

REGULATIONS GOVERNING THREE YEAR LL. B. DEGREE COURSE IN LAW

The Vice Chancellor of the Karnataka State Law University, Hubli makes the following Regulations under Section 86 read with Section 34 (2) (ii) and Section 49 of the *Karnataka State Law University Act, 2009*.

01 TITLE

These Regulations may be called as “the Karnataka State Law University’s Regulations Governing the Three Year LL. B. Degree Course in Law”.

02 EXTENT

These Regulations extend to all University Law Colleges, Departments of Studies in Law and all affiliated Law Colleges within the jurisdiction of the Karnataka State Law University which are accorded permission to start Three Year Degree Course in Law.

03 COMMENCEMENT

These Regulations shall come into force from the beginning of the academic year 2009-10.

04 DEFINITIONS

In these Regulations, the expressions, “University”, “University Area”, “College”, “Affiliated College”, “Department”, “Department of Studies”, “Post Graduate Department”, “Post Graduate Department of Studies”, “Teachers”, “University”, “University Area”, “University College” and “Principal” bear the same meaning/s as assigned under Section 2 of the *Karnataka State Law University Act, 2009*.

05 THE COURSE & DURATION

- (a) LL. B. Three Year degree course shall be of three years’ duration spread over six semesters.
- (b) Each Academic Year shall be divided into two Semesters
- (c) Each Semester shall consist of 18 weeks.
- (d) The papers and the syllabus shall be as given in the Schedule appended to these Regulations.

06 INSTRUCTIONS & TRAINING

- (a) Instructions and training for the course shall be not less than 30 class-hours per week including tutorials, moot room exercise and seminars provided there shall be at least 24 lecture hours per week.
- (b) There shall be for each paper four class hours of one hour duration each and one hour of tutorial/moot court/project work per week.
- (c) Each registered student shall have completed minimum of 12 weeks of internship during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, other Legal Functionaries, Market Institutions, Law Firms, Companies and Local Self Government.
- (d) The internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates.
- (e) Each student shall keep internship diary in the form stipulated by the University and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total marks shall be assessed in the Final Semester of the course in the 4th Clinical paper as stipulated under the Schedule appended to these Regulations.

Explanation

A College or Department shall be deemed to be working whole time if the working time of the College or University Department extends to at least eight hours continuously on every working day comprising of class room teaching of four periods, each period being of one hour duration and the remaining four hours devoted to clinical, curricular and co-curricular activities.

07 ELIGIBILITY CRITERIA FOR ADMISSION

- (a) An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognised as a Deemed to be University or Foreign University recognised as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for three year degree course in law leading to the conferment of LL.B. degree on successful completion of the regular programme conducted under these Regulations.
- (b) Minimum percentage of marks in qualifying examination shall not be below 45% (44.5% and above shall be treated as 45%) of total marks in case of general category applicants and 40% of total marks in case of SC and ST applicants.
- (c) Maximum age for seeking admission is limited to thirty years in case of general category of applicants and to thirty five years in the case of applicants from SC, ST and other backward communities as on 1st June.

08 ADMISSION PROCEDURE

Admission to the course shall be made strictly on the basis of the merit.

Provided that while making admission to the course reservation policy of the Government of Karnataka governing admission to higher educational institutions issued from time to time shall be applied.

09 INTAKE

- (a) No College or Department of Studies in Law authorised to impart education in the LL.B. degree course shall admit more than 60 students in one division.
- (b) The University shall reserve the right to prescribe the number of divisions in each Law College or the Department of Studies in Law.

10 TUITION AND OTHER FEES

Candidate seeking admission to the LL. B. degree course and those admitted to such course shall pay the tuition and other fees as prescribed by the University from time to time.

11 CURRICULA

- (a) Candidates admitted to the LL. B. course shall have to attend 06 Semester courses spread over 3 years.
- (b) In each Semester, the students shall have to study the courses prescribed by the University in these Regulations.
- (c) The course descriptions shall be, as set out from time to time, in the Schedule.

12 MEDIUM OF INSTRUCTION

The medium of instruction in the LL. B. degree course shall be English. However, the examinees shall have the option to answer the question papers in the examination either in English or in Kannada.

13 ATTENDANCE

No student shall be permitted to appear for the end-of-semester examination in a given course unless he/she has, to the satisfaction of the course teacher, fulfilled the course requirements and has put in not less than 70% attendance in the course concerned.

Provided that a student who has attended not less than 65% of classes in each of the subjects prescribed may be permitted to keep the term for reasons to be recorded in writing and to the satisfaction of the Principal of the College or the Dean of the Faculty as the case may be.

14 PROMOTION

- (a) Every student shall be promoted to the next higher class irrespective of the fact that he has failed in any of the papers prescribed for the study.
- (b) Students are required to successfully complete the entire course within six years from admission to the course.

15 AWARD OF THE DEGREE

A student shall be eligible for the award of the LL. B. (Bachelor of Laws) Degree after he/she has successfully completed all the prescribed courses in all the semesters and provided his or her character and conduct are found to be satisfactory during the course.

16 AWARD OF CLASSES

The award of classes shall be as under:

| | |
|------------------------------------|------------------------------|
| a) 70% and more | First Class with Distinction |
| b) 60% and above but less than 70% | First Class |
| c) 50% and above but less than 60% | Second Class |
| d) 40% and above but less than 50% | Pass Class |

17 REMOVAL OF DIFFICULTY

If any difficulty arises in giving effect to the provisions of this Regulation the Vice Chancellor may by order of notification do anything which appears to him necessary for the purpose of removing the difficulty.

Every such order so notified shall as soon as may be after its notification, be laid before the Academic Council and Syndicate for approval.

18 REPEAL AND SAVINGS CLAUSE

- (a) Any Regulation existing hereinbefore governing the 3 years LL.B. course stand repealed.
- (b) Any action, decision or direction taken or directed by the University under any Rule or Regulation in force at any time earlier than this Regulation coming into force, shall be valid, binding on the institutions and remain in force notwithstanding anything contained in this Regulation.

Sd/-
Registrar

Sd/-
Vice Chancellor

Sd/-
Chancellor

SCHEDULE

COURSES PRESCRIBED FOR 3 YEAR LL. B. DEGREE COURSE

I Semester:

- Course I Contract-I
- Course-II Constitution
- Course-III Law of Torts
- Course-IV Family Law-I: Hindu Law
- Course-V Criminal Law-I: Indian Penal Code

II Semester:

- Course-I Contract-II
- Course-II Company Law
- Course-III Property Law
- Course-IV Administrative Law
- Course-V Family Law –II: Mohammedan Law & Indian Succession Act

III Semester:

- Course-I Environmental Law
- Course-II Labour Law
- Course-III Criminal Law-II: Criminal Procedure Code, JJ Act & Probation of Offenders Act
- Course-IV Jurisprudence
- Course-V **Clinical Course-I:** Professional Ethics and Professional Accounting System

IV Semester:

- Course-I Public International Law
- Course-II **Optional-I:** Human Rights Law and Practice / Insurance Law
- Course-III **Optional-II:** Banking Law / Right to Information
- Course-IV **Clinical Course-II:** Alternative Dispute Resolution Systems

V Semester:

- Course-I Civil Procedure Code and Limitation Act
- Course-II **Optional-III:** Intellectual Property Rights-I / Penology & Victimology
- Course-III **Optional-IV:** Interpretation of Statutes & Principles of Legislation / Competition Law
- Course-IV **Clinical Course-III:** Drafting, Pleading and Conveyance

VI Semester:

- Course-I Law of Evidence
- Course-II Taxation
- Course-III **Optional – V:** Intellectual Property Rights-II / White Collar Crimes
- Course-IV **Optional – VI:** Women and Criminal Law & Law relating to child / International Trade Economics
- Course-V **Clinical Course-IV:** Moot Court exercise and Internship

SYLLABUS PRESCRIBED FOR 3 YEAR LL. B. DEGREE COURSE

I SEMESTER:

COURSE I: CONTRACT-I: GENERAL PRINCIPLES OF CONTRACTS

Objectives:

Contracts are at the basis of majority of transactions especially transactions dealing with the property. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce) the general principles governing contracts remain same. For this reason it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in higher semesters.

Course contents:

UNIT – I

History – Formation of Contract – Agreement and Contract – Definitions – Classification - Offer and Acceptance – Communication – Revocation – Essential elements – Invitation to Offer – Tenders.

Consideration – *Nudum Pactum* - Essential elements – Privity of Contract and of Consideration – Exceptions – Unlawful Consideration and its effect.

Contractual Ability – Electronic Documents as Web Pages – Digital Certificates as Entry Passes – Time and Place of Contract – Secured Custody of Electronic Records.

UNIT – II

Capacity to Contract – Minor’s Agreements and its effects – Persons of unsound mind – Persons disqualified by Law.

Free Consent – Coercion - Undue influence – Misrepresentation – Fraud – Mistake – Legality of Object – Void Agreements – Agreements against Public Policy – Wagering Agreements – Its exceptions – Contingent Contracts.

UNIT – III

Discharge of Contracts and its various Modes – by performance – Time and place of performance – Performance of reciprocal promises - Appropriation of Payments – Discharge by Agreement – By operation of Law – By frustration (Impossibility of Performance) – By Breach (Anticipatory and Actual).

UNIT – IV

Remedies for Breach of Contracts – Damages – Remoteness of damages – Ascertainment of damages -Injunction – When granted and when refused– Restitution – Specific performance when granted – Quasi Contracts.

UNIT – V

The Specific Relief Act

Nature of Specific Relief – Recovery of Possession of movable and immovable Property – Specific performance when granted and not granted – Who may obtain and against whom – Discretionary remedy – Power of Court to grant relief – Rectification of instruments – Cancellation – Declaratory decrees – Preventive relief – Temporary injunctions – Perpetual and Mandatory Injunctions.

Government as a contracting party: Constitutional provisions – Government powers to contract – Procedural requirements – Kinds of Government Contracts, their usual clauses, performance of such contract, settlement of disputes and remedies.

Prescribed Books:

1. Avtar Singh- Law of Contracts
2. Avtar Singh- Specific Relief Act

Reference Books:

1. Pollock & Mulla- Indian Contract Act
2. P. S. Atiya- Introduction to the Law of Contract
3. G. C. Cheshire- Law of Contract
4. William Anson- Law of Contract
5. Henry Maine- Ancient Law

COURSE-II: CONSTITUTION

Objectives:

The purpose of the course is to acquaint the students with the Basic Postulates of the Constitution like the Constitutional Supremacy, Rule of law, and Concept of Liberty. Give them a picture of Constitutional Parameters regarding the organization, Powers and Functions of the various Organs of the Government. The emphasis is also on the study of the nature of federal structure and it’s functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint,

judicial passivity, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial constitutional issues.

Course contents:

UNIT-I

Salient Features of the Indian Constitution, Preamble, Citizenship, Fundamental Rights.

UNIT-II

Directive Principles of State Policy, Fundamental Duties, Parliamentary Government, Bicameralism, Legislative Process, Privileges, Council of Ministers, President of India, Governor.

UNIT-III

Judicial process under the Constitution, Nature of Judicial Review, Judicial Review-Arts.32, 226 and 227, Court system in India, Judges- Appointments, conditions of service, etc., Advisory Jurisdiction of the Supreme Court, Public Interest Litigation, Activism v. Restraint.

UNIT-IV

Federalism, Center-State Relations, Freedom of Inter State Trade, Methods of Constitutional Amendment, Limitation on Constitutional Amendment.

UNIT-V

Emergency provisions, Services under the State, State Liability.

Prescribed Books:

Jain M.P. - Indian Constitutional Law.

Reference Books:

Seervai H.M. - Constitutional Law of India (3 Volumes).

Shukla V.N. - Constitution of India.

Basu D.D. - Shorter Constitution of India

Basu D.D. - Shorter Constitution of India.

Austin Granville- The Indian Constitution: Corner Stone of a Nation

COURSE-III: LAW OF TORTS

Objectives:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connection there with. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms, and also the remedies provided under the *Consumer Protection Act, 1986*.

Course contents:

UNIT-I

Evolution of law of torts- Nature and scope of law of torts- Meaning- Torts distinguished from Contract- Crime- Development of *Ubi jus ibi Remedium*- Mental elements-Intention, Motive, Malice in Law and in Fact.

UNIT-II

General Defences, Vicarious Liability.

UNIT-III

Negligence; Nuisance; Absolute and Strict liability.

Legal Remedies-Awards-Remoteness of damage.

UNIT-IV

Torts against person: Torts affecting body- Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation-Libel and Slander, Torts affecting freedom-Malicious Prosecution, Malicious Civil Action and Abuse of Legal Process; Torts affecting domestic and other rights-Marital Rights, Parental Rights, Rights to Service, Contractual Rights, Intimidation and Conspiracy; Torts against property.

UNIT- V

Consumer Protection Act, 1986

Prescribed Books:

Ratanlal and Dhirajlal- Law of Torts.
Singh Gurubax- Law of Consumer Protection.

Reference Books:

Winfield and Jolowicz- Tort .
Hepple and Mathews- Tort: Cases and Materials
Baxi Upendra and Danda Amita- Valiant victims and Lethal Litigation-The Bhopal Case, 1990 Salmond- *On Torts*.
Avtar Singh - The law of Torts.
D. N. Saraf - Law of Consumer Protection in India.

COURSE-IV: FAMILY LAW-I: HINDU LAW**Objectives:**

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

Course contents:**UNIT – I**

Introduction - Concept of Dharma - Sources of Hindu Law – Modern and Ancient - Importance of Dharma Shastra on Legislation – Two Principal Schools of Hindu Law -Application of Hindu Law.

UNIT – II

Marriage and Kinship - Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 -Matrimonial Remedies - Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

UNIT – III

Hindu undivided family – Mitakshara Joint Family - Formation and Incidents - Property under both Schools – Kartha: His Position, Powers, Privileges and Obligations - Debts – Doctrine of Pious Obligation - Partition and Reunion –Religious and Charitable Endowment.

UNIT – IV

Inheritance and Succession - Historical perspective of traditional Hindu Law relating to Inheritance - A detailed study of Hindu Succession Act, 1956.

Stridhana- Woman's Property - Recent State and Central Amendments to Hindu Succession Act; Gifts and Testamentary Succession – Wills.

UNIT – V

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

Prescribed Books:

Paras Diwan – Modern Hindu Law

Reference Books:

John D. Mayne – Hindu Law Usages
Mulla – Principles of Hindu Law
Paras Diwan – Law of Adoption, Ministry Guardianship's custody
J. D. M. Derrett – Hindu Law – Past and Present

COURSE-V: CRIMINAL LAW-I: INDIAN PENAL CODE**Objectives:**

This course is designed to understand the meaning of crime, methods of controlling them and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code.

Course contents:**UNIT – I**

General Principles of Crime; Conceptions of Crime; Distinction between Crime and other wrongs under common Law – Crime and morality distinction – Circumstances when morality amounts to crime - State’s responsibility to detect, control and punish crime.

Principles of criminal liability – *Actus reus* and *mens rea* (also statutory offences) and other maxims; Variations in liability – Mistake, intoxication, compulsion, legally abnormal persons; Possible parties to the crime: Principal in the I degree; Principal in the II degree; Accessories before the fact; Accessories after the fact.

Indian Penal Code: General Explanation, Sections 6 – 33 and 39 – 52A; Punishment, Sections 53 – 75- social relevance of Capital Punishment - Alternatives to Capital Punishment - Discretion in awarding punishment and minimum punishment in respect of certain offences with relevance to precedents (judgments).

UNIT – II

General Exceptions: Sections 76 – 106; Criminal act by several persons or group: Sections 34 – 38; Abetment: Sections 107 – 120; Criminal Conspiracy: Sections 120A & 120B; Offences against State: Sections 121 – 130; Offences against the public tranquility: Sections 141 – 160; Offences relating to election: Sections 171A – 171; Contempt of lawful authority and public servants: Sections 172 – 190; False evidence and offences against public trust: Sections 172 – 229; Offences relating to coins and Government Stamps: Sections 230 – 263A; Offences relating to weights and measures: Sections 260 – 294A; Offences relating to religion: Section 295 – 298.

UNIT – III

Offences affecting human life, causing miscarriage, injuries to unborn children - Exposure of infants, concealment of birth - Hurt, Grievous Hurt - Wrongful restraint - Wrong confinement - Criminal force and Assault (Sections 299 – 358).

UNIT – IV

Kidnapping, Abduction - Slavery and forced labour – Rape: custodial rape, marital rape - Prevention of immoral traffic - Prevention of sati - Prohibition of indecent representation of women - Unnatural offences, theft, robbery and dacoity - Criminal Misappropriation of property - Criminal breach of trust - Receiving of stolen property – Cheating - Fraudulent deeds and disposition of property (Sections 378 – 424).

UNIT – V

Mischief (Sections 425 – 440) - Criminal Trespass (Sections 441 – 462) - Offences relating to document and property marks (Sections 463 – 480) - Offences relating to marriage (Sections 493 – 498 A) - Defamation (Sections 499 – 502); Criminal intimidation and annoyance and attempt to commit such offences (Sections 506 – 511).

Prescribed Books:

Rathanlal and Dhirajlal: Indian Penal Code.
Kenny’s Outlines of English Criminal Law.

References Books:

K. D. Gaur - A Text Book on the Indian Penal Code
P. S. Achuthan Pillai - Criminal Law.
Glanville Williams – Criminal Law

II SEMESTER:

COURSE-I: CONTRACT-II

Objectives:

In the society wherein all major ventures are getting corporatised, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract. This law is contained in several legislations apart from the Indian Contract Act. This course equips the students to better appreciate the legal services required in a corporate office so that he can enhance his relevance as a lawyer in society.

Course contents:

UNIT – I

Contract of Indemnity – Documents/Agreements of Indemnity - Definition, Nature and Scope - Rights of indemnity holder – Commencement of the indemnifier’s liability – Contract of Guarantee – Definition, Nature and Scope – Difference between contract of indemnity and Guarantee – Rights of surety – Discharge of Surety – Extent of Surety’s liability – Co-surety.

Contract of Bailment – Definition – Kinds – Duties of Bailor and Bailee – Rights of Finder of goods as Bailee – Liability towards true owner – Rights to dispose off the goods.

Contract of pledge – Definition – Comparison with Bailment – Rights and duties of Pawnor and Pawnee

UNIT – II

Agency – Definition – Creation of Agency – Kinds of Agents – Distinction between Agent and Servant – Rights and Duties of Agent – Relation of Principal with third parties – Delegation – Duties and Rights of Agent – Extent of Agents authority – Personal liability of Agent – Termination of Agency.

UNIT – III

Indian Partnership Act – Definition – Nature, Mode of determining the existence of Partnership – Relation of Partner to one another – Rights and duties of partner – Relation of partners with third parties – Types of partners – Admission of partners – Retirement – Expulsion – Dissolution of Firm – Registration of Firms.

UNIT – IV

Sale of Goods Act – The Contract of sale – Conditions and Warranties – Passing of property – Transfer of title – Performance of the Contract – Rights of Unpaid Seller against goods – Remedies for Breach of Contract

UNIT – V

Hire Purchase Act 1972 – Rights and Obligation of the Hirer and Owner, Form and contents of Hire Purchase Agreements, Warranties and Conditions - Standard Form of Contracts: Nature, Advantages – Unilateral Character, Principles of Protection against the possibility of exploitation – Judicial Approach to such Contracts – Exemption Clauses – Clash between two standard forms of contracts.

Prescribed Books:

Avtar Singh - Law of Contract
J. P. Verma - The Law of Partnership in India
Saharay H. K - Indian Partnership and Sale of Goods Act
Krishnan Nair - Law of Contract
Hire Purchase Act

Reference Books:

Pollock and Mulla - Indian Contract Act
Anson - Law of Contract
Avtar Singh - Sale of Goods Act
Mulla - Sale of Goods Act
S. D. Singh and S. P. Gupta - Law of Partnership

COURSE-II: COMPANY LAW

Objectives:

The course is designed to understand the formation, management and other activities of the companies. In view of the important developments that have taken place in the corporate sector. Important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart the students, the corporate management, control, possible abuses, the remedies and government regulation of corporate business and winding up of companies.

Course contents:

UNIT – I

The Companies Act, 1956 – Corporate Personality and its kinds – Promoters – Registration and Incorporation – M O A

UNIT – II

AOA – Prospectus – Directors – Meetings – Role of Company Secretary – Dividends; Brief analysis of corporate ethics.

UNIT – III

Issue of Shares – Types of Shares – Debentures – Procedure for allotment of shares and debentures – share capital – Rights and privileges of shareholders – Preventions of Oppression and Mismanagement – Different modes of winding up of companies.

UNIT - IV

SEBI Act, 1992;
Securities Contracts (Regulation) Act, 1956 and Rules.

UNIT - V

FEMA Act, 1999; Competition Act, 2002; Brief introduction to BPO & LPO

Prescribed Books:

Taxman's Corporate Laws.
Avtar Singh - Company Law.

Reference Books:

Ramaiah- Companies Act, Parts I and II.
Shah - Lectures on Company Law.
Taxman's Company Law.
S. C. Kuchal- Corporation Finance: Principles and problems.
Y. D. Kulshreshta- Government regulation of financial management of private corporate sector in India.
S. K. Roy- Corporate Image in India.
Gower - Company Law.
Sen – New Horizons in company law.
D. L. Majumdar- Towards a philosophy of Modern Corporation.
Pennington - Company Law.
Rajiv Jain - Guide on foreign collaboration – Policies & Procedures.
C. Singhanian – Foreign collaborations and Investments in India – Law and procedures.
Joyant M Thakur – Comparative Analysis of FEMA – FEMA Act, 1999 with FERA.
Sanjiv Agarwal - Bharat's guide to Indian capital.

COURSE-III: PROPERTY LAW**Objectives:**

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course also includes an exposure into the concept of trust.

Course contents:**UNIT – I**

General principles of Transfer of Property by Act of parties *inter- vivos*- Concept and meaning of immovable property- Transferable Immovable Property- Persons Competent to transfer - Operation of Transfer- Conditions restraining alienation and restrictions repugnant to the interest created- rule against perpetuity and exceptions- Direction for accumulation- Vested and Contingent interest.

UNIT – II

Doctrine of election- transfer by ostensible and co-owner- Apportionment- Priority of rights- Rent paid to holder under defective title- Improvements made by *bonafide* holder- Doctrine of *Lis pendens*- Fraudulent transfer and part-performance.

UNIT – III

Mortgages of Immovable property: Definition- Kinds of mortgages and their features- Rights and liabilities of mortgagor and mortgagee- Priority of securities- Marshalling and contribution- Charges.

UNIT – IV

Sale of immovable property: Rights and liabilities of seller and buyer before and after completion of sale- Difference between sale and contract for sale; Leases of immovable property: Definition- Scope- creation of lease- rights and liabilities of lessor and lessee- Determination and holding over; Exchange: Definition and mode- Actionable Claims; Gifts: Scope- meaning- mode of transfer- universal gifts- onerous gifts.

UNIT – V

Law of Trusts with Fiduciary Relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract; Kinds of Trusts- Creation of Trust- Appointment of Trustees- Duties and Liabilities of Trustees- Rights and Powers of Trustees- Disabilities of Trustee- Rights and Liabilities of the Beneficiary- Vacating the office of trustee and Extinction of Trusts.

Prescribed Books:

Mulla – Transfer of Property Act, 1882.
M. P. Tandon – Indian Trust Act.

Reference Books:

Subbarao – Transfer of Property
Shah – Principles of the Law of Property
Shukla – Transfer of Property Act
Menon – Property Law
M. P. Tandon – Indian Trust Act.

COURSE-IV: ADMINISTRATIVE LAW

Objectives:

One of the perennial problems of the civilized society is to control the exercise of public power. Administrative Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. This course further deals with the role played by courts in the development of Administrative Law. The Focus is on their role in protecting the rights of individuals against abuse of administration. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course contents:

UNIT – I

Evolution- Nature and Scope of Administrative Law- Relation with Constitutional Law- Separation of powers and concepts- Rule of law- *Council d' Etate*, (French system) -Classification of Administration Action- functions- Administrative direction and discretion.

UNIT –II

Legislative power of the administration- Extent of delegation and control over delegated Legislation- Sub-delegation- Judicial-Parliamentary control over delegated Legislation.

UNIT - III

Judicial power of Administration- Nature of procedure- Principles of Natural justice- Effect of non-compliance with principles of Natural Justice- Exception to principles of Natural Justice.

UNIT – IV

Judicial control of Administrative action – Writs, Principles and Procedure - Public Law Review and Private Law Review of Administration action- Liability of State – Torts, Contract- Promissory Estoppel-Government Privileges- Right of information- Doctrine of Legitimate expectation- Doctrine of Accountability- Waiver- Doctrine of Proportionality.

UNIT –V

Corporations and Public undertaking- Commission of Enquiry- Ombudsman in India (Lokpal and Lokayuktha) - Central Vigilance Commission- Parliamentary Committees-Civil services in India- Accountability and responsibility- Problems and Prospectives- Administrative deviance- Corruption- Mal-administration- Control mechanism of Accountability.

Prescribed Books:

M. P. Jain & S. N. Jain - Principles of Administrative Law.

Reference Books:

Wade - Administrative Law.

De Smith - Judicial Review of Administrative Action.

S. P. Sathe - Administrative Law.

I. P. Massey - Administrative Law.

COURSE-V: FAMILY LAW –II: MOHAMMEDAN LAW AND INDIAN SUCCESSION ACT

Objectives:

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. In addition the students have to familiarize themselves with the provisions of the Indian Succession Act.

Course contents:

UNIT-I

Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, the *Shariat Act, 1937*; Concept of Marriage: Definition, object, nature, essential requirements of a Muslim marriage, classification of marriage - Legal effects of valid, void and irregular marriage - Muta marriage; Sources of Islamic law; Customary practices and State regulation: Polygamy; Child marriage; Pre-emption; Wakf; Dower.

UNIT-II

Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: Legitimacy, Custody, maintenance and education, Guardianship and parental rights.

UNIT-III

Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869(Amended Act) - Nullity of marriage - Bar to matrimonial relief; Alimony and Maintenance: Alimony and Maintenance as an independent remedy- A review under Muslim law, Indian Divorce Act,1869, provisions under the *Criminal Procedure Code*, 1973; Maintenance of divorced Muslim Women under the *Muslim Women (Protection of Rights on Divorce) Act*, 1986.

UNIT-IV

Will and Inheritance: Will-Meaning, difference between will and gift, Will made in death bed or during illness; Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925(Of Christians, Parsis and Jews)- Domicile - Parsis Intestate succession and Non Parsis Intestate succession, Succession certificate, Probate and letters of administration, powers and duties of executor.

UNIT-V

Wills – Privileged and unprivileged wills - Construction of Wills in brief - Void bequests, void wills, kinds of legacies - Protection of property of the deceased; Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.

Prescribed Books:

Mulla - Principles of Mohammedan Law.

Paras Diwan - Law of Intestate and Testamentary Succession.

Reference Books:

B. B. Mitra - Indian Succession Act, 1925.

A. A. A Fyzee - Outlines of Mohammedan Law.

D. D. Basu - Law of Succession.

Paras Diwan - Family Law: Law of Marriage and Divorce in India.

A. M. Bhattachargee - Muslim Law and the Constitution.

Tahir Mohamood - Mohammedan Law.

Indian Divorce Act, 1869 – Bare Act

III SEMESTER:

COURSE-I: ENVIRONMENTAL LAW

Objective:

Environmental problems have attained alarming proportions. It is essential to sensitise the students to environmental issues and the laws. The important principles in the field like inter-generation equity, carrying capacity, sustainable development, and precautionary principle, polluter pay principles are to be appreciated. The law in practice is to be analysed and evaluated. The course is designed towards these objectives.

Course contents:

UNIT – I

The Idea of Environment:

Ancient and Medieval Writings, Traditions, Natural and Biological Sciences – Perspectives: Modern concept, Conflicting dimensions, recent issues -Environment and sustainable development - National and International Perspectives - Population and Development.

UNIT – II

Environmental Policy and Law: Environmental Policy : Pre & Post Independence Period; From Stockholm to Johannesburg Declaration (Rio) and Role of Government - Five year Plans - Forest Policy - Conservation strategy - Water Policy; Conservation of Natural Resources and its Management; Constitution and Environment: Right to Environment - Constitutional provisions on Environment and its Protection - Role of Judiciary on Environmental issues - Evolving of new Principles - Polluter pays principle - Precautionary principle - Public trust doctrine.

UNIT - III

International Law and Environmental Protection: International conventions in the development of Environmental Laws and its Policy - From Stockholm to recent conventions (Special Emphasis on Major conventions & Protocols) - Control on Marine Pollution; Common Law aspects of Environmental Protection; Remedies under other Laws (I.P.C., Cr.P.C, C.P.C.) - Riparian rights and prior-appropriation.

UNIT – IV

Prevention and Control of Pollution: Pollution of Water, Sources, Legal Control, The Water Act, 1974 - Pollution of Air, Modalities of control, The Air Act, 1981 - Noise Pollution and its control, Noise Pollution control order - Disposal of Waste, laws on waste, disposal and its control - Trans-boundary Pollution hazards & Regulation; Biological Diversity and Legal Order: Bio-diversity and Legal regulation - Utilization of flora and fauna - Experimentation on animals - Legal and Ethical issues - Genetic

Engineering - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Prevention of Cruelty against animals - Problems in Legal regulation of medicinal plants - The plant varieties Act - Wetland Conservation.

UNIT - V

Environment Protection Act, 1986 including, Environment Protection Rules, Coastal Zone Regulation, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing, Regulation on Bio-Medical Waste.

Prescribed Books:

1. Armin Rosencranz - Environmental Law and Its Policy in India.
2. P. Leelakrishnan - Environmental Law in India /Cases.
3. Lal's commentaries on Water and Air Pollution laws along with Environment (Protection) Act and Rules, 1986.

Reference Books:

1. Simon Ball Stuart Bell - Environmental Law.
2. Sanjay Upadhyay and Videh Upadhyay - Handbook on Environmental Laws.
3. S. Shantha Kumar- Introduction to Environmental Law.
4. Relevant Bare Acts/Notifications.

COURSE-II: LABOUR LAW

Objectives:

In this course, the students are to be acquainted with the Industrial relations framework in our country. Further, the importance of the maintenance of Industrial peace and efforts to reduce the incidence of Strikes and Lockout and Industrial Strike are to be emphasised. The main theme underlying the Programme is to critically examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of Industrial Disputes. Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for Misconduct are to be studied with a view to acquaint misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Further, the students are to be acquainted with Social Security Frame-work prevailing in our Country. It is necessary to know the concept of social security, its importance and also constitutional basis for the same in India. The importance of ensuring the health, safety and welfare of the workmen and social assistance and social Insurance Schemes under various legislations are to be emphasised. The main theme underlying the Programme is to critically examine the provisions in the Workmen's Compensation Act, 1923, the machinery provided for protecting the interests of workers. Further, the objectives underlying the Factories Act, 1948, E.S.I. Act, 1948, the employees provident fund Act, 1952 are to be studied with a view to acquaint the students with various rights and benefits available to the workmen under the legislations.

Course contents:

UNIT- I

Introduction to Law of Industrial Disputes Act, 1947: Historical Aspects-Master and slave relationship-Industrial revolution-Laissez-faire state-Impact of Constitution on Labour provision; Definition and law relating to Appropriate Government- Award and settlement- Industry-Industrial Dispute- Workman. Strikes and Lock-out

UNIT –II

Industrial Disputes Act, 1947: Lay-off –Retrenchment-Closure - Unfair Labour Practices and Role of Government; Authorities under the Act (Chapter II) to be read with chapters II B, III and IV Adjudication and Arbitration; Restrictions on the right of the employer-Chapter IIA-Notice of change, section 11-A and sections 33,33A; Recovery of money due from an employer.

Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry

UNIT-III

Trade Unions Act, 1926: Salient features of the enactment and important definitions - Registration of Unions, Amalgamation of Unions, Cancellation and Registration of Trade Unions, Funds of the Union, Immunity enjoyed by the Union.

Workmen's Compensation Act, 1923: Emergence of the legislation-Total and partial disablement –Dependent-Workman-Wages-Liability of the employer to pay compensation and right of the workman to receive compensation-Accident "Arising out of and in the course of employment"-Occupational disease-Doctrine of 'Added peril'

UNIT –IV

Labour Welfare Legislations:

The Employees State Insurance Act, 1948: Corporation, Standing Committee and Medical Benefit Council; Contributions; Benefits; Adjudication of disputes and Claims; Penalties.

The Employees Provident Fund Act, 1952: Employees Provident Fund Scheme and Authorities; Miscellaneous.

The Maternity Benefit Act, 1961- Its object and its scope.

UNIT-V

The Minimum Wages Act, 1948- Fixation of minimum rates of wages - working hours and determination of wages and claims

The Factories Act- its essential features, Safety, Health and Welfare measures.

The Contract Labour (Regulation and Abolition) Act, 1970 - Its object and its essential features.

Prescribed Books:

S. N Mishra - Labour Laws

S. C Srivastava - Social Security and Labour Laws.

Reference Books:

Malhotra O. P - Industrial Disputes Act Vol. I and II.

Madhavan Pillai - Labour and Industrial Laws.

Srivastava K. D - Commentaries on Industrial Disputes Act, 1947.

V. V Giri - Labour problems in Indian Industry.

Labour Law and Labour Relations Published by Indian Law Institute.

COURSE-III: CRIMINAL LAW –II: CRIMINAL PROCEDURE CODE, 1973, JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND PROBATION OF OFFENDERS ACT, 1958.

Objectives:

Procedural Law providing for a fair procedure is significant for a just society. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organisation of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The students will also undertake the study of two cognate Acts as a part of this course viz.; *Juvenile Justice Act* and *Probation of Offenders Act*. In addition the course teacher shall endeavour to familiarise the students with the case paper like FIR, Police statement, charge sheet, etc.

Course contents:

UNIT – I

Introductory and Pre-trial Process

Meaning of procedure; The organization of the functionaries under the Code; their duties, functions and powers; First Information Report, complaint; Arrest; Types of trial and Features of a fair trial

UNIT - II

Trial Process-I:

1. Magisterial Powers to take cognizance.
2. Commencement of proceedings.
3. Dismissal of complaints.
4. Charge.
5. Processes to compel appearance and production of things.
6. Bail.
7. Preliminary pleas to bar trial .

UNIT - III

Trial Process-II

1. Provisions as to Inquiries and Trials.
2. Judgment.
3. Appeals, Revision and Reference.
4. Security for keeping peace and good behaviour.
5. Maintenance.

UNIT - IV

Miscellaneous

1. Transfer of cases.
2. Execution, suspension, remission and commutation of sentences.
3. Disposal of property.
4. Preventive action of the police.
5. Irregular proceedings.
6. Limitation of taking cognizance.
7. Compounding of offences and plea bargaining.

8. Criminal Rules and Practice.

UNIT - V

1. Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000.
2. Salient features of the Probation of Offenders Act, 1958.

Prescribed Books:

Ratanlal & Dhiraj Lal- The Code of Criminal Procedure.
Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act
Probation of Offenders' Act, 1958-Bare Act

Reference Books:

R.V.Kelkar- Criminal Procedure.
Report of the Committee on Reforms of Criminal Justice System.

COURSE-IV: JURISPRUDENCE

Objectives:

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context- social, political and theoretical.

At the heart of legal enterprise is the concept of law. Without deep understanding of this concept neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, the first part of the course is concerned with important questions like, what is law, what are the purposes of law?, the relationship between law and justice and the like. The second part is concerned with the important sources of law. The emphasis is on important issues concerning law with reference to ancient and modern Indian Legal Thought.

One important branch of Jurisprudence consists in analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term "rights" in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept as a whole. This course is designed primarily on English model but native India Orientation is given wherever possible.

Course contents:

UNIT – I

Meaning and nature of 'Jurisprudence' - Purpose and value of Jurisprudence -Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

UNIT – II

Functions and purpose of law, questions of law, fact and discretion - Justice and its kinds - Civil and Criminal Administration of Justice - Theories of Punishment and Secondary functions of the Court.

UNIT – III

Sources of Law: Legislation, Precedent and Custom - A Comparative study

UNIT – IV

Legal Concepts: Right and Duty, Kinds, Meaning of Right in its wider sense; Possession: Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership; Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.

UNIT – V

Liability: Conditions for imposing liability - Wrongful act: *Damnum Sine Injuria*, causation, *mens rea*, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation.

Prescribed Books:

Fitzgerald – Salmond on Jurisprudence.
R. W. M. Dias – Jurisprudence

Reference Books:

W. Friedman – Legal Theory
V. D. Mahajan – Jurisprudence and Legal Theory
Paton – Jurisprudence
Edgar Bodenheimer – Jurisprudence

COURSE-V: CLINICAL COURSE-I: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Objective:

Professions are noble. The movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly. Same is true of the law profession also. The prime reason for conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and the interest of society and individuals is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them as also enforce them. It is too good of the society to trust the learned body of the professionals to regulate themselves and not to empower an outsider to sit in judgment over their activities. The trust reposed by the society in profession is to be zealously guarded. The Bar should live up to the expectations of the society. The society has a right to expect of the professionals such ideal behaviour. The course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life.

Course contents:

UNIT-I

The legal profession and its responsibilities; The equipment of the lawyer; Conduct in court; Professional conduct in general; Privileges of a lawyer; Salient features of the *Advocates Act, 1961*.

UNIT-II

Duty to the court; Duty to the profession; Duty to the opponent; Duty to the client; Duty to the self; Duty to the public and the state;

UNIT-III

Contempt of Court Act, 1972

Selected major judgments of the Supreme Court:

1. *In the matter of D, An Advocate*, AIR 1956 SC 102.
2. *P.J.Ratnam v. D.Kanikaram*, AIR1964 SC 244.
3. *N.B.Mirzan v. The disciplinary committee of Bar Council of Maharashtra and Another*, AIR 1972 SC 46.
4. *Bar Council Of Maharashtra v. M.V.Dabholkar, etc.*, AIR 1976 SC 242.
5. *V.C.Rangadurai v. D.Goplan and others*, AIR 1979 SC 201.
6. *Chandra Shekhar Soni v. Bar Council of Rajasthan and Others*, AIR 1983 SC 1012.
7. *In Re an Advocate*, AIR 1989 SC 245.
8. *In Re Vinay Chandra Mishra*, 1995 (Vol-I) IBR 118.
9. *Supreme Court Bar Association v. Union of India*, AIR 1998 SC 1895.
10. *Ex-Capt. Harish Uppal v. Union of India*, AIR 2003 SC 739.

UNIT-IV

Selected opinions of the Bar council of India

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|-----|------------------------|------|--------------|---------|
| 1. | DC Appeal No. 16/93 | 1998 | (Vol.1) | IBR 135 |
| 2. | BCI Tr. Case No.40/91 | 1998 | (Vol.1) | IBR139 |
| 3. | DC Appeal No. 8/94 | 1998 | (Vol. 1) | IBR 153 |
| 4. | DC Appeal No. 20/94 | 1997 | (Vol. 3 &4) | IBR 193 |
| 5. | BCI Tr. Case No. 76/95 | 1997 | (Vol. 3 &4) | IBR 201 |
| 6. | DC Appeal No.43/96 | 1997 | (Vol. 3 &4) | IBR 207 |
| 7. | DC Appeal No.18/91 | 1997 | (Vol. 1 & 2) | IBR 271 |
| 8. | DC Appeal No.24/90 | 1996 | (Vol.1) | IBR 135 |
| 9. | DC Appeal No.19/93 | 1996 | (Vol.1) | IBR 152 |
| 10. | BCI Tr. Case No.104/90 | 1996 | (Vol.1) | IBR 155 |
| 11. | BCI Tr. Case No.52/89 | 1994 | (Vol.1) | IBR 187 |
| 12. | BCI Tr. Case No.127/88 | 1992 | (Vol. 3 &4) | IBR 125 |
| 13. | BCI Tr. Case No.39/87 | 1992 | (Vol. 3 &4) | IBR 147 |
| 14. | BCI Tr. Case No.39/89 | 1992 | (Vol. 3 &4) | IBR 149 |
| 15. | BCI Tr. Case No.16/88 | 1989 | (Vol.1) | IBR 99 |
| 16. | BCI Tr. Case No.2/88 | 1989 | (Vol.1) | IBR 102 |
| 17. | BCI Tr. Case No.52/88 | 1989 | (Vol.2) | IBR 110 |
| 18. | DC Appeal No.41/87 | 1989 | (Vol.2) | IBR 122 |
| 19. | BCI Tr. Case No.29/81 | 1989 | (Vol.2) | IBR 245 |
| 20. | DC Appeal No.14/88 | 1989 | (Vol.2) | IBR 258 |
| 21. | BCI Tr. Case No.14/80 | 1989 | (Vol.2) | IBR 264 |
| 22. | DC Appeal No.24/87 | 1989 | (Vol.2) | IBR 273 |
| 23. | DC Appeal No.46/86 | 1989 | (Vol.2) | IBR 280 |

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|----|-----------------------------|------|-------------|---------|
| 24 | DC Appeal No.3/88 | 1989 | (Vol.2) | IBR 285 |
| 25 | BCI Tr. Case No.2/80 | 1989 | (Vol.2) | IBR 289 |
| 26 | BCI Tr. Case No.10/86 | 1989 | (Vol. 3 &4) | IBR 520 |
| 27 | BCI Tr. Case No.101/88 | 1989 | (Vol. 3 &4) | IBR 524 |
| 28 | DC Appeal No.23/88 | 1989 | (Vol. 3 &4) | IBR 532 |
| 29 | DC Appeal No.35/87 | 1989 | (Vol. 3 &4) | IBR 536 |
| 30 | BCI Tr. Case No.27/88 | 1989 | (Vol. 3 &4) | IBR 542 |
| 31 | BCI Tr. Case No.6/84 | 1989 | (Vol. 3 &4) | IBR 560 |
| 32 | BCI Tr. Case No.24/86 | 1989 | (Vol. 3 &4) | IBR 563 |
| 33 | DC Appeal No.10/88 | 1989 | (Vol. 3 &4) | IBR 572 |
| 34 | DC Appeal No.45/74 | 1988 | (Vol. 1 &2) | IBR 182 |
| 35 | DC Appeal No.23/87 | 1989 | (Vol.1& 2) | IBR 187 |
| 36 | DC Appeal No.6/81 | 1988 | (Vol.1& 2) | IBR 193 |
| 37 | BCI Tr. Case No.16/86 | 1988 | (Vol.1& 2) | IBR 197 |
| 38 | DC Appeal No.41/86 | 1988 | (Vol.1& 2) | IBR 200 |
| 39 | DC Appeal No.33/86 | 1988 | (Vol. 3 &4) | IBR 354 |
| 40 | DC Appeal No.21/85 | 1988 | (Vol. 3 &4) | IBR 359 |
| 41 | BCI Tr. Case No.43/82 | 1988 | (Vol. 3 &4) | IBR 364 |
| 42 | DC Appeal No.28/86 | 1988 | (Vol.3& 4) | IBR 374 |
| 43 | DC Appeal No.64/74 | 1987 | (Vol.2) | IBR 314 |
| 44 | DC Appeal No.30/84 | 1987 | (Vol.2) | IBR 319 |
| 45 | DC Appeal No.40/86 | 1987 | (Vol.3) | IBR 488 |
| 46 | DC Appeal No.10/86 & 10A/86 | 1987 | (Vol.3) | IBR 491 |
| 47 | DC Appeal No.7/86 | 1987 | (Vol.3) | IBR 496 |
| 48 | DC Appeal No.7/81 | 1987 | (Vol.4) | IBR 735 |
| 49 | DC Appeal No.12/86 | 1987 | (Vol.4) | IBR 745 |
| 50 | BCI Tr. Case No.57/87 | 1987 | (Vol.4) | IBR 753 |

UNIT-V

Accountancy for lawyers:

Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger

Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts

The cash and bulk transaction- The Cash book- Journal proper especially with reference to client's accounts- Ledger, Trial balance and final accounts- Commercial mathematics.

Mode of assessment: There shall be a written examination for this course for a maximum of 80 marks, and viva voce for 20 marks. The viva voce shall be conducted by the course teacher and the Principal.

Prescribed Books:

K.V.Krishnaswamy Iyer- Professional Conduct and Advocacy.

B.S.Raman- Accountancy.

Reference Books:

N. R. Madhava Menon- Clinical Legal Education.

Dr. B. Malik- Art of Lawyer (New Delhi, Universal Book Agency, 1999) - Relevant articles

Contempt of Court Act, 1971

IV SEMESTER:

COURSE-I: PUBLIC INTERNATIONAL LAW

Objectives:

The course includes the study of general principles of international law including law of peace. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated.

Course contents:

UNIT-I

Nature, definition, origin and basis of International Law; Sources of International Law; Relationship between Municipal and International Law; Subjects of International Law.

UNIT- II

States as subjects of International Law: States in general; Recognition; State territorial sovereignty.

UNIT –III

State Jurisdiction: Law of the sea; State Responsibility; Succession to rights and obligations.

UNIT – IV

State and Individual - Extradition, Asylum and Nationality; the agents of international business; diplomatic envoys, consuls and other representatives; the law and practice as to treaties.

UNIT – V

The United Nations Organisation - Principal organs and their functions; World Trade Organisation- Main features; International Labour Organisation.

Prescribed Books:

J. G. Starke- An Introduction to International Law.

P.W. Bowett- International Institutions.

Reference Books:

J. B. Brierly - The Law of Nations.

D. H. Harris - International Law (Cases and Materials).

Oppenheim - International Law(Volume I, Peace)

S. K. Kapoor - International Law.

Bhagirathlal Das – World Trade Organization .

COURSE-II: OPTIONAL-I: HUMAN RIGHTS LAW AND PRACTICE

Objectives:

The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

Course contents:

UNIT – I

Jurisprudence of Human Rights; Nature, definition, origin and theories of human rights.

UNIT – II

Universal protection of human rights- United Nations and Human Rights- *Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.*

UNIT - III

Regional Protection of Human rights- European system- Inter American System- African System

UNIT – IV

Protection of Human Rights at national level; Human rights and the Constitution; The Protection of Human rights Act, 1993.

UNIT - V

Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities - National and International Legal Developments.

Prescribed Books:

Meron Theodor- Human Rights and International Law: Legal and Policy Issues, 2 Vols.

S.K.Kapoor- Human rights Under International Law and Indian Law.

Reference Books:

Henkin Luis- Rights of Man Today.

Singh Nagendra- Enforcement of Human Rights in Peace and War and the future of humanity.

Relevant International Instruments.

United Nations Charter, 1945.

Universal Declaration of Human Rights, 1948.

International Convention on the Elimination of All Forms of Racial Discrimination, 1948.

International covenant on civil and Political Rights, 1966.

International covenant on Economic and Cultural Rights, 1966.

Convention on Elimination of All forms of Discrimination against Women, 1979.

Convention on the Rights of the Child, 1989.

COURSE-II: OPTIONAL-I: RIGHT TO INFORMATION

Objectives:

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how the right to information infuses transparency and accountability in governance, preventing abuse of power.

Course contents:

UNIT-I

Right to Information before Right to Information Act, 2005; Significance in democracy; Constitutional basis; Supreme Court on right to information.

UNIT-II

RTI Act- definitions; Right to information and obligations of public authorities.

UNIT-III

Central information commission; State information commission; Powers and functions of information commissions; Appeals and penalties.

UNIT-IV

Other related laws - The Official Secrets Act, 1923; The Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972.

UNIT-V

Best practices- A study of decisions rendered by state commissions and central Commission in the following areas of – Police, Revenue, PWD, Irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department, Local Authorities.

Prescribed Books:

J.H.Barowalia- Commentary on the right to Information Act.

Reference Books:

J.N.Barowalia- Commentary on the Right to Information Act.

S.V.Joga Rao- Law Relating to Right to Information, vol.1.

COURSE-III: OPTIONAL-II: BANKING LAW

Objectives:

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance.

The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case – law in this area.

Course contents:

UNIT – I

Indian Banking Structure - Origin – Evolution of Banking Institutions – Types and functions of banks - Commercial banks – Functions – Banking Companies in India – RBI - Constitution, Management and Functions - Banking Regulation Act, 1949 – State Bank of India- UTI, IDBI, RRBs’ -Local banks

UNIT - II

Employment of funds - Loans and Advances- Guarantees- Advances secured by Collateral securities- Agency Services- Financing of Exports- Special Banking Services –Advances to Priority Sectors and Credit Guarantee schemes- Securitisation Act, 2002.

UNIT - III

Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) - Negotiable Instruments - Kinds - Holder and holder in due course – Parties – Negotiation- Assignment – Presentment – Endorsement – Liability of parties – Payment in due course – Special rules of evidence - Material alteration – Noting and protest – Paying banker and collecting banker – Bills in sets – Penal provisions under NI Act - Banker’s book evidence Act.

UNIT – IV

Banker and customer Relationship - Definition of banker and customer – General relationship – Special relationship - Banker's duty of secrecy, banker's duty to honour cheques, banker's lien, and banker's right to set off - Appropriation of payments - Garnishee order - Customer's duties towards his banker.

Opening of New Accounts – Special types of customers - Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint Hindu family A/C - Illiterate persons, lunatics, executors - Precautions required in case of administrators, clubs, societies and charitable institutions to open an account

UNIT – V

Ancillary Services and E- Banking: Remittances - General, DD, MT, TT, Traveler's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest.

E-Banking - Definition – E-Banking includes - Internet banking, mobile banking, ATM banking, computerized banking –E-banking services – retail services – wholesale services – E- Cheque-authentication-Cyber Evidence-Banking Ombudsman.

Prescribed Books:

M. L. Tannan- Law of Banking.

M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.

Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Reference Books:

Avtar Singh – Negotiable Instruments Act.

Basu - Review of Current Banking: Theory and Practice.

Paget- Law of Banking.

L. C. Goyle- The Law of Banking and Bankers.

Relevant provisions of Information Technology Act, 2000

COURSE-III: OPTIONAL-II: INSURANCE LAW

Objectives:

The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

Course contents:

UNIT – I

Introduction: Nature- Definition- History of Insurance- History and development of Insurance in India- Insurance Act, 1938- (main sections) Insurance Regulatory Authority Act, 1999: Its role and functions.

UNIT – II

Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Contracts- Parties there to- Principles of good faith – non disclosure – Misrepresentation in Insurance Contract- Insurable Interest- Premium: Definition- method of payment, days of grace, forfeiture, return of premium, Mortality; The risk – Meaning and scope of risk, Causa Proxima, Assignment of the subject matter.

UNIT – III

Life Insurance: Nature and scope of Life Insurance- Kinds of Life Insurance.

The policy and formation of a life insurance contract- Event insured against Life Insurance contract- Circumstance affecting the risk- Amount recoverable under the Life Policy- Persons entitles to payment- Settlement of claim and payment of money- Life Insurance Act, 1956- Insurance against third party rights- General Insurance Act, 1972- The Motor Vehicles Act, 1988 – Sec. (140-176), Nature and scope- Absolute or no fault liabilities, Third party or compulsory insurance of motors vehicles- Claims Tribunal- Public Liability Insurance –Legal aspects of Motor Insurance –Claims – Own Damages Claims – Third Party Liability Claims.

UNIT – IV

Fire Insurance: Nature and scope of Fire Insurance –Basic Principles – Conditions & Warranties – Right & Duties of Parties – Claims – Some Legal Aspects. Introduction to Agriculture Insurance – History of Crop Insurance in India – Crop Insurance Underwriting, Claims, Problems associated with Crop Insurance – Cattle Insurance in India.

UNIT – V

Marine Insurance: Nature and Scope- Classification of Marine policies- Insurable interest- Insurable values- Marine insurance and policy- Conditions and express warranties- Voyage deviation- Perils of sea- Loss- Kinds of Loss- The Marine Insurance Act, 1963 (Sections 1 to 91).

Prescribed Books:

K. S. N. Murthy and K. V. S. Sharma - Modern Law of Insurance in India.
M. H. Srinivasan - Principles of Insurance Law.

Reference Books:

E. R. Hardy Ivamy - General Principles of Insurance Law, relevant Chapters.
Insurance Act, 1938.
The Marine Insurance Act, 1963.
General Insurance (Business) (Nationalization) Act, 1972.
The Life Insurance Corporation Act, 1956.
Motor Vehicle Act, 1988.

COURSE-IV: CLINICAL COURSE-II: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

Objectives:

Today alternative disputes resolution systems have become more relevant than before both at local, national and international levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation. This course trains the students in ADRs. The course teacher shall administer simulation exercises for each of the methods.

Course contents:

UNIT-I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.; Advantages and disadvantages of above methods; Need for ADRs; International commitments; Domestic needs; Suitability of ADRs to particular types of disputes; Civil Procedure Code and ADRs

UNIT-II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

UNIT-III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996.

UNIT-IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate.

UNIT-V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators.

Prescribed Books:

Sridhar Madabhushi- Alternative Dispute Resolution.
Rajan R.D. - A Primer on Alternative Dispute Resolution.

Reference Books:

Sampath D.K. - Mediation.
Gold Neil, et.al. - Learning Lawyers Skills (Chapter-7).
Michael Noone- Mediation, (Chapters-1, 2&3).

Mode of Assessment: There will be an end of the semester examination for 60 marks and 40 marks to be awarded by the course teacher for four exercises at the rate of 10 marks for each of the exercise.

V SEMESTER:

COURSE-I: CIVIL PROCEDURE CODE AND LIMITATION ACT

Objectives:

Study of procedural law is important for a Law student. This course is designed to acquaint the students with the various stages through which a civil case passes through, and the connected matters. The course also includes law of limitation. The course teacher shall endeavour to familiarise the students with the case papers (like plaints, written statements, Interlocutory applications, etc.) involved in civil cases and touch upon the provisions of Evidence Act wherever necessary.

Course contents:

UNIT – I

Civil Procedure Code

Introduction; Distinction between procedural law and substantive law- History of the code, extent and its application, definition; Suits: Jurisdiction of the civil courts- Kinds of jurisdiction-Bar on suits- Suits of civil nature (Sec.9); Doctrine of *Res sub judice* and *Res judicata* (Sec. 10, 11 and 12); Foreign Judgment (Sec. 13, 14); Place of Suits (Ss. 15 to 20); Transfer of Cases (Ss. 22 to 25).

UNIT – II

Institution of suits and summons: (Sec. 26, 0.4 and Sec. 27, 28, 31 and O.5); Interest and Costs (Sec. 34, 35, 35A, B); Pleading: Fundamental rules of pleadings- Plaint and Written Statement- Return and rejection of plaint- Defences- Set off- Counter claim; Parties to the suit (O. 1): Joinder, misjoinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness.

UNIT – III

Appearance and examination of parties (O.9, O.18) - Discovery, inspection and production of documents (O.11 & O.13) - First hearing and framing of issues (O.10 and O.14) - Admission and affidavit (O.12 and O.19) - Adjournment (O.17) - Death, marriage-Insolvency of the parties (O.22) - Withdrawal and compromise of suits (O.23) - Judgment and Decree (O.20); Execution (Sec. 30 to 74, O.21): General principal of execution- Power of executing court- Transfer of decrees for execution- Mode of execution- a) Arrest and detention, b) Attachment, c) Sale.

UNIT – IV

Suits in particular cases; Suits by or against Governments (Sec. 79 to 82, O.27); Suits by aliens and by or against foreign rulers, ambassadors (Sec. 85 to 87); Suits relating to public matters (Sec. 91 to 93); Suits by or against firms (O.30); Suits by or against minors and unsound persons (O.32); Suits by indigent persons (O.33); Inter-pleader suits (Sec. 88, O.35); Interim Orders; Commissions (Sec. 75, O.26); Arrest before judgment and attachments before judgment (O.38); Temporary injunctions (O.39); Appointment of receivers (O.40); Appeals (Ss. 90 to 109, O.41, 42, 43, 45); Reference- Review and Revision (Ss. 113, 114, 115, O.46, O.46); Caveat (Sec. 144.A)- Inherent powers of the court (Ss. 148, 149, 151).

UNIT – V

Limitation Act.

Prescribed Books:

Mulla - Civil Procedure Code.

Sanjiwa Rao - Civil Procedure Code.

Karnataka Civil Rules of Practice – Bare Act.

Reference Books:

P. M. Bakshi - Civil Procedure Code.

C. K. Takwani - Civil Procedure Code.

COURSE-II: OPTIONAL-III: INTELLECTUAL PROPERTY RIGHTS-I

Objectives:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that “knowledge is property”. The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e. Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two Papers namely Paper – I and Paper - II of 100 marks each.

Course contents:

UNIT I

Introductory Aspects: Overview of the concept of property; Industrial property and non-industrial property; Historical background of IPR; Importance of human creativity in present scenario; Different forms of IP and its conceptual analysis.

Patents: Introduction and overview of patent protection; History of Patent protections; What is patent and definition of patent; Object of patent; Scope and salient features of patent; How to obtain patent; Product patent and Process patent; Specification – Provisional and complete specification; Procedure for patent applications; Register of patents and Patent Office; Rights and obligations of patentee; Transfer of Patent Rights; Government use of inventions; Biotech patents and patentability of life forms; Infringement of Patents; Offences and Penalties.

UNIT II

Trade Marks: Introduction and overview of trade mark; Evolution of trade mark law; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trade mark registry and register of trade marks; Property in a trade mark; Registrable and non-registrable marks; Basic principles of registration of trade mark; Deceptive similarity; Assignment and transmission; Rectification of register; Infringement of trade mark; Passing off; Domain name protection and registration; Offences and penalties.

UNIT III

Introduction and overview of Cyber Intellectual Property; Intellectual property and cyberspace; Emergence of cyber crime ; Grant in software patent and Copyright in software; Software piracy; Trade marks issues related to Internet (Domain name); Data protection in cyberspace; E-commerce and E-contract; Salient features of Information Technology Act; IPR provisions in IT Act; Internet policy of Government of India.

UNIT IV

Geographical Indications: Introduction and overview of geographical indications; Meaning and scope of geographical indications; Important geographical indications of India and their features; Salient features of the Protection of Geographical Indications Act; Protection of geographical indications; Misleading use of geographical indications; Registration of geographical indications; Right to use geographical indications; Infringement; Remedies against infringement; Role and functions of Registrar of Geographical indication; Conflict between Trade mark and geographical indications.

UNIT V

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Cooperation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features; International registration of marks; World Intellectual Property Organisation: Background; Salient features WIPO; Organisation of WIPO.

Prescribed Books:

1. P. Narayanan – Intellectual Property Law.
2. Cornish William – Intellectual Property.

Reference Books:

1. Ganguli – Intellectual Property Rights: Unleashed the knowledge economy.
2. Copinger & Skine James – Copyright.
3. Pal P. – Intellectual Property Rights in India.
4. Unni – Trade Mark, Design and Cyber Property Rights.
5. Rodney Ryder – Intellectual Property and the Internet.
6. Rahul Matthan – The law relating to Computers and the Internet.
7. Elizabeth Verkey – Law of Plant Varieties Protection.
8. Pavan Duggal – Cyber Law: the Indian Perspective.
9. D. P. Mittal - Law of Information Technology.

COURSE-II OPTIONAL-III: PENOLOGY & VICTIMOLOGY

Objectives:

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

Course contents:

UNIT – I

Introduction: Notion of punishment in law; Difference between crime prevention and control; Theories of punishments.

UNIT - II

Kinds of punishment; Sentencing policies and processes; the riddle of capital punishment.

UNIT - III

Prison reforms; Alternatives to imprisonment; Victimology- Introduction, history and philosophy.

UNIT – IV

Victimology- European experience; American experience; Victim witness assistance programmes; Restitution.

UNIT – V

Victimology - Indian experience; Legal framework; Role of Courts; Role of NHRC.

Prescribed Books:

Edwin H. Sutherland- Criminology.

Ahmad Siddique- Criminology.

V.N.Rajan- Victimology in India.

Reference Books:

H.L.A. Hart- Punishment and Responsibility.

S. Chabra- Quantum of Punishment in Criminal Law.

Herbert L. Packer- the Limits of Criminal sanctions.

COURSE-III: OPTIONAL-IV: INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

Objectives:

Enacted laws, i.e. Acts and Rules are drafted by legal experts. Language used will leave little or no room for interpretation or construction. But the experience of all those who have to bear and share the task of application of the law has been different. Courts and lawyers are busy in unfolding the meaning of ambiguous words and phrases and resolving inconsistencies. The statute is to be construed according 'to the intent of them that make it.' To ascertain the true meaning, intent of the maker, numerous rules of interpretation were formulated by courts and jurists. The objective of this course is to make the student familiar with various rules of interpretation.

Course contents:

UNIT-I

Basic Principles; Guiding rules; Internal aids to construction.

UNIT-II

External aids to construction.

UNIT-III

Subsidiary rules; Operation of statutes; Expiry and repeal of statutes.

UNIT-IV

Statutes affecting the state; Statutes affecting the jurisdiction of courts.

Construction of taxing statutes and evasion of statutes; Remedial and penal statutes.

UNIT-V

Principles of Legislation.

Prescribed Book:

G. P. Singh – Principles of Statutory Interpretation.

Upendra Baxi- Bentham's theory of Legislation.

Reference Books:

Maxwell on the Interpretation of Statutes.

V. P. Sarathi – Interpretation of Statute – General Clauses Act 1897.

Bindra- Interpretation of Statutes.

COURSE-III: OPTIONAL-IV: COMPETITION LAW

Objectives:

It is necessary to introduce students to the laws that are designed from time to time in keeping with the policy of the government to prevent unfair trade competition and protection of consumers. These laws have changed over a period of time in accordance with the demands of changing times. The laws are to be geared up to pass on the benefit of competition to consumers. These laws are to be reviewed and appreciated in this course.

Course contents:

UNIT-I

Constitutional provisions regulating trade; Salient features of MRTP Act, 1986; Salient features of Consumer Protection Act, 1986.

UNIT-II

Sherman Antitrust Act, 1890; Relevant provisions of Clayton Act, 1914; Relevant provisions of the Federal Trade Commission Act; Salient features of U.K. Competition Act, 1998.

UNIT-III

The Competition Act, 2002; Preliminary; Prohibition of certain agreements, abuse of dominant position and regulation of combinations.

UNIT-III

Competition Commission of India; Duties, powers and functions.

UNIT-III

Duties of Director general; Penalties; Competition advocacy; Important judgments of the Supreme Court.

Prescribed books:

Adi P.Talati & Nahar S.Mahala- Competition Act, 2002: Law, Practice and Procedure.

Reference books:

COURSE-IV: CLINICAL COURSE-III: DRAFTING, PLEADING AND CONVEYANCE

Objectives:

Translation of thoughts into words- spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

Course contents:

1. General principles of drafting and relevant substantive rules.
2. Pleadings- Civil: plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Art.226 and Art.32 of the Constitution of India.
3. Pleadings- Criminal: complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
4. Conveyance: sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.
5. Drafting of writ petition and Public Interest Litigation petition.

This course shall be taught through class room instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

Examination and allocation of marks:

- 1 Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
- 2 Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
- 3 The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.
- 4 The cover shall indicate the name of the examination, subject, seat number, and the center code number.
- 5 There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva- to be conducted by the Principal and the course teacher.

VI SEMESTER:

COURSE-I: LAW OF EVIDENCE

Objectives:

The law of Evidence has its own significance amongst Procedural Laws. The knowledge of law of Evidence is indispensable for a lawyer. The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof. In addition they are introduced to law relating to production of evidence. The course teacher shall familiarize the students with appreciation of evidence and use innovative techniques like simulation exercises wherever necessary.

Course contents:

UNIT-I

Introduction: Distinction between substantive and procedural law- Conceptions of evidence in classical Hindu and Islamic Jurisprudence- Evidence in customary law systems (Non-state law)- Introduction to the British 'Principles of Evidence'- Legislations dealing with evidence (other than Indian Evidence Act) with special reference to CPC, Cr.P.C., Bankers Book Evidence Act, Commercial Document Evidence Act, Fiscal and revenue Laws- Salient features of the Indian Evidence Act, 1861, Applicability of the Indian Evidence Act. Central Conceptions in Law of Evidence – Facts - Facts in issue and relevant facts- Evidence- Circumstantial and direct evidence- Presumptions, proved, disproved, not proved- Witness- Appreciation of evidence. Relevancy of Facts- Facts connected with facts in issue-Doctrine of *Res gestae*; Sections 6, 7, 8 and 9 of Evidence Act- Evidence of Common Intention-Section10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (Section13)-Facts concerning state of mind/state of body or bodily feelings (Sections 14 and 15) - Relevancy and admissibility of admissions, privileged admissions- evidentiary value of admissions (Sections 17 to 23).

UNIT-II

Relevancy and admissibility of confessions- Admissibility of information received from an accused person in custody- Confession of co-accused (Sections 24 to 30) - Admitted facts need not be proved (Section 58); Dying declaration- Justification for relevance- Judicial standards for appreciation of evidentiary value-Section 32 (1) with reference to English Law -Other statements by persons who cannot be called as witnesses- (Sections 32(2) to (8), 33)- Statement under special, circumstances (Sections 34 to 39); Relevance of judgments- General principles – Fraud and collusion (Sections 40 to Sec. 44); Expert testimony: General principles (Sections 45-50) - Who is an expert- Types of expert evidence – Problems of judicial defence to expert testimony.

UNIT-III

Character evidence- Meaning – Evidence in Civil Criminal cases; English Law (Sectionzs 52-55)- Oral and documentary Evidence -Introduction on Proof of facts- General principles concerning oral; Evidence (Sections 59-60)- General principles concerning documentary; Evidence (Sections 61-90)- General principles regarding exclusion by evidence (Sections 91-100).

UNIT-IV

Burden of Proof- The general conception of *onus probandi* (Section 101)- General and special exception to *onus probandi* (Sections102-106)- The justification of presumption and burden of proof (Sections 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death- Doctrine of judicial notice and presumptions.

Estoppel: Scope of Estoppel - Introduction as to its rationale (Section 115)- Estoppel distinguished from *Res judicata* - Waiver and Presumption- Kinds of Estoppel- Equitable and Promissory Estoppel- Tenancy Estoppel (Section 116).

UNIT-V

Witness, Examination and Cross Examination:

Competence to testify (Sections 118 to 120)-Privileged communications (Sections 121 to 128)- General principles of examination and cross examination (Sections 135 to 166)- Leading questions (Sections 141- 145)- Approver's testimony (Section 133)- Hostile witnesses (Section 154)- Compulsion to answer questions (Sections 147, 153)- Questions of corroboration(Sections 156-157)- Improper admission of evidence.

Prescribed Book:

Ratanlal and Dhirajlal - Law of Evidence.

Reference Books:

Best - Law of Evidence.

Sarkar - Law of Evidence.

M. Rama Jois - Legal and Constitutional History of India.

Batuklal - Law of Evidence.

COURSE-II: TAXATION

Objectives:

The direct taxation is a powerful incentive or disincentive to economic growth, a lever which can rise or depress savings and capital formation, and instrument of reducing income disparities. A student of taxation will have to make a detailed study of tax policy and tax in India. Our tax laws are said to be the most complicated ones in the world. An analysis of this aspect will have to

be made so that the reasons for such complications can be known. The following course content has been designed to provide a comprehensive picture of taxation in India.

Course contents:

UNIT – I

Concept of Tax- Nature and characteristics of taxes- Distinction between tax and fee, tax and cess- Direct and Indirect taxes- Tax evasion and tax avoidance- Scope of taxing powers of Parliament, State Legislatures and Local bodies.

The Income Tax Act: Basis of taxation of Income- Incomes exempted from tax- Income from salaries- Income from house property- Income from business or profession and vocation- Income from other sources- Taxation of individuals, HUF, firms, association of persons, Co-operative Societies and Non- Residents.

UNIT- II

Income Tax Authorities- Their appointment- Jurisdiction- Powers and functions- Provisions relating to collection and recovery of tax- Refund of tax, appeal and revision provisions, offences and penalties.

Wealth Tax: Charge of Wealth tax, assets, deemed assets, and assets exempted from tax- Wealth tax Authorities- Offences and penalties.

UNIT- III

Central Excise Laws: Nature, scope and basis of levy of Central Excise duty- Meaning of goods- Manufacture and manufacturer- Classification and valuation of goods- Duty payment and exemption provisions- Provisions and procedure dealing with registration and clearance of goods- An overview of set-off of duty scheme.

UNIT- IV

Customs Laws: Legislative background of the levy- Appointment of Customs officers- Ports- warehouses- Nature and restrictions on exports and imports- Levy, exemption and collection of customs duties, and overview of law and procedure - Clearance of goods from the port, including baggage- Goods imported or exported by post, and stores and goods in transit- Duty drawback provisions.

UNIT V

Central Sales Tax Laws: Evolution and scope of levy of Central Sales tax- Inter- State sale outside a State and sale in the course of import and export- Basic principles- Registration of dealers and determination of taxable turnover; Service Tax – Main features of Service Tax; VAT- Introduction to Value Added Tax.

Prescribed Books:

1. Dr. V. K Singhania - Students Guide to Income Tax.
2. V. S. Datey - Indirect taxes- Law and Practice.

Reference Books:

1. Girish Ahuja and Ravi Gupta- Systematic Approach to Income – Tax and Sales –tax.
2. T. N. Manoharan- Students Handbook on Income Tax Law.
3. B. B. Lal – Direct Taxes- Practice and Planning.
4. Dr. H. C Malhotra and Dr. S. P. Goyal- Direct Taxes.
5. Sharad Bhargava- Income Tax for Students.
6. V. Balachandran- Indirect Taxes.
7. J. K. Jain and Anand Jain- Law of Central Sales Tax in India.
8. P. L. Malik- Commentaries of Customs Act.
9. G. Sarangi- Introduction to Indian Tax System and Central Excise Law and Procedure.

COURSE-III: OPTIONAL – V: INTELLECTUAL PROPERTY RIGHTS-II

Objectives:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that “knowledge is property”. The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative works useful to society and law relating to innovation/creativity i.e. intellectual property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two Papers namely Paper – I and Paper - II of 100 marks each.

Course contents:

UNIT I

Indian Copyright Law: Introduction and overview of copyright: History of the concept of copyright and related rights; Nature of copyright; Salient features of Copyright Act; Subject matter of copyright; Literary work; Dramatic work; Musical works; Artistic works; Cinematographic films; Sound recordings; Term of copyright; Computer software and copyright protection; Author and ownership of copyright; Rights conferred by copyright; Assignment, transmission and relinquishment of copyright; Infringement of copyright; Remedies against infringement of copyright

UNIT II

Biological Diversity Law: Introduction and overview of Biological Diversity; Meaning and scope of Biological Diversity; Biological resources and traditional knowledge; Salient features of Biological Diversity Act; Biological Diversity concerns and issues; Bio piracy; Regulation of access to Biological Diversity; National Biodiversity Authority; Functions and powers of Biodiversity Authority; State Biodiversity Board; Biodiversity Management Committee and its functions.

UNIT III

Protection of Plant Varieties and Farmers Rights Law: Legal concepts relating to the protection of plant varieties rights; Legal concepts relating to the protection of plant breeders rights; IPR in new plant varieties; Policy and objectives of protection of plant varieties and farmers rights act; Plant varieties and Farmers rights protection authority; National register of plant varieties; Procedure for registration; Rights and privileges; Benefit sharing; Compensation to communities; Compulsory licence; Relief against infringement; National Gene Fund.

UNIT IV

Designs Law: Introduction and overview of Designs Law; Salient features of Designs Law; Procedure for registration; Rights conferred by registration; Copyright in registered designs; Infringement ; Powers and duties and Controller; Distinction between design, trade mark, copyright & patent.

UNIT V

International Treaties / Conventions on IPR: TRIPS Agreement: Background; Salient Features of TRIPS; TRIPS and Indian IPR; Berne Convention: Background; Salient features of Paris Convention; Convention of Bio-Diversity: Objectives of CBD; Salient features of CBD; International IPR agreements affecting protection of plant varieties: The WTO Doha round of trade negotiations; International Treaty on Plant Genetic Resources ("ITPGR").

Prescribed Books:

1. Narayanan – Intellectual Property Law.
2. Cornish William – Intellectual Property.

Reference Books:

1. Justice P. S. Narayana – Intellectual Property Law in India.
2. N. K. Acharya – Intellectual Property Rights.
3. Das J. K. - Intellectual Property Rights.
4. Ganguli – Intellectual Property Rights: Unleashed the knowledge economy.
5. Copinger & Skine James – Copyright .
6. Pal P. – Intellectual Property Rights in India.
7. Unni – Trade Mark, Design and Cyber Property Rights.
8. Elizabeth Verkey – Law of Plant Varieties Protection.

COURSE-III: OPTIONAL – V: WHITE COLLAR CRIMES (PRIVILEGED CLASS DEVIANCE)

Objectives:

This course focuses on the criminality of the privileged classes – the wielders of all forms of state and social power. The course focuses on the relation between privilege, power and deviant behaviour. The traditional approaches which highlight white collar offences, socio-economic offences or crimes of powerful deal mainly deal with the deviance of the economically resourceful. The dimension of deviance associated with the bureaucracy, the new rich, religious leaders and organisations, professional classes are to be addressed. In teaching this course, current developments in deviants reflected in press and media, law reports and legislative proceedings are to be focussed.

Course contents:

UNIT – I

Introduction - Concept of white collar crime – Indian approaches to socio-economic offences- forms of privileged class deviance – official deviance (Legislators, judges and bureaucrats), professional deviance, trade union deviants, land law deviance, upper class deviance, police deviance, gender based deviance, deviance by religious leaders and organisations.

UNIT - II

Official deviance; Prevention of Corruption Act, 1988.

UNIT - III

Police and politicians' deviance; N.N.Vorha Committee Report; Lokpal and Lokayukta institutions.

UNIT – IV

Professional deviance; Medical profession - The Lentin Commission Report; Legal profession – Opinions of Disciplinary Committee of Bar Council of India.

UNIT – V

Gender based deviance – sexual harassment; Offences against scheduled castes and scheduled tribes

Prescribed Books:

Edwin H. Sutherland- Criminology.

Ahmad Siddique. Criminology.

Reference Books:

Upendra Baxi- The Crisis of Indian Legal system.

Upendra Baxi- Law and Poverty.

Upendra Baxi- Liberty and Corruption.

A.R.Desai- Violation of Democratic Rights in India.

COURSE-IV OPTIONAL – VI: WOMEN AND CRIMINAL LAW & LAW RELATING TO CHILD

Objectives:

It is now for centuries that the women in India have suffered in the society. Even after 50 years of Adoption of the Constitution, for women, equality with man appears to be a distant mirage to be reached. Effective political representation of women in Legislature and other forums too has become a difficult proposition to be acceptable. Breach of her personality, through various forms of violence, too has not subsided. The course will Study, what are the legal provisions enacted to ameliorate these situations with special emphasis on Indian Municipal Law and what is the scope and shortcomings in the existing legal regime in this regard.

Course contents:

UNIT-I

Women in Pre-Constitution Period: Social and Legal Inequality; Social Reform Movement in India; Legislative response in India.

Women & children in Post-Constitution Period.

Provisions of Constitution of India

Preamble, Art.14, 15, 23, and Part IV

Legal Measures in relating to Child Labour

Women and Political Representation.

UNIT-II

Different Personal Laws- Unequal Position of Indian Women-Uniform Civil Code; Sex Inequality in Inheritance Rights: Right of Inheritance by birth for Sons and not for Daughters; Inheritance under Christian Law; Inheritance under Muslim Law; Matrimonial Property Law; Right of Women to be Guardian of her minor sons and daughters.

UNIT-III

Law of Divorce - Christian Law-Discriminatory Provision; Muslim Law- Inheritance divorce. Women and Social Legislation: Dowry Prohibition Law; Sex Determination Test, Law relating to Prevention of Immoral Trafficking in Women Act.

UNIT-IV

Women and Criminal Law: Adultery; Rape; Outraging the Modesty of Women; Kidnapping; Sati Prohibition Law; Law relating to Domestic Violence; Law relating Eve-Teasing; Indecent Representation of Women Act.

UNIT-V

Women and Employment: Factories Act- Provisions relating to women; Maternity Benefit Act; Equal Remuneration Act; Law Relating to Sexual Harassment at Working Place; N.C.W-Aims, Functions and Performance.

Prescribed Books:

1. Indu Prakash Singh- Women, Law and Social Change in India.
2. Paras Dewan- Dowry and Protection to Married Women.
3. S.P.Sathe- Towards Gender Justice.
4. Dwarka Nath Mitter- Position of Women in Hindu Law.
5. Shaukat Nasir- Muslim Women and their Rights.

Reference material:

1. Relevant Provisions of Constitution of India.
2. Relevant Provisions of Indian Penal Code.
3. S.125, Criminal Procedure Code.
4. National Commission on Women Act, 1990.
5. Matrimonial Property- Private Members Bill Introduced in Parliament.
6. Towards Equality- Report of Committee on the Status of Women (Govt. of India) Chapter IV and Section IV. General Conclusions and Recommendations.

COURSE-IV: OPTIONAL – VI: LAW RELATING TO INTERNATIONAL TRADE**Objectives:**

International trade has assumed great importance in 21st century and its regulation under law has become a necessity to prevent exploitation of the weaker people. A new legal regime to regulate international trade is emerging. Students of law should have understanding of these developments. This course is worked out to provide the future lawyers basic inputs in the area of international trade law.

Course contents:**UNIT I**

Historical perspectives of International Trade, Institutions – UNCTAD, UNCITRAL, GATT (1947-1994); World Trade Organization-Objectives, Structure, Power; Most Favored Nation Treatment and National Treatment; Tariffs and Safeguard measures.

UNIT II

Technical Barriers to Trade; Sanitary and Phyto- sanitary measures; Trade Related Investment Measures(TRIMs); Anti- Dumping, Subsidies and Countervailing Measures; Dispute Settlement Process.

UNIT III

International Sales of Goods Formation and Performance of International Contracts, Various Forms and Standardization of Terms; Acceptance and Rejection of Goods, Frustration of Contract, Invoices and packing, Product liability.

UNIT IV

Exports – Insurance of Goods in Transit; Marine Insurance and kinds; Law on Carriage of goods by sea, land and air, Container transport, Pre-Shipment Inspection; Licensing of Export and Imports.

UNIT V

Laws Governing Finance and Investments; Foreign Collaboration and Investment Policy; Foreign Direct Investment in Industries and Governing Policies; Foreign Institutional Investors (FIIs): Investment by Non-resident Indians (NRIs) and Overseas Corporate Bodies (OCBs); Foreign Collaboration Agreement- Foreign Technology Agreement; Foreign Companies and Foreign Nationals in India.

Prescribed Books:

1. Indira Carr- Peter Stone - International Trade Law.
2. Myneni S.R. - The World Trade Organization.
3. Clive M Schmitthoff- Export Trade: The Law and Practice of International Trade.
4. Rajiv Jain- Guide on Foreign Collaboration: Policies and Procedures.
5. C. Singhania- Foreign Collaborations and Investment in India: Law and Procedures.
6. Jayanta Bagachi – World Trade Organisation: An Indian Perspective, Eastern Law House

Note: The course teacher should down load the latest materials from the net and impart the information to the students.

COURSE-V: CLINICAL COURSE-IV: MOOT COURT EXERCISE AND INTERNSHIP**Objectives:**

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship. Each student enrolled in 3 year course shall undergo an internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO, trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions, law firms, companies, local self government and other such bodies as the university may stipulate. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

Course contents:

Moot Court (30 marks)

- 1.1 Each student shall participate in at least 3 moot courts. Each Moot court exercise shall carry 10 marks, which shall be divided as under:
 - for oral advocacy: 5 marks, and
 - Written submission: 5 marks.
- 1.2 The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course teacher.
- 1.3 The written submissions for the three moot courts shall be neatly written on one side of the bond size papers and bound together with a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned student.
- 1.4 The cover shall indicate the name of the examination, subject, seat number and the center code number.

Observation of Trial (30 marks)

- 1.1 Each student shall attend trial in two cases one civil and one criminal in the course of last to or three years.
- 1.2 The student shall maintain a record and enter the various steps observed during their attendance on different days in the court.
- 1.3 The record shall be neatly written on one side of the bond size paper and bound. It will carry a certificate by the course teacher and principal to the effect that it is the bonafide work of the concerned student.
- 1.4 The record shall be valued for 30 marks.
- 1.5 The cover page shall indicate the name of the examination, subject, seat number and the center code number.

Client Interviewing (30 marks)

Each student shall observe two session of client interviewing at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which shall carry 15 marks.

Each student shall further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This shall be recorded in a diary, which shall carry 15 marks.

The Diaries shall be neatly written on one side of bond size papers and bound with a certificate signed by the course teacher and the Principal to the effect that it is the bonafide work of the concerned student.

The cover page of thee diary shall indicate the name of the examination, subject, seat number, and the center code number.

Viva (10 marks)

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

Method of assessment: The submissions of Moot courts shall be valued by the course teacher. The diaries relating to trial observation and client interviewing and pre-trial preparations shall be valued by the professional under whose supervision the student has completed internship and the course teacher if it is so planned. If internship is with an Authority wherein trial observation and client interviewing is not possible, the student shall undertake these exercises separately and it shall be evaluated by the course teacher. The viva shall be conducted by the Principal of the college and the course teacher.