.1 Area, International Sea Bed Authority, its functions and powers, decision making and settlement of disputes.
- 3.2 Principles governing joint ventures; transfer of data and training of personnel of the authority; problems and perspectives.

## 4. Emerging trends in Law of Sea

- 4.1 Conservation of Living resources of the High Sea: Problems of Maritime pollution.
- 4.2 Land-locked States and the Law of the Sea.
- 4.3 Piracy.
- 4.4 Arctic regions
- 4.5 Sea as common heritage of mankind; the future of the law of the sea

## 5. Dispute Settlement in Law of Sea

- 5.1 Jurisdiction
- 5.2 Applicable Laws
- 5.3 Enforceable mechanism
- 5.4 Exploitation of sea resources
- 5.5 International Sea Tribunal

## Select Bibliography

1. Orrego Vicuna, *The Changing International Law of the High Seas Fisheries* (1999), Cambridge.
2. Ian Brownlie, *Principles of Public International Law* (1998), Clarendon Press, Oxford
3. P. Chandrasekhara Rao, *The New Law of Maritime Zones* (1986), Milling Publications, New Delhi.
4. Samir Mankababy, *The International Shipping Rules* (1986), Croom Helm, London
5. Nagendra Singh, *International Maritime Law Conventions, Vol. 1 Navigation* (1983), Stevens & Maxwell, London.
6. Myron H. Nordquist and John Norton Moor (eds.) *Ocean Policy – New institutions, challenges and opportunities* (1999), Kluwer
7. R.P. Anand, *Law of the Sea, Caracas and beyond* (1978)

8. D.W. Bowett, Law of the Sea
9. D.W. Bowett, Legal Regime of Islands in international Law
10. John Colombos, International Law of the Sea (1962)
11. J.H. Hargrove, Who protects the Ocean: Environment and the development of the Law of the Sea.
12. Devendra Kaushik, Indian Ocean towards a peace zone (1983).
13. Myres S. McDougal and W. Burke, The Public order of the Oceans (1962)
14. D.P.P. Connel, International Law of the Sea, Vol I&II (1982).
15. UNCLOS – 1982.
16. Shigeru Oda, The Law of the Sea, vols. I – III.
17. Gupta, The Law of the Sea, vol. I&II.

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POST GRADUATE DEPARTMENT OF INTERNATIONAL LAW AND ORGANIZATION

THIRD SEMESTER - OPTIONAL PAPER IV

SUBJECT: LAW AND DIPLOMACY

1. Evolution of Diplomacy – Ancient and Traditional Approach
  - 1.1 Greek;
  - 1.2 Byzantine
  - 1.3 Europe centric;
  - 1.4 Arab/Islamic;
  - 1.5 Chinese;
  - 1.6 Mongol;
  - 1.7 Western practice
  - 1.8 Indian and Other relevant traditions and practice.
  
2. Changing Conceptions of Diplomacy – First and Second World Wars
  - 2.1 Ideological divide and International relations;
  - 2.2 Advent of International Organisations;
  - 2.3 Human Rights and Diplomacy;
  - 2.4 Polar Diplomacy;
  - 2.5 New States – Right to Self-determination and International relations.
  
3. The United Nations and Diplomacy-Institutionalism of International Diplomacy
  - 3.1 Codification of International Law on Diplomacy;
  - 3.2 Vienna Convention on Diplomatic Relations, 1961;
  - 3.3 Vienna Convention on Consular Relations, 1963;
  - 3.4 Vienna Convention on the Privileges and Immunities of the United Nations, 1946;
  - 3.5 Vienna Convention on the Representation of States in their Relations with international organisations of Universal Character, 1975.
  - 3.6 Other Relevant International Conventions.
  
4. Conflict-Crisis Management and Diplomacy
  - 4.1 Indo-Pakistan;
  - 4.2 Nicaragua;
  - 4.3 Namibia;
  - 4.4 Israel-Palestine;
  - 4.5 Iran
  - 4.6 Iraq
  - 4.7 Sri Lanka;
  - 4.8 Rwanda
  - 4.9 Congo
  - 4.10 Bosnia and Herzegovina and Serbia;

- 4.11 Kosovo;  
4.12 Lebanon;  
4.13 Sierra Leone;  
4.14 Cuba  
4.15 Russia-Chechnya;  
4.16 U.S and its conflict countries;  
4.17 Other Relevant Crisis Areas

## 5. International Contemporary issues and Diplomacy-Relevance under Major Disciplines of International law

### 5.1 Forms of Diplomacy

5.1.1. Preventive Diplomacy;

5.1.2. Personal Diplomacy;

5.1.3. Gun Boat Diplomacy;

5.1.4. Nuclear Diplomacy;

5.1.5. Shuttle Diplomacy;

5.1.6. Ping Pong Diplomacy;

5.1.7. Other Relevant Forms;

5.2 International Human Rights Law;

5.3 International Economic Law;

5.4 International Trade Law;

5.5 International Environmental Law;

5.6 International Air and space law;

5.7 International Criminal law;

5.8 Selective Case laws (Decisions of International Judicial Bodies).

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## REFERENCE

1. Elien Denza, commentary on Vienna convention on Diplomatic Relations.
2. Charles Chatterjee, Diplomatic Law.
3. Christopher G. Weeramantry, Islamic Jurisprudence.
4. Kalidass on Kautilya.
5. International Relations, Palmer and Perkins.
6. Moorthy, International Relations.
7. R.P Anand, New States in International Law.
8. Antonio Cassese, International Law
9. Lee, Consular Law.
10. Mohamed Bedjaoui, New International Economic Order.
11. R.P Anand, Salient Documents in International Law.
12. Sun Tzu, Art of War.

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**Department of International Law and Organization**

**3<sup>rd</sup> Semester**

**(Optional Paper –V)**

**Air and Space Law**

**Unit I:**

Definition, Nature, Scope and Source of Air law, autonomy air law  
Development of Air law (Paris Convention, 1910; Paris Convention, 1919; Madrid Convention, 1926; Havana Convention, 1928; Warsaw Convention and Chicago Convention, 1944)  
Freedom of the Air and Sovereignty in the Air  
Membership and Organs of ICAO  
Legislative, Administrative and Multilateral Conventions  
Regionalism in Civil aviation

**Unit II:**

Safety and security in civil Aviation  
The concept, Aviation terrorism, Hijacking, Drugs  
International Norms-conventions, Protocols and regulations  
Regulation in India ; Air safety provisions, Air Traffic management, Legal regime of Air Space and Outer Space, Problem of application of Air, Space and telecommunication laws, commercialization  
State obligation to provide Air Navigation services, Sovereign rights of States  
Aviation related pollution and Environmental problems  
Aircraft financing and leasing, Aviation Insurance, Settlement of Aviation related Disputes,  
General Principles Role of ICAO and ICJ, Arbitration, Settlement under Municipal Law

**Unit III:**

Technology development and problem in civil aviation  
Airports-leasing and privatization-legal issues  
Liability in International civil aviation, product liability  
Manufacturers, operators, operators agents and maintenance contractors  
Third party liability for surface damage  
Changing Global Trend: Globalization, de-regulation and liberalization in international civil aviation-Infra-structural problems of air port  
Private involvement in ownership operation and management of air ports, international regulatory framework  
Rights and Privileges of Air Collisions, Air Passengers  
Consumer protection in Civil Aviation, Liability for death, injury and delay



Anti trust issues in Aviation industry

#### **Unit IV:**

Space Law regime in International Law

Definition, nature, scope and development

UN and Outer Space technology-establishment of Committee on Peaceful use of Space (COPUOS), UN Space treaties, development of Law by Treaties: The Space Treaty, 1967, The Rescue Agreement, 1968: The Liability Convention, 1972: The Registration Convention, 1975; the Moon Treaty, 1979, Partial Test Ban Treaty, 1963; Weather Modification Convention, 1977.

Space Terrorism; Space tourism; space debris

Common heritage of mankind

#### **Unit V:**

International and inter-governmental organisations, Bilateral Agreement in Space Activity, Satellite Broadcasting and Tele-Communications

Use of space Technology; peaceful and non-peaceful, remote sensing, Disaster prediction, warning and mitigation, management of earth resources, Satellite navigation and location, space communication

Commercialization of Space Activities; Public and private sector activities, industry-government partnership, IPR Rights, Organisation of Space Activities-DOS, ISRO, Space Diplomacy, Space medicine

#### **Reference**

1. H.PhilepinaDiederiks-verschoor, Introduction to Air Law,1983, Kluwer Law Pub
  2. Azbeyratne, RIR, Legal and Regulatory Issues in International Aviation (1996)
  3. S.Bhatt, The New Aviation policy in India (1977)
  4. Carole Blackshow, Aviation Law and Regulation
  5. V.S.Mani, Recent Trends in International Space and Policy (1966)
  6. P.P.C Hanappel, the law and policy of air space and outer space (Kluvwelaw, London 2003)
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## **ELECTIVE PAPER: COMPARATIVE LAW**

Unit – I: Scope: Nature & Definition origin of Development, Functions utility – comparative Process – Theories – Governing Comparative Law – Comparative Law – as a educational tool.

Unit – II: Comparative Law as Cinderella of Legal Systems. Established methodologies within comparative legal studies – tap up intellectual Vigour and generosity of wisdom for comparative approach.

Unit – III: Europeanisation & Globalisation and Harmonisation – Path of Comparative law & System – Functionalism as value of comparative Legal Studies – Legal Sociology & Sociology of Law.

Unit – IV: Ideology of institutions – Alien Law – Traditions & Transitions Hybridized system – Destruction of native laws – Imposition of modern/alien law.

Unit – V: Major legal system of the world Chinese – Jewish - Hindu Legal System – Christian – Mohammedan legal system comparative Law approach to the system; conflict of laws – Harmonisation and Unification - Teaching of comparative legal studies – methods & approaches.

### **Major Reference:**

Grutteridge, Comparative Law / Law & Reasoning.

Social Dimensions of Law.

Comparative Legal Studies: Traditions & Transitions (Cambridge).

# PEACEFUL SETTLEMENT OF THE INTERNATIONAL DISPUTES

## Objectives:

The notion of Peaceful Settlement of International Disputes has attained the status of *jus cogens* norm. In the context of achieving International Public Order it plays a cardinal role. The United Nations Law in particular the Manila Declaration has indeed marked a blanket ban on the forcible means of settlement. The course aims to provide the essence of the subject; significantly it fosters a jurisprudential base wherein the contemporary issues can be addressed in the pragmatic sense.

## I INTRODUCTION

- 1.1 Definitions of 'Peace' and 'International Dispute';
- 1.2 International Law on Forcible Settlement and Peaceful Settlement;
- 1.3 Notion of Independent Obligations;
- 1.4 Juristic works on Amicable Settlement;
- 1.5 Relevance of National Legal Systems.

## II CODIFICATION

- 2.1 Hague Conventions of 1899 and 1907- Convention for the Pacific Settlement of International Disputes;
- 2.2 The Covenant of the League, 1919;
- 2.3 Geneva Protocol for Pacific Settlement of International Disputes, 1924;
- 2.4 Treaty of Paris (Kellogg-Briand), 1928;
- 2.5 Charter of United Nations, 1945;
- 2.6 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 1970;
- 2.7 Manila Declaration on the Peaceful Settlement of International Disputes, 1982;
- 2.8 Other Relevant Documents.

## III DIPLOMATIC METHODS

- 3.1 Negotiation;
- 3.2 Good Offices;
- 3.3 Mediation;
- 3.4 Inquiry and Fact Finding;
- 3.5 Conciliation;

## IV JUDICIAL MODES

- 4.1 Arbitration;
  - (a) The Permanent Court of Arbitration.
  - (b) Mixed Arbitral Tribunals.
    - International Centre for Settlement of Investment Disputes;
    - Iran-US Claims Tribunal;
- 4.2 International Courts;
  - (a) The Permanent Court of International Justice;
  - (b) The International Court of Justice;
- 4.3 International Tribunals;
  - (a) International Tribunal for the Law of the Sea;
  - (b) Relevant UN Tribunals;
- 4.4 Judicial Techniques;
- 4.5 Select Case laws.

## V ROLE OF REGIONAL MOVEMENTS ON PACIFIC SETTLEMENT

- 5.1 SAARC;
  - 5.2 African Union;
  - 5.3 Organisation of American States;
  - 5.4 European Union;
  - 5.5 League of Arab States.
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## REFERENCES

- R.P Anand, *Compulsory Jurisdiction of the ICJ* (Asia Publication House, 1961).
- R.P. Anand, *Studies in International Adjudication* (Vikas Publications, 1969).
- R.P. Anand, *Salient Documents in International Law* (Vikas Publications, 1994).
- Bruno Simma, Herman Mosler, Andreas Paulus and Eleni Chaitidou, *The Charter of UN: A Commentary* (Oxford University, 2002).
- Constanze Schulte, *Compliance with Decision of the International Court of Justice*, 1<sup>st</sup> Edition (Oxford University Press, 2004).
- John Collier and Vaughan Lowe, *The Settlement of Disputes in International Law-Institutions and Procedures*, 1<sup>st</sup> Edition (Oxford University Press, 2000).
- Alexander Orakhelashvelli, *Peremptory Norms in International Law*, 1<sup>st</sup> Edition (Oxford University Press, 2006).
- J.G. Merrills, *International Dispute Settlement*, 5<sup>th</sup> Edition (Cambridge University Press, 2011).
- Andreas Zimmermann, Karin Oellers-Frahm Christian Tomuschat & Christian J. Tams, *The Statute of International Court of Justice-A Commentary*, 2<sup>nd</sup> Edition (Oxford University Press, 2012).

## **LIST OF INTERNATIONAL DECISIONS**

- Reparations for the injuries suffered in the Service of the United Nations, Advisory Opinion, International Court of Justice (ICJ).
- Lockerbie Incident (Libya v. United Kingdom) Provisional Order, International Court of Justice (ICJ).
- Mavrommatis Palestine Concessions Case, Permanent Court of International Justice (PCIJ).
- Para-Military Activities in and against Nicaragua, (Nicaragua v. USA), International Court of Justice (ICJ).
- Case concerning the Convention on the Elimination of All Forms of Racial Discriminations (CERD), Georgia v. Russian Federation (Preliminary Objections) (ICJ).
- Oil Platforms case (Iran v. USA).
- Case concerning the Difference in the Immunities and the Legal effect with the Special Rapporteur of Human Rights Commission, (Advisory Opinion),(ICJ).
- Legal Consequences of Construction of Wall in Occupied Palestine, Advisory Opinion (ICJ).

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## **INDUSTRIAL RELATIONS LAW**

The appropriate governments hold the reins of industrial adjudication. The scope and extent of discretion in referring a dispute as well as in implementing a decision present complex and are areas of interesting study. What are the international norms relating to industrial adjudication? Are they followed in India? Is the statutory silence on the criteria for adjudication conducive to bringing industrial peace? How did the process of judicial review help evolving significant formulations on certain core areas of industrial relations despite the statutory prescription of finality of industrial adjudication?

As the terms and conditions of labour are enumerated in the certified Standing Orders the machinery under the standing order Act assumes significance in Law relating to Labour Management Relations. Industrial Relation Act 1978 was sought to be enacted by the Central Government. The Industrial Relation Bill 1978 wanted to achieve the same by combining the three Acts pertaining to labour management Relations. They were The Industrial Disputes Act, 1947 and Trade Union Act, 1926 and Industrial Employment (Standing Order ) Act, 1956 . The Trade Unions raise their issues with the management of the industries on different matters. There are things falling within the preview of Industrial Employment Standing Orders Act 1956 as the terms and conditions of labour forms a pivotal role in the matter of Industrial Dispute. These problems are to be studied from a critical angle and with a comparative thrust on development in other common law countries. The following syllabus prepared with this perspective comprising of 5 units will be spread over a period of one semester.

### **Syllabus**

#### **1. Industrial Relation -Perspectives and Foundations**

Industrial Relations: Concept – Concept Of Master And Servant Relationship - State Regulation Of Employer - Employee Relationship- Concept Of Industry- Industrial Dispute- Juridical Formulation- Constitutional Goals Protecting Capital And Labour

#### **2. Voluntary Dispute Settlement Mechanism**

Voluntary Settlement And Conciliation – Arbitration - Collective Bargaining- Comparative Overview Of Access To Adjudicatory Process In The UK , USA , And India

#### **3. Adjudication Process**

Access To Adjudication - Reference Power Of Government- Adjudication Authorities- Direct Access To Adjudicatory Authority - Judicial Review Of The Reference Power And Adjudicatory Process - Writs And Appeal - Comparative Appraisal Of Adjudicatory Process in India , UK, USA.

#### **4. Employers and Employees rights**

Lay off- Retrenchment and Closure in industry - transfer of undertaking- Legal Control of lay-off retrenchment and closure - Retrenchment the widening dimensions through decisional law - Comparative over view of position in UK and India.

#### **5. Industrial employment**

Terms And Conditions Of Labour- Nature And Certification Of Standing Orders- Misconducts In Industrial Employment- Disciplinary Action- Domestic Enquiry Procedure – Punishment.

### **PRESCRIBED BOOKS AND JOURNALS:**

- O.P. Malhotra, *The Law of industrial Disputes*. (1981) (Tripathi),  
K.D. Srivastava - *Law Relating to trade Unions and Unfair Labour Practices in India*. (Eastern Book Company),  
V.V. Giri, *Labour Problems in Indian industry* (Asia Publishing House),  
V.B. Kher - *Indian Trade Union Law*,  
J.N. Mallik-*Trade Law*, (S.C. Sarker & Sons),  
Ganga Sahai Sharma - *Trade Union Freedom in India*. (Deep and Deep Publication),  
S.N. Dhayani - *Trade Union and the Right to strike*. (S. Chand & Co.),  
Morris D. Korkash - *A Treatise on Labour Law*. (The Bobbs. Merrill Co. Inc.),  
Banjamin. J. Taylor & Fred Witney - *Labour Relations Law*. (Practice Hall),  
Otto - Kahan Freund- *Labour and the Law* (Stevan & Sons),  
Roger W. Rideout- *Principles of Labour Law* (Sweet & Maxwell).  
Indian Law Institute “*Labour Law and Labour Relations*” (1969), (1987) Parts II to VII, IX & XI  
National Commission on Labour (1969), Chapters 22 & 23.  
ILO on “*Conciliation in Industrial Disputes*” (1978)  
Roger Benedictus, “*Labour Law : Cases and Materials*” (1987) , Chapters 7 and 10.  
Roger W. Rideout, “*Rideout’s principles of Labour Law*” (1983), Chapters 4, 5 and 6.  
Norman, M. Selwyn, “*Law of Employment*” (1985), Chapters 7, 8 and 9.  
H.L. Kumar, “*Retrenchment, Lay off and closure*” (1995).  
Malhotra, “*The Law of Industrial Disputes*”, Vol. 1, (1988).  
ILI, “*Labour Law and Labour Relations*”, Parts 11, IV, VI, VII, IX, and XI.  
Rideout, “*Principles of labour Law*” (1983), Ch. 4, 5 & 6.  
Russel A. Smith, et al. “*Collective Bargaining and Labour Arbitration*”, (1970) Part-II.  
Robert A. Gorman, “*Basic Text on Labour Law*”, Ch. 23, 24 and 25 (1976).  
I.P. Massey, “*A legal Conundrum in Labour Law*”, 14 JILI 386 (1972).  
S.C. Srivastava, “*Voluntary Labour Arbitration: Law and Policy*”, 23, JILI 349, (1981).  
Arjun P. Aggarwal “*Conciliation and Arbitration of Labour disputes in Australia*” J.I.L.I 30 (1966).  
D.C. Jain, “*Meaning of Industry: Wilderness of Conjectural Justice*” (1986) 3. S.C.C. Journal, 1.  
T.N. Singh, “*Futuristic Industrial Jurisprudence a Poser*”, (1986) 3 S.C.C. Journal 15.  
Chaturvedi.R.G., *Law and Procedure of Departmental Enquiries and Disciplinary Actions* (1997)



## **WAGE DETERMINATION LAWS AND OTHER BENEFITS**

### **Objectives of the course**

In this course constitutional ideals for decent wages and the judicial interpretations of these ideals are significant areas of study. More often than not the workers' demand for more wages leads to acute controversy. How have the statutory and decisional laws kept up to the balance in the interest of industrial peace? Necessarily, the different facets of wages, the rationale of wage differentials, the impact of wage increase on the socio-economic set up and the national wage policy perspectives constitute important components of the study. All these problems are to be assessed in the light of the international norms laid down by the ILO. The following syllabus prepared with this perspective comprising of 5 units will be spread over a period of one semester

### **Syllabus**

#### **1. Constitutional Perspectives on Wages**

Concept of Wage- Theories of wages –Kinds of Wage: Minimum Wage, Fair Wage and Living Wage - The constitutional ideals: protection against exploitation - Right to equal pay for equal work

#### **2. Legislations on Wages**

Minimum wage law in India – Minimum wage protection and responsibility of State – State as legal sovereign and as employer – Fixation and revision of Minimum wage and its enforcement- Payment of wages – Delay and deduction – Statutory regulation – Concept of bonus-Theories of bonus – Computation of bonus – Disqualification – Set off and set on.

#### **3. Wage Differentials**

Concept-Problems and Perspectives - Diminishing the differentia - Inter-industry, intra-industry and regional factors - Private sector - public sector difference in wages - government servants - Capacity of industry and wage fixation

#### **4. National Wage Policy: Problem and Perspectives**

National wage policy -Need for integrated approach: income, price and wage - Problems of mixed economy - Wages in Multi-national corporations: impact of globalisation

#### **5. International Standardization of wages**

Role of ILO: conventions and recommendations relating to wages- Comparative overview of position in USA, UK and India

### **PRESCRIBED BOOKSAND JOURNALS:**

O.P. Malhotra, Law of industrial Disputes (1999)

R.R. Singh, Labour Economics Chs. 6, 7, 8 and 9 (1971)

G.L- Kothari, Wages, Dearness Allowances and Bonus (1968)

Y.B. Singh, Industrial Labour in India Part I, (1960)

V.V. Giri, Labour Problem in Indian Industry Ch. 6 (1972)

Report of the National Commission 1st and 2<sup>nd</sup> on Labour 1969 (Relevant Portions)

International Labour Office, Wages (1968)  
International Labour Office, Wage Fixing (1981)  
International Labour Office, Minimum Wage Fixing (1981)  
J.N.Malik, "The Payment of Wages Act"  
D.S.Chopra, "Payment of Bonus Act"  
Menon, "Foundation of Wage Policy"  
Suresh C. Srivastava, "Payment or Dearness Allowance to Industrial Workers in India" 15 J.I.L.I.444 (1973)  
Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India -Problems and Prospects" 23 J.I.L.I. 495 (1981)  
R.D. Agarwal, Dynamics of Labour Relations in India (1972)  
Sahab Dayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications". 15 Indian Journal of Industrial Relations 295 (1977)  
Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)  
Deepak Lal, Theories of Industrial Wage Structures: A Review" 15 Indian Journal of Industrial Relations 167 (1979)  
C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985)  
Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.I.L.I 444 (1973).  
R.L. Chawla, "Wage Policy and Industrial Relations. A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27. (1981)  
Report of the National Commission on Labour (1969). Chapters 10 to 13, 15 to 17, 19 and 27.  
Deepak Bhatnagar, "Labour Welfare and Social Security Legislation in India" (1984)  
School of Legal Studies , " Cochin University Law Review", pp. 1-36 and 125-150 CUSAT Volume (1989)  
Victor George , " Social Security & Society" (1973)  
ILO on Wages (1968)  
ILO on Poverty and Minimum living standards (1970)  
Roger W. Rideout, "Rideout's Principles of Labour Law", (1983) Chapters 12 and 13  
G.L. Kothari, "Wages, Dearness Allowance and Bonus" (1968).  
Deepak Bhatnagar, "State and Labour Welfare in India" (1985)

## **SOCIAL SECURITY LAW**

### **Objectives of the course**

Social security is a necessary phenomenon of a welfare state. The ideal of social security contained in the constitution, the concept embodying the ideals in the various statutes and the plethora of administrative measures of the state are indicative of the recognition of social security as an important objective to be achieved in our democratic process. This course shall examine the various dimensions of labour security measures and explore the possibility whether or not labour security be part of the comprehensive and integrated social security. The following syllabus prepared with this perspective comprising of 5 units will be spread over a period of one semester.

### **Syllabus**

#### **1. Social Security**

Meaning and Significance of Social security – Social security in Welfare State – Constitutional Perspectives - Modality: social prescription, social assistance and social insurance

#### **2. Social Security Legislation in India-I**

Law on Employees compensation: Employee's Compensation Act 1923 - Employees State Insurance Act, 1948

#### **3. Social Security Legislation in India-II**

Maternity Benefit Act, of 1961-Factories Act, 1948, Employee's Provident Fund Act of 1952 - -Payment of Gratuity Act, of 1972.

#### **4. ILO on Social Security Legislation in India**

International norms on social security for labour : the ILO Conventions and Recommendations on Social Security - Comparison of minimum standards of ILO and standards envisaged in Indian Legislation

#### **5. Social Security Law: Comparative Perspectives**

Law and Practices in Comparative Perspectives - In India, UK and USA

### **Select bibliography**

R.N.Choudhry, Commentary on the Workmen's Compensation Act 1923 (2000), Orient

S.C. Srivastava, Social Security and Labour Laws (1985).

R.W. Rideout Principles of Labour Law (1988), Chs. 12,13.

H.K. Saharay, Industrial and labour Laws of India (1987) Chs. 7 and 8.

Munkman, Employers' Liability (1985), Chs. 1, 2, 3, 22 and 23.

Harry Calvert, Social Security Laws (1978)

Reports of the National Commission on Labour 1969 (relevant portions)

Neeru Sehgal, "Employment of Women and Reproductive Hazards in Workplace", 29 J.I.LI 201 (1987)

Prakash Sinha, "Quality of Working Life and Quality of Life", (1982) Indian Journal of Industrial Relations, p. 373.

Mallik Jyotsna Nath, "Workmen's compensation Act and some Problems of Procedure", 3 J.I.L.I. 131 (1961)

V.R. Bhattacharya, Some Aspects of Social Security Measures in India (1970).

# **TRADE UNIONISM AND COLLECTIVE BARGAINING**

## **Objectives of the Course**

In a rapidly industrializing country like India, balancing the conflicting interests in the industrial sector is necessary for the sustainable growth of economy. It is conspicuous that the social, economic and political forces influence the process of trade unionism and collective bargaining in more ways than one. Conversely, the process makes a great impact upon many factors of our socio-economic system. Necessarily, norms and standards are to be evolved in order to bring our industrial peace. The limits, the scope and the conceptual dimensions of collective bargaining along with trade unionism have to be learned in a detailed manner and with a comparative emphasis wherever possible. The following syllabus prepared with these perspectives comprising of 5 units will be spread over a period of one semester.

## **Syllabus**

### **1. Freedom of Organization**

Right To Association Industrial Labour In India- The Constitutional And Legal Aspects; Trade Union Law – Registration Of Trade Unions – Rights, Privileges And Immunities Of Registered Trade Unions ;Trade Union Problems In India- Trade Union Recognition, Multi-Unionism And Trade Unions Rivalry, Trade Union And Politics, Outsiders In Trade Unions, Trade Union Finance.

### **2. Concept of Collective Bargaining**

Collective Bargaining: Concept-Bargaining Process- Types Of Bargaining –Methodology - Collective Bargaining Agreements And Enforcements Of Agreements –Impact Of Dispute Settlement Machinery On Collective Bargaining- Factors Affecting Collective Bargaining- Merits And Demerits Of Collective Bargaining

### **3. Industrial Democracy**

Industrial Democracy: Concept- Workers’ Participation In Management-Constitutional Perspective- Works Committees – Joint Management Councils

### **4. Comparative Study**

Comparative Study on Trade unionism in UK,USA, and India .

### **5. ILO**

ILO: Aims And Objectives-Structure-Tripartite Character Of ILO- Conventions And Recommendations On Freedom Of Association-Adoption And Obligations Of Member States –Forced Labour And Discrimination –Migrant Workers- India And ILO.

### **PRESCRIBED BOOKS AND JOURNALS:**

- O.P. Malhotra, The Law of industrial Disputes. (Tripathi)
- K.D. Srivastava - Law Relating to trade Unions and Unfair Labour Practices in India. (Eastern Book Company),
- V.V. Giri, Labour Problems in Indian industry(1972) (Asia Publishing House),
- Ganga Sahai Sharma - Trade Union Freedom in India. (Deep and Deep Publication),
- S.N. Dhayani - Trade Union and the Right to strike. (S. Chand & Co.),
- Relevant Chapters of National Commission on Labour 1969.
- Otto - Kahan Freund- Labour and the Law(1977)(Stevan & Sons)
- Roger W. Ridout- Principles of Labour Law (1983)(Sweet & Maxwell).
- Gillian S.Morris and Timothy J.Archer, Collective Labour Law (2000), Oxford
- Nick Humphrey, Trade Union Law (1997), Blackstone, London
- John Bowers and Simon Hentyball, Text book on Labour Law (1998), Blackstone, London
- Stephen Dery and Richard Mitchell, Employment Relations Individualisation and Union Exclusion(1999), Blackston,London.
- Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised Market Economies (1999) Kluver
- Indian Law Institute, Labour Law and Labour Relations, (1987)
- ILO, Conventions and Recommendations.; ILO, Collective Bargaining; ILO, Collective Bargaining in Industrialised Market Economies
- Mary Sur, Collective Bargaining (1965)
- R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)
- Otto Kahn-Freund, Labour and the Law, (1977)
- A.V. Rajagopalan, "Approaches to collective Bargaining - Intricacies" 1982 Vol. II Labour Law Notes P.J. 42
- B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore" 20 Indian Journal of Industrial Relations 44. (1985)
- Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 1953-74", 14 Indian Journal of Industrial Relations 559 (1987)
- T.O. Ekeehukwu, "Collective Bargaining and Process of Settling Industrial Disputes in Nigeria" 18 Indian Journal of Industrial Relations 607 (1983)
- Y.R.K. Reddy, "Determination of collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)
- Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal 'of industrial Relations 329 (1982)
- Reports of National Commissions on Labour 1969 (relevant portions)
- A.B. Maily, "Forced Labour in India", 15 Indian Journal of Industrial Relations 77 (1979)

**POST GRADUATE DEPARTMENT OF LABOUR LAW AND  
ADMINISTRATIVE LAW**

**THIRD SEMESTER-OPTIONAL-IV**

**SUBJECT: ADMINISTRATIVE PROCESS AND LIABILITY**

**Objectives of the course**

The administrative explosion of the 19th century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence. Along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.

Judicial decisions in the common law world have formulated several duties and liabilities on the administrative hierarchy towards the citizens. Is the state in exercise of sovereign functions liable to compensate the affected persons? To what extent is the state in exercise of sovereign functions immune from liability? The state enters into contracts in more ways than one. Should there be standards of conduct laid down on the state when it does so? How can accountability be determined in all these areas? Open government is one of the significant attributes of good government in democracy. In what way these norms can be meticulously followed by the state in meting out administrative justice. There are problems a country like India does confront in her march towards good governance. The syllabus prepared with the above mentioned objective comprises of following 5 units to be spread over a semester.

**Syllabus**

**1. Administrative Process**

Nature and meaning – Development of Administrative Law with reference to French System and Common Law System - Changing dimensions of rule of law – Separation of powers – From rigidity to flexibility –Latimer House Principles – Judicial Functions of Administration - Delegated legislation Problems, process and control – Administrative discretion.

**2. Liability of state**

Tortious liability – Sovereign immunity – Commercial and non –commercial function – Contractual liability – Personal accountability and compensatory jurisprudence vis – a – vis right to life.

**3. Privilege against disclosure**

Concept of Privilege against disclosure- Right to information – Official secrecy – Executive privilege – Security of state and control on information – Judicial review.

**4. Promissory estoppel**

Promissory estoppel concept- Legitimate expectation- Constitutional dimensions of promissory estoppels

## 5. Ombudsman

The concept – Evolving Indian models – Lokpal and Lokayukta institutions – Commission of inquiry – Vigilance Commission – Inquiries by legislative Committees – Judicial inquiries- Comparative prospective- Scandinavian, UK& USA.

### **PRESCRIBED BOOKS AND JOURNALS:**

Peter H. Schuck, Foundation of Administrative Law (1994),  
Oxford, New York, Friedman, The State and the Rule of Law in a Mixed Economy,  
Neville L. Brown and J.F. Garner, French Administrative Law  
H.W.R. Wade, Administrative Law, Schwartz & Wade Legal  
Judicial Review of Administrative Action (1955), D.D. Basu,  
Comparative Administrative Law, (1998),  
J.J.R. Upadhyay Administrative Law, (1998).  
Neville L. Brown and J. F. Garner - French Administrative Law (1973), Chs. 5 & 6  
Dicey - Law of the Constitution, Chs. 4, 12 & 13 Appendices I & II  
Schwartz & Wade - Legal Control of Government, Chs. 5, 6 & 7  
Davis - Discretionary Justice  
I.P.Massey, Administrative Law  
C.K.Takwani, Lectures on Administrative Law  
S.P.Sathe, Administrative Law  
Jain & Jain - Principles of Administrative Law (1993) Ch: 1, 2, 3 and 9.  
De Smith - Judicial review of Administrative Action Ch 2  
Donald C.Rowal-The Ombudsman (1966)  
Indian Law Institute - Government Regulation of Private Enterprises, Chs. 1, 2 & 8  
Jennings - The Law and the Constitution, Chs. 1, 2, 6 and Appendices I & II.  
Markose A.T. - Judicial control of Administrative action in India - chapter on Historical  
Introduction.  
M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.  
Donald C. Rowat - The Ombudsman  
Schwartz - Introduction to American Administrative Law - Ch 9 & 10  
Davis - Administrative Law - Cases - Texts Problems, Chs 17, 25 & 26  
Department of Law - Special Number of Cochin University Law Review on Social Action  
a) Litigation (1984), pp. 433-446, 493-502, 516-522 & 439 & 546  
Anderson & Moore - Establishing Ombudsman offices : Recent Experience in the United  
States.  
Brown and Garner - French Administrative Law (1973), Ch. 8  
Subhash Chandra Gupta - Ombudsmen (1995)  
Jain & Jain, Principles of Administrative Law (1986), Tripathi  
De Smith, Judicial Review of Administrative Action (1995).  
B.Schwartz, An Introduction to American Administrative Law.

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# POST GRADUATE DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW

## THIRD SEMESTER –OPTIONAL PAPER –V

### SUBJECT: LOCAL SELF GOVERNMENT

#### Objectives of the course

With the introduction of the Constitution seventy third and seventy fourth amendments, India is moving towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formulation of new and pragmatic working methods. The course shall comprise of 5 units to be spread out to a period of one semester.

#### Syllabus

##### 1. Historical Perspectives

The concept of Local Self Government- Early period - Gram Swaraj: the Gandhian concept- Constitutional Schemes-Directive Principles - Structure and powers of local bodies-Reports of Commission and Local Bodies.

##### 2. Constitution and Functioning

Election to Local Bodies - Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha- Institutional and Judicial Control

##### 3. Legislative and Quasi-legislative Powers

Direct democracy and grass root planning - Municipalities and corporation - Gram Sabha- Rule making power of the State Government - Regulations and Bye-laws

##### 4. Financial Powers

The concept of financial powers - Levying taxes-Licensing power-Financial resources and powers

##### 5. Judicial and Quasi-judicial Powers

The Concept-Judicial and Quasi-judicial powers of the Local Bodies- Gram Nayalaya Act

#### PRESCRIBED BOOKS AND JOURNALS

Friedman, The State and the Rule of Law in a Mixed Economy  
Neville L. Brown and J.F. Garner, French Administrative Law  
Dicey, Introduction to the Law of the Constitution,  
Ivor Jennings, Law and the Constitution  
Schwartz & Wade, Legal Control of Government  
Davis, Discretionary Justice  
K.K.Consideration  
Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay  
De Smith, Judicial Review of Administrative Action (1995)  
Indian Law Institute, Government Regulation of Private  
W. Thornhill (ed.), The Growth and Reform of English Local Self-government (1971),  
Weidenfeldand Nierlson, London  
Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.  
M. Venketarangaiya & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi.

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## **LAW RELATING TO CIVIL SERVANTS**

### **Objective of the course**

In exercise of the powers conferred by proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (CCS (CCA) RULES). The Specialist in Labour and Administrative law must be in the position to assess the developments in law relating to Civil Servants in India and from a comparative angle. The service law jurisprudence in the country, owed its major growth from the English and American development is a recognised fact. From a comparative angle, the course focuses on the civil servants, their recruitment and promotion, Conditions of service, Special Category of services and Settlement of Disputes over Service Matters. This paper shall comprise of the following 5 units to be spread out to a period of one semester.

### **Syllabus**

#### **1. Civil Servants: Constitutional Dimensions**

Civil Servants and Fundamental Rights: Historical and Comparative Perspective – Equity and Protective Discrimination: Principles and Practices – Service Regulations – The Constitutional Basis-Formulation of Service Rules-Doctrine of Pleasure-Limitation on the Doctrine of Pleasure- Action only by an authority not subordinate to Appointing Authority- Opportunity of Being Heard and its Exceptions.

#### **2. Recruitment and Promotion**

Central and State Agencies for Recruitment –Methods, Qualification

#### **3. Conditions of Service**

Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission – Kinds of Leave and conditions of Eligibility - Social Security : Provident Fund, Superannuation and Retrial Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in Harness, Compulsory Insurance- Civil and Criminal Immunities for action in Good Faith- Comparative Evaluation with Private Sector, State Government Employees and Central Government Employees- Consultation with Public Service Commission.

#### **4. Special Category of Services**

Judicial Services: Subordinate Judiciary – Judicial Officers and Servants: Appointment and Conditions of Services – Officers and Servants of Supreme Court and High Court: Recruitment , Promotion, Conditions of Service and Disciplinary Action – All India Services, Object, Regulation Of Recruitment and Conditions of Service , Disciplinary Proceedings.

#### **5. Settlement of Disputes over Service Matters**

Departmental Remedies: Representation, Review, revision and Appeal: Role of Services Organisations- Remedy Before the Administrative Tribunal: Jurisdiction, Scope and Procedure –Merits and Demerits – Exclusion of Jurisdiction of Courts - Judicial Review of Service Matters- Jurisdiction of Supreme Court and High Court – Comparative Position in USA ,UK and France

## **PRESCRIBED BOOKS AND JOURNALS**

Central and State Laws and Rules relating to Service Matters

ILI (Justice M. Rama Jois ) Service under the State (1987)

N.Narayanan Nair, The Civil Servant under the Law and Constitution (1973)

K.K.Goyal, Administrative Tribunals Act (1985)

Seervai, Constitutional Law Of India

Arjun P.Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)

C.K.Kochukoshy, "All India Services- The role and the Future",1972. I.J.P.A. 67.

Douglas Vass, "The Public Service in Modern Society",1983. I.J.P.A. 970

Z.M.S. Siddiqi, "Sanction for the Breach of Contracts of Service", 1983. I.J.P.A. 359.

O.P.Motilal, "Compulsory Retirement",1975. I.J.P.A. 247.

D.S.Chopra, "Doctrine of Pleasure – it's some implication and Limitations", 1975, I.J.P.A. 92.

G.C.V.Subba Rao, " The ONGC Case and New Horizons in Public Services Law" S.C.J.29.







# **JUDICIAL CONTROL OVER ADMINISTRATIVE PROCESS**

## **Objectives of the course**

Administrative law is mainly a judge-made law and has secured its present features through a myriad of judicial decisions. The historical evolution of the judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making subjected to review, the grounds on which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process clear the way for achieving administrative justice. The ever increasing number of delegated legislation in the form of rules, regulations, circulars and general orders has the characteristics of law, which though framed by administration, impose burden on the rights of citizens. Keeping this specie of administration beyond judicial review is neither in the interests of the general public nor for laying down standards of administrative behaviour. This course, with the above mentioned perspective in view, comprises the following 5 units to be spread out to a period of one semester.

## **Syllabus**

### **1. Concepts and Agencies**

Concept of judicial review in Common law countries and French system – Judicial review in India – Jurisdiction of Supreme Court, Administrative Tribunal and High Court

### **2. Grounds of review**

Doctrine of ultra vires – Unreviewable discretionary powers – Discretion and justifiability – Violation of fundamental rights- Extraneous consideration – Delegation – Acting under dictation – Malafides and bias – Lack of rationality and proportionality.

### **3. Procedural fairness**

Procedural fairness – legitimate expectation – Natural justice and duty to act fairly – Bias and personal interest – Fair hearing.

### **4. Remedies**

Writs – Injunction and Declaration.

### **5.Limits of judicial review**

Locus standi and public interest litigation – Latches- Resjudicata and alternative remedies.

## **PRESCRIBED BOOKS AND JOURNALS**

- S.P. Sathe, Administrative Law (1998), Butterworths, India.  
De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell.  
I.P. Massey, Administrative Law (1995), Eastern, Lucknow.  
Bagawati Prasad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.  
M.P.Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay  
Jain & Jain, Principles of Administrative Law (1986), Tripathi  
M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.  
Fazal - Judicial Control of Administrative Action in India and Pakistan (1969)  
Jain and Jain - Principles of Administrative Law (1993) Chs 7, 8, 13, 14 & 15.  
Schwartz and Wade - Legal Control of Government Chs. 9-12  
Davis - Administrative Law - Text Chs. 4, 11, 12 & 18-20  
Brown and Garner - French Administrative Law - (1973) Chs. 7 & 9  
Jaffe - Judicial Control of Administrative Action  
A.T. Markose, Judicial Control of Administrative of India

THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY

LL.M - TAXATION LAW

Paper I - General Principles of Taxation

**Definition and Characterisation**

1. Nature of Tax - Definition - Definition under Indian Constitution - Essential Characteristics of tax kinds of Taxation - Direct - Indirect- Proportional, Progressive, Regressive Taxation - Development of New levies as VAT, FBT, MAT, Service Tax- GST - Tax incentives.

Difference between tax - Fine, Fee licence fee, Duty, Penalty. Octroi-Toll

2. Constitutional Provisions:

Principles of federal finance position under the Indian Constitution with particular reference to Part xi ,xii, and relevant entries in viiith schedule. Art.248,265,269,286,243H, 243Z. Limits of subordinate legislation - Retrospective operation of fiscal law -important amendments.

3. Theoretical foundations of Taxation

Budget and Taxation - Objective of Tax policy - source Jurisdiction and status Jurisdiction - Double Taxation - Incidence of Tax - Tax liability - Tax burden- Tax base - Historical perspective - Ship money Tax and salt tax- Canons of taxation.

4. Tax Policy and Design of Tax System:

Taxation Income and property - Taxation on Consumption , Production and service - Buoyancy and Elasticity of Tax System - Tax policy and economic development - Tax Incentive, Assessment and collection of tax.

5. Interpretation of tax laws:

Law making process - Money Bill and Finance Bill - Structure og Tax Laws - Different approaches to interpretation - U.K. - U.S.A - India - Aids to interpretation - Doctrines applicable to taxation - Doctrine of Instrumentation - Doctrines of Nexus - Doctrine of occupied filled - Tax evasion and Tax avoidance.

## Paper II

### Direct Tax Laws

#### 2.1 Introduction:

Background of Direct Tax levy - General framework of Direct taxes - legislative history - policies of Union relating to Direct taxes Tax on Income and Property - Capital receipt and Revenue receipt Tax reforms committee reports - Salient features of Income Tax At 1961,- Black Money. Relation between income tax and agriculture income tax.

#### 2.2 Basic Concepts:

Income - Received, accrued - Tax arisen - income - deemed income - Person, Assessee, Finance year, Previous year, Assessment year - Residential status- scope of total income - exempted income, incidence of tax - Fringe Benefit Tax (FBT) - Minimum Alternate Tax.

#### 2.3 Different Heads of Income:

Income from salaries - Income from House Property - Profits & Gains of Business of Profession - Capital Gains - Income from other sources.

#### 2.4 Clubbing, Deduction, Set-Off, Assessment, TDS

Clubbing, Deduction, Set-Off & Carry forward of losses - Deduction under Chapter VI-A- Tax Deducted at Source - Assessment Income - Self assessment summary, scrutiny, best judgment - escaped assessment.

#### 2.5 Offences, Appeals & Penalties:

Income Tax Authorities - Appeals under the Act - Offences & Penalties - Settlement of cases - Recovery of Tax. Black money.

## Paper III

### Indirect Tax Laws

#### 3.1 Introduction:

Historical back ground of Indirect Tax - Features of Indirect taxes - legal perspective of indirect tax levy - legislative history - Tax Reforms Committee - Policies of Union, taxes on sale, Works contract and right to use - manufacture (Constitutional issues on goods and service taxes), Export, Import service.

#### 3.2 Customs Law : *Export Import*

Types of customs duties - classification of goods - Valuation of goods - Declaration- Import and export procedures - Exemptions Prohibited goods-negative goods- Assessment, refund-limitations- Warehousing, exemption - offences and penalties attachment of properties.

#### 3.3 Central Excise Law :- *Manufacture*

Basic concepts of Central Excise - Charge, levy, collection, manufacture, manufacturer, excisable goods - Classification of goods - Transaction value - Assessment, advance rulings - Refund, exemptions - offences and penalties

Cen Vat Credit Rules 2004-Background of CENVAT Credit - MODVAT to CENVAT paradigm shift - Overview of Cenvat Credit Rules 2004 - inputs and capital goods - input services - exempted Goods and Exempted Services - Offences and penalties.

#### 3.4 Service Tax

Legislative history -Finance Act 1994- Concept of service - Negative list of services - declared services - point of taxation - valuation of services - Place of provision of services - Abatement and exemptions - Export of services - Offences and penalties.

#### 3.5 Tax on sales

Basic concepts of VAT - Salient features of TNVAT Act 2006 - Inputs and capital goods - Zero rate Tax - Works contract - Assessment.

Important Definitions - Dealer works contract sale - business - goods - Turnover - Total Turnover - Taxable Turn over - Incidence of Tax - Compoundable tax - Input, Input - Tax Credit - assessment.

Important provisions of Central Sales Tax Act,1956

## **Paper IV**

### **Tax Litigation**

#### **4.1 Income Tax Law:**

Search, Seizure -Adjudication -Assesment- Fines and Penalties - Demands, Recovery - Appeals - Revision - Arrears - Prosecution - Advance Rulings - Settlement of cases - Settlement Commission.

#### **4.2 Central Excise Law:**

Search, Seizure, Adjudication - Assesment - Fines and Penalties - Demands, Recovery and Arrears - Appeals - Arrest, Confiscation -Attachment of properties - Prosecution - Advance Rulings - Settlement of cases - Settlement Commission.

#### **4.3 Customs law:**

Search, Seizure - Adjudication - Assesment - Fines and Penalties - Demands, Recovery and Arrears - Appeals - Arrest, Confiscation - Attachment of properties - Prosecution - Advance Rulings - Settlement of cases - Settlement Commission.

#### **4.4 Service Tax Law:**

Search, Seizure - Adjudication - Assesment - Fines and Penalties - Demands, Recovery and Arrears - Appeals -Arrest, Confiscation - Garnishee proceedings- Attachment of properties - Prosecution - Advance Rulings - Settlement of cases.

#### **4.5 Alternate dispute resolution and compounding of offences and penalty**

Forums of litigation - Litigation before quasi - Judicial tax authorities - appellate authorities - court - alternative remedy - recent trends in tax litigation - retrospective amendments - Dispute management - important issue in tax litigation - ADR in taxes - Tax, disputes, Treaty obligation and Arbitration.

## Paper V

### International taxation

#### 5.1. Source based approach

Source rule vs Resident rule of taxation - destination vs origin method of taxation authority to tax - relevancy in India - Characterisation of Income-withholding of taxes -allocation of deductions-efficiency in savings decisions.

#### 5.2 Taxation of Non Residents

Taxation of inbound and outbound expatriates -procedural compliance such as PAN, advance tax, self assessment tax

Foreign income - various categories such as royalty, technical fees, shipping, aircraft - withholding tax - Treaty Shopping -Provisions of Income Tax Act, 1961 relating to deemed accrual, business-efficiency in savings decisions.

Transfer pricing- International transactions - arms length price - recent development in transfer pricing issues- tax havens -taxation of foreign direct investments.

#### 5.3 Double Taxation:

Concept of double taxation - Double taxation avoidance agreement - interpretation and scope of tax treaties - Permanent establishment - associated enterprise - elimination of double taxation - Mutual Agreements - Tax Credit and refunds - OECD and UN Model Tax Treaties.

#### 5.4 Jurisdictional Issues:

Choice of Law possibility of harmonization of issues.

Refundable tax credits, technological challenges, concept of permanent establishment.

#### 5.5 Contemporary Issues

Advance Ruling - Authority for Advance Ruling -

taxability of software income - taxing of e-commerce transactions - recent issues in international taxation -efficiency, equilibrium, tax competition and tax incentives in developing countries.

## **Paper-VI -- State and local body's Tax in Tamilnadu**

### **6.1-Entry tax**

Objectives and reasons - Entry of Goods in to local area - Importer - Meaning - Goods vehicle - Scheduled goods - Levy and collection of tax - Reduction of tax - Offence and penalties - Appeal - Revision.

### **6.2 The TN Entertainment Tax Act:**

- A. Historical backgrounds - Objects.
- B. Madras Local Authorities Entertainment Tax Act, 1926
- C. Madras Entertainment Tax Act (Amendment), 1949.
- D. Amusement and other Entertainment Tax Act, 1958.
- E. Entertainment Tax - Amusement - Cable televisions.
- F. Cable Televisions - Antenna - Direct to home service.
- G. Dubbed film - Entertainment - Old film - Levy of Tax on Entertainments - Assessment - Levy of Tax - Penalty - Cinematograph films - Television Screen - Recovery - Mode of recovery - Exemption.

### **6.3 Luxury Tax:**

Objectives and reasons - Meaning of Luxury - Hotel - Luxury provided in Hotel - Concessional rate - Scheduled commodity - Tobacco product - Levy and collection of Luxury Tax - Offences by companies - Reduction in rate of tax - Appeal - Revision.

### **6.4-Motor vehicles taxation andElectricity and consumption tax**

T.N Motor Vehicles Taxation Act,1974-Levy-tax greentax-roadsafety tax- surcharge additional tax - payment-recovery- refund- seizure- assesment.

The TN Electricity consumption or sale Act, 2003

Definition of consumer,energy charge-net charge; tax on consumption- assesment - appeal.

### **6.5 Tax Levied by Local Bodies**

Art. 243H and 243 Z of the Constitution of India- floor theory and ceiling theoryHouse tax-tax on vacant land- tax on agricultural land tax.

Tamilnadu Municipal Laws (Amendment) Act,2009

Tamilnadu Village Panchayat (Assesment and collection of taxes) Rules 199

## **PAPER VII- (Elective)- Tax on Intellectual Property & E-commerce**

### **7.1 E-COMMERCE**

Internet and E-commerce - Income vs. Consumption tax - Destination or origin principles - - - taxability of e-commerce transactions- taxing cyberspace-destination and origin principle- e-commerce tax reforms in emerging global economy.

### **7.2 Taxing Online Trading**

Online trading and taxation - contracts and sale over net -constitutional issues-commerce in intangibles- taxing software-accounting for websites- service tax on net-problem in valuation Transfer pricing

### **7.3 IPR-Basic concepts:**

Patents- Designs, Trademarks, copyrights -,geographical indications-farmers rights,-traditional knowledge- commercial exploitation of IPR

### **7.4 IPR - Direct Taxes:**

Assignment and licencing-technical know- royalty-fee;Intellectual Property as asset-depreciation of asset- research and development-cCapital gains- Valuation of intellectual property- -exemptions- deductions Accounting treatment - tax deduction at source - Transfer Pricing policy and IPR .

### **7.5 IPR-Indirect taxes**

Ipr and service tax-Ipr and Value added Tax-IPR and Customs -export and impot of goods and services-valuation of goods; IPR and Central Excise- goods and services; Global trend



## **Paper viii – (Elective)-CORPORATE TAXATION**

### **8.1 computation of income of income**

Income from business- definition of business- chargeability- computation- gross earnings- determination of expenses, depreciation,( block of assets actual cost , written down value), and admissible allowances- exemptions and deductions

Capital gains- capital assets (short term capital assets long term capital assets) basis of liability-computation-definition of transfer-special provisions for depreciable assets- computation-exemptions and deductions

### **8.2- Aggregation of income and tax incentive**

Aggregation of income-ordinary and special sources- total income- special provisions for business reorganization- LLP- aggregation of losses Tax incentives- contribution to certain funds-political contributions- investor protection funds

### **8.3 Assessement**

Taxation of non-profit organizations- - taxation of income from venture capital funds and companies- tax on dividend distributed - tax on income distributed by mutual funds, insurance companies

### **8.4 Tax Avoidance**

Tax avoidance provisions- disallowing expenses- determination of arms length price- advance pricing agreements-sale and buy back of securities- anti-avoidance rules.

### **85.Accounting and Authorities**

Maintenance of accounts- audit of accounts- reporting international transactions methods of accounting- computation of book profits- charge of branch profit tax. 8. Authorities and powers- search, survey, seizure- assessment- remedies- payment, collection and recovery.