

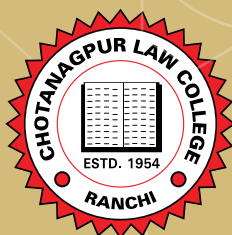
CHOTANAGPUR LAW COLLEGE

A B⁺⁺ NAAC Accredited Institution

Nyay Vihar Campus, Namkum, Ranchi

Established - 1954

Permanent Affiliation by : Ranchi University, Ranchi & The Bar Council of India, New Delhi



धर्मो विश्वस्य जगतः प्रतिष्ठा।
लोके धर्मिष्ठं प्रजा उपसर्पन्ति।
धर्मेण पापमपनुदति।
धर्मे सर्व प्रतिष्ठितम्।
तस्माद्धर्म परमं वदन्ति।

REGULATION-cum-SYLLABUS

For Three Years LL.B Degree Program with Semester System

The Oldest and Prime Institute
Imparting Legal Education in the State of Jharkhand Since 1954



Regulation Governing three years LL.B. course with Semester System of examination of Ranchi University.

(As amended update)

1. Title and Commencement

- (a) These regulations shall be called the regulation governing the three year Bachelor degree in law (LL.B.) with Semester System of examination.
- (b) These regulations shall come into force from the academic session 2001-2002 of LL.B. Part – I.

2. Eligibility for admission and pattern of selection

A graduate of a University or who possess such academic qualifications which are considered equivalent to a graduate degree of a University by the Bar Council of India who has obtained minimum 45% marks in Bachelor degree in any faculty is eligible to appear in the Entrance Test for admission in LL.B. Part-I. Relaxation of 5% of marks may be granted in favour of Scheduled Caste/Scheduled Tribes students in qualifying examination for entrance examination. The programme for the admission test be published by 1st week of April, the Entrance Test be conducted by 1st Sunday of July and the result of Entrance Test be published by the 3rd week of July and the classes will be commence from 1st August.

3. Duration of the Programme

The duration of course, shall be of three academic years divided in Six Semesters and styled as LL.B.: Part-Ist, IInd & IIIrd and also Ist, IInd, IIIrd, IVth, Vth and VI semester. To clear Part-I student has to pass University exam of Ist and IInd semester, to clear Part-II student has to pass IIIrd and IVth semester and to clear Part-III student has to pass Vth and VIth semesters including aggregare of pass marks in all the previous semesters. However a student is not prohibited to take admission in LL.B. Part-IInd or IIIrd without passing the University exam of Ist and IInd semester and/or without passing IIIrd and IVth semester.

4. Medium

The medium of instruction and examination shall be English/Hindi.

5. Subjects of Study

(Each paper shall carry 50 marks including internal assessment of 10 marks)

(LL.B. Part – I)

Semester – I & II

1. Jurisprudence
2. Contract- I
3. Contract- II
4. Family Law-I (Hindu Law)
5. Family Law-II (Mohmmaden Law)
6. Law of crimes (Bharatiya Nyaya Sanhita 2023)



7. Constitutional Law
8. Legal Writing (Including General English)
9. Human Rights & International law

(LL.B PART-II)

Semester- III & IV

Each theory paper shall carry 50 marks including 10 marks of internal assessment. The practical paper shall carry 100 marks.

A. Theory papers:

1. Environmental Law.
2. Land Laws (including Ceiling & Local Laws).
3. Bharatiya Nagarik Suraksha Sanhita, Juvenile Justice Act 2016 & Probation of Offenders Act 1958 (as amended update)
4. Property Law (including Transfer of Property Act & Easement Act).
5. Administrative Law.
6. Company Law.
7. Legal History.

B. Practical paper:

8. Practical Training – I (Professional Ethics, Accountancy for lawyers and Bar Bench relations)
 - (a) Written examination - 50 marks
 - (b) Practical Training & Field Work - 30 marks
 - (c) Viva- Voce - 20 marks

(LL.B. Part – III)

Semester – V & VI

A. Theory papers:

1. Law of Evidence.
2. Tort & Consumer Protection Laws.
3. Civil Procedure Code & Limitation Act.
4. Arbitration, Conciliation & Alternative Dispute Resolution Systems.
5. Labour Law.
6. Interpretation of Statutes.
7. OPTIONAL PAPERS
8. (Any two of the following & that will be treated as paper 7th and 8th)
Taxation Law, Law & Medicine, Criminology, Penology Law & Intellectual Property Right.



B. Practical paper:

8. Practical Training – I (Moot Court Pretrial preparation and participation in Trial Proceedings).

- | | | | |
|-----|---------------------------------|---|----------|
| (a) | Written examination | - | 45 marks |
| (b) | Practical Training & Field Work | - | 45 marks |
| (c) | Viva-Voce | - | 10 marks |

6. Hours of classes per week

Forty hours lectures shall be allotted for each paper. Each lecture shall be of one hour duration. Atleast 3 hours lectures per wee will be devoted for each paper. Classes of Ist, Illrd and Vth semester shall start from 1st August and IInd, IVth and VI semester shall start from the nest day of Ist, Illrd and Vth semester examinations respectively.

7. Attendance

A candidate shall be required to attend at least 75% of the classes actually held to be eligible to fill up the form for the examination.

8. Scheme of Examination

The examination of Ist, Illrd and Vth semester shall commence in the first week of December each year and the examination of IInd, IV the VI semester shall commence in the 1st week of May every yar. Internal assessment shall be based on mid term, internal examination, attendance and home work etc. The scheme of internal assessment will come into force for the students admitted in LL.B. 2002-2003 and also for the students admitted in Illrd Semester in the session 2002-2003.

9. Results of Examination

Results of each semester examination shall be declared within six weeks of conclusion of the respective semester examination. The students waiting their results shall be allowed to attend classes on provisional basis in next ensuing semesters.

10. Minimum Pass Marks

- (a) No candidate shall be declared to have passed the LL.B. examination, unless he/she obtains minimum 33% marks in each theory paper separately. In practical papers also only those students shall be declared to have passed who obtains 33% marks in fieldwork including written portion. Student has to pass Viva-Voce examination separately. The candidate shall be required to obtain at least 45% marks in aggregate taking theory and practical papers together in each semester for being declared to have passed the examination. A candidate securing 5 marks less than pass papers either in theory paper or practical paper or aggregate shall be declared to have passed the examination under regulation. This regulation will be availed by a candidate only once in all six semester examinations.
- (b) No candidate shall be admitted to examination of Illrd semester (LL.B.IInd year) unless he/she has completed the course of Illrd semester and passed at least 50% of the subjects of Ist & IInd semesters. Similarly, no candidate shall be admitted to Vth semester examination unless he/she has completed the course of IVth semester and passed 50% of the subjects of Illrd & IV semester examination put together.



- (c) The maximum period of completing the year LL.B. programme shall be double the duration stipulated for the programme reckoned from the year of admission. The term completing the programme means passing all the prescribed examination of the programme to become eligible for the degree. No candidate shall be permitted to appear for the examination after the expiry of maximum period prescribed for completing the programme.

A student who has failed in any semester examination shall be exempted from appearing in the subjects in which he/she has obtained at least 45% marks.

(d) **Scheme of the Examination**

1st Semester

Papers	Subjects	Hours	Written exam	Internal assessment	Total
1	Jurisprudence	3	40	10	50
2	Contract-I	"	"	"	"
3	Contract-II	"	"	"	"
4	Family – I	"	"	"	"
5	Family – II	"	"	"	"
6	Law of Crimes (Bhartiye Nyay Sanhita 2023)	"	"	"	"
7	Constitutional Law	"	"	"	"
8	Legal Writing (Including General English)	"	"	"	"
9	Human Rights & International Law	"	"	"	"

IIInd Semester

Papers	Subjects	Hours	Written exam	Internal assessment	Total
1	Jurisprudence	3	40	10	50
2	Contract-I	"	"	"	"
3	Contract-II	"	"	"	"
4	Family – I	"	"	"	"
5	Family – II	"	"	"	"
6	Law of Crimes (Bhartiye Nyay Sanhita 2023)	"	"	"	"
7	Constitutional Law	"	"	"	"
8	Legal Writing (Including General English)	"	"	"	"
9	Human Rights & International Law	"	"	"	"

**IIIrd Semester**

Paper	Subjects	Hours	Written exam	Internal Assessment	Viva Voce	Total
1	Environmental Law	3	40	10		50
2	Land Laws	"	"	"		"
3	Bharatiya Nagarik Suraksha Sanhita & Juvenile Justice Act 2016 (as amended update)	"	"	"		"
4	Property Law	"	"	"		"
5	Administrative Law	"	"	"		"
6	Company Law	"	"	"		"
7	Legal History	"	"	"		"
8	Practical Training-I	3	50	30 (Field Work, Preparation of Case Diary)	20	100

IVth Semester

Paper	Subjects	Hours	Written exam	Internal Assessment	Viva Voce	Total
1	Environmental Law	3	40	10		50
2	Land Laws	"	"	"		"
3	Bharatiya Nagarik Suraksha Sanhita & Probation of Offenders Act 1958 (as amended update)	"	"	"		"
4	Property Law	"	"	"		"
5	Administrative Law	"	"	"		"
6	Company Law	"	"	"		"
7	Legal History	"	"	"		"
8	Practical Training-II	3	50	30 (Field Work, Preparation of Case Diary)	20	100

Vth Semester

Paper	Subjects	Hours	Written exam	Internal Assessment	Viva Voce	Total
1	Law of Evidence	3	40	10		50
2	Torts & Consumer Protection Laws	"	"	"		"
3	Civil Procedure Code & Limitation Act	"	"	"		"
4	Arbitration Conciliation Alternative Dispute Resolution System	"	"	"		"
5	Labour Law	"	"	"		"
6	Interpretation of Statutes	"	"	"		"
7	Optional paper (any two of the followings)					100



Paper	Subjects	Hours	Written exam	Internal Assessment	Viva Voce	Total
8	Law of Taxation, Criminology and Penology Law, Law and Medicine, & Intellectual property rights	"	"	"		"
9.	Practical Training - I	3	45	45 (Field Work, Preparation of Case Diary)	10	100

Vlth Semester

Paper	Subjects	Hours	Written exam	Internal Assessment	Vivo Voce	Total
1	Law of Evidence	3	40	10		50
2	Torts & Consumer Protection Laws	"	"	"		"
3	Civil Procedure Code & Limitation Act	"	"	"		"
4	Arbitration Conciliation Alternative Dispute Resolution System	"	"	"		"
5	Labour Law	"	"	"		"
6	Interpretation of Statutes	"	"	"		"
7	Optional paper (any two of the followings)					
8	Law of Taxation, Criminology and Penology Law, Law and Medicine, & Intellectual property rights	"	"	"		"
9.	Practical Training - II	3	45	45 (Field Work, Preparation of Case Diary)	10	100

(e) Classification of Candidates

Second Class: The candidate who obtained at least 45% marks and less than 60% marks in aggregate.

First Class: The candidate who has passed the whole examination obtaining 60% marks in aggregate but less than 75% marks.

Ranks: Ranks shall be declared only after passing VIth semester taking together examination of all the six semesters.



**Syllabus of LL.B
Three Years Degree Program
(Semester System)**



CHOTANAGPUR LAW COLLEGE

Programme Specific Outcomes (PSOs) for the UG Course (3 years LL.B program):

The program will help students cultivate the ability to:

- Acquire legal knowledge from various disciplines and professions to equip them to perform various roles of a professional lawyer beyond the traditional role of litigation linking their domain knowledge to legal profession.
- Gain hands on experience in legal knowledge, skills, ethics and values to be able to work in a fast-changing India set in a deglobalizing world by learning law in a profound way in response to contemporary developments
- Resolve the legal problems with the correct application of law.
- Deploy IT skills to use the electronic resources to find the legal information.
- Appreciate the role of lawyers in justice education in a globalizing world sensitive to the needs of sustainability, poverty, and vulnerability.
- Acquaint with the institutions of the legal systems including national, regional, international, and multiple aspects of dispute resolution, with intellectual integrity, critical thinking, and as practice-ready lawyers.
- Reflect on their values, learning and performance as these relate to their responsibilities as professionals to continuously learn, evolve and achieve self-fulfilment.
- Appreciate the role of the legal profession in fostering justice and diversity through leadership, public service, and community development.
- Demonstrate good judgment consistent with the legal profession's ethics, values and duties to clients, legal system, and society. They will be able to accurately articulate law governing lawyers and ethical rules and values of the legal profession.
- Accurately identify relevant legal issues raised by a set of facts, including conflicting rules and rules synthesized from multiple authorities pertinent to the issue.
- Effectively conduct legal research, investigate, advocate, collaborate and communicate with a variety of audiences.
- Apply ethical principles and commit to legal professional ethics, responsibilities, and norms of the established legal practices.

IMPORTANT NOTE:

1. The topics, cases and suggested readings given below are not exhaustive. The Committee of teachers teaching the Course shall be at liberty to revise the topics/cases/suggested readings.
2. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books.



LL.B PART-I

PAPER-I : JURISPRUDENCE

Full Marks: 50 (Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Jurisprudence is a fundamental subject in legal education, forming the philosophical foundation of law. This course introduces students to various jurisprudential concepts, theories, and schools of thought. It aims to provide students with a comprehensive understanding of the evolution of legal systems and the interplay between law and other social sciences such as psychology, history, sociology, and economics. The study of jurisprudence enables students to develop a pragmatic approach to the law and understand its practical applications in society.

2. COURSE OBJECTIVES

1. To introduce students to the basic principles and foundational concepts of jurisprudence.
2. To develop an analytical understanding of different schools of legal thought.
3. To enhance the ability of students to critically analyze legal concepts and their relevance.
4. To trace the historical development of law and its application in contemporary societies.
5. To familiarize students with the role of Dharma as a source of law in both personal and public legal spheres.
6. To instill in students an appreciation of the relationship between law and moral values.

3. COURSE OUTCOMES

By the end of this course, students will:

1. Understand the meaning, nature, and significance of jurisprudence.
2. Gain insights into different schools of jurisprudence and their contributions to legal thought.
3. Analyze the essential elements and functions of the state in relation to law.
4. Comprehend the concept of justice and its various theories.
5. Explore the sources of law, including legislation, precedents, and customs.
6. Recognize the significance of legal concepts such as person, rights, duties, ownership, and possession.
7. Develop a critical perspective on the relation between law and morals.
8. Appreciate the influence of Dharma in shaping legal systems.



4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. Jurisprudence:

- ◆ **Meaning, Definition, Nature, Purpose, Subject Matter, and Importance**
- ◆ **Concept of Dharma and legal system in Ancient India and comparison with other major legal systems of the world**

Case Laws:

- *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461
- *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321

Recommended Readings:

- Fitzgerald, P.J., *Salmond on Jurisprudence*, 12th ed., Sweet & Maxwell, 1966.
- Bodenheimer, Edgar, *Jurisprudence: The Philosophy and Method of Law*, Harvard University Press, 1962.
- Derrett, J. Duncan M., *Religion, Law and the State in India*, Faber & Faber, 1968.
- Austin, John, *The Province of Jurisprudence Determined*, Cambridge University Press, 1832.
- Kane, P.V., *History of Dharmasastra*, Vol. 1-5, Bhandarkar Oriental Research Institute, 1930-1962.
- Lingat, Robert, *The Classical Law of India*, University of California Press, 1973.
- Lariviere, Richard, *Dharmaśāstra and the History of Indian Law*, Variorum, 1997.
- Derrett, J. Duncan M., *Essays in Classical and Modern Hindu Law*, Brill, 1976.

II. Schools of Jurisprudence:

- ◆ **Analytical**
- ◆ **Historical**
- ◆ **Natural Law**
- ◆ **Sociological**
- ◆ **Realistic**
- ◆ **Marxist**

Case Laws:

- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597
- *R v. Dudley and Stephens*, (1884) 14 QBD 273 DC

Recommended Readings:



- Dias, R.W.M., *Jurisprudence*, 5th ed., Butterworths, 1985.
- Paton, G.W., *A Textbook of Jurisprudence*, Oxford University Press, 1951.
- Pound, Roscoe, *Interpretations of Legal History*, Cambridge University Press, 1923.
- Marx, Karl, and Friedrich Engels. *The Communist Manifesto*. Translated by Samuel Moore, edited with an introduction by David McLellan, Oxford University Press, 2008
- Marx, Karl. *Capital: A Critique of Political Economy*, Vol. I. Translated by Samuel Moore and Edward Aveling, edited by Friedrich Engels, Progress Publishers, 1887.

III. State:

◆ Essentials and Functions of the State

Recommended Readings:

- Laski, Harold J., *A Grammar of Politics*, George Allen & Unwin, 1925.
- Locke, John, *Two Treatises of Government*, Cambridge University Press, 1689.
- Rousseau, Jean-Jacques, *The Social Contract*, Penguin Classics, 1762.

IV. Concept of Justice:

◆ Nature, Purpose, and Different Theories of Justice

Case Law:

- *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299

Recommended Readings:

- Nozick, Robert, *Anarchy, State, and Utopia*, Basic Books, 1974.
- Sen, Amartya, *The Idea of Justice*, Harvard University Press, 2009.

SEMESTER-II

I. Nature and Sources of Law:

- ◆ Legislation
- ◆ Precedent
- ◆ Customs

Case Law:

- *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945

Recommended Readings:

- Hart, H.L.A., *The Concept of Law*, 2nd ed., Oxford University Press, 1994.
- Stone, Julius, *Social Dimensions of Law and Justice*, Maitland Publications, 1966.
- Pound, Roscoe, *Jurisprudence*, West Publishing Co., 1959.



II. Legal Concepts:

- ◆ Person
- ◆ Rights
- ◆ Duties
- ◆ Ownership
- ◆ Possession

Case Law:

- *I.R. Coelho v. State of Tamil Nadu*, AIR 2007 SC 861

Recommended Readings:

- Dias, R.W.M., *Jurisprudence*, 5th ed., Butterworths, 1985.
- Bentham, Jeremy, *An Introduction to the Principles of Morals and Legislation*, Oxford University Press, 1789.

III. Relation between Law and Morals

Case Laws:

- *The Grudge Informer Case*
- *R v. Dudley and Stephens*, (1884) 14 QBD 273 DC
- *S.R. Bommai v. Union of India*, AIR 1994 SC 1918
- *Shaw v. Director of Public Prosecutions* [1962] AC 220 (HL)

Recommended Readings:

- Hart, H.L.A., *Law, Liberty, and Morality*, Oxford University Press, 1963
- Devlin, Patrick, *The Enforcement of Morals*, Oxford University Press, 1965
- Vega Gomez, J. (2014). The Hart-Fuller Debate. *Philosophy Compass*
- Cane, P. (2006). Taking Law Seriously: Starting Points of the Hart/Devlin Debate. *The Journal of Ethics*
- Shapiro, S. J. (2007). The Hart-Dworkin Debate: A Short Guide for the Perplexed

IV. Role of Dharma as a Source of Law in Personal and Public Law

Case Law:

- *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75

Recommended Readings:

- Kane, P.V., *History of Dharmasastra*, Vol. 1-5, Bhandarkar Oriental Research Institute, 1930-1962.
- Lingat, Robert, *The Classical Law of India*, University of California Press, 1973.
- Jois, M. Rama. *Legal and Constitutional History of India: Ancient, Judicial and Constitutional System*. Universal Law Publishing, 2004.



PAPER-II: CONTRACT-I

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The course will acquaint the students with fundamental concepts of law relating to contracts. They will study the Indian statutes specifically relating to contracts and learn to analyze the legal provisions through case laws and reference materials. Additionally, they will examine the practical applications of contract law and the Specific Relief Act.

2. COURSE OBJECTIVES

1. To introduce students to the basic principles governing contracts.
2. To develop an understanding of the essential elements and classifications of contracts.
3. To enhance the ability to analyze contractual provisions through judicial interpretations.
4. To familiarize students with the remedies available under contract law and the Specific Relief Act.
5. To instill an understanding of the enforcement and discharge of contractual obligations.

3. COURSE OUTCOMES

By the end of this course, students will:

1. Understand the fundamental principles and legal framework of contract law.
2. Develop the ability to analyze and interpret contract provisions.
3. Evaluate the role of courts in enforcing contracts.
4. Identify key legal issues in contract formation and performance.
5. Gain knowledge of specific remedies and quasi-contractual obligations.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. Definitions, Elements, and Kinds of Agreement and Contract:

- ♦ **Meaning and features of Proposal, Revocation, and Acceptance.**

Case Laws:

- *Carlill v. Carbolic Smoke Ball Co.* (1893) 1 QB 256 – Established unilateral contracts and the significance of advertisements as offers.
- *Harvey v. Facey* (1893) AC 552 – Clarified the distinction between an offer and an invitation to treat.
- *Balfour v. Balfour* (1919) 2 KB 571 – Differentiated between social agreements and legally binding contracts.



- *Jones v. Padavatton* (1969) All E.R. 616
- *Lalman Shukla v. Gauri Dutt* (1913) 11 ALJ 489 – Discussed acceptance in reward-based agreements.
- *Pharmaceutical Society of Great Britain v. Boots Cash Chemists Ltd* (1952) 2 QB 795
- *Felthouse v. Bindley* (1863) 7 L.T. 835
- *Powell v. Lee* (1908) 99 L.T. 284
- *Dunlop v. Higgins* (1848) 1 H.L.C 381
- *Bhagwandas v. Girdharilal* A.I.R 1966 S.C. 543

II. Consideration:

- ♦ **Meaning, features, past, present & future consideration, exceptions.**

Case Laws:

- *Chappell & Co. Ltd. v. Nestle Co. Ltd.* (1960) AC 87 – Established that even trivial consideration holds legal value.
- *Currie v. Misa* (1875) LR 10 Ex 153 – Defined consideration as involving benefit and detriment.
- *Durga Prasad v. Baldeo* (1880) 3 All. 221
- *Chinnaya v. Ramaya* (1882) 4 Mad. 137
- *Dunlop Pneumatic Tyre Co. Ltd v. Selfridge & Co. Ltd.* (1915) A.C. 847
- *Kedar Nath v. Gorie Mohammad I.L.R* (1887) 14 Cal. 64

III. Capacity to Contract:

- ♦ **Incapacity due to status and mental defects, minor's agreement.**

Case Laws:

- *Mohori Bibee v. Dharmodas Ghose* (1903) ILR 30 Cal 539 – Held that a contract with a minor is void ab initio.
- *Ajudhia Prasad v. Chandan Lal* A.I.R. 1937 All. 610
- *Leslie Ltd. v. Sheill* (1914) 3 KB 607– Discussed fraudulent misrepresentation by minors in contract law.

IV. Free Consent:

- ♦ **Coercion: Meaning, definition, essential elements, effect of coercion**
- ♦ **Undue influence, Misrepresentation, misrepresentation of law & law and fact,**
- ♦ **Fraud**
- ♦ **Mistake kinds of mistake, mistake of law and fact, when does a mistake vitiate free consent and does not.**



Case Laws:

- *Raffles v. Wichelhaus* (1864) 2 H & C 906 – Highlighted the impact of mutual mistake on contract validity.
- *Derry v. Peek* (1889) 14 App Cas 337 – Established that fraud requires intentional deceit

V. Legality of Objects & Void Agreements:

- ◆ Lawful and unlawful considerations and objects.
- ◆ Void, Voidable, Illegal and Unlawful agreement, and their effects.

Case Laws:

- *Gherulal Parakh v. Mahadeodas Maiya* AIR 1959 SC 781 – Discussed agreements opposed to public policy.
- *Satyabrata Ghose v. Mugneeram Bangur & Co.* AIR 1954 SC 44 – Addressed the doctrine of frustration and impossibility of performance.

VI. Wagering and Contingent Contracts:

Case Laws:

- *Gopal Krishna v. Mohd. Jagannath* (1955) 1 MLJ 38 – Explained wagering contracts and their enforceability.
- *Fateh Chand v. Balkishan Das* AIR 1963 SC 1405 – Discussed the validity of liquidated damages clauses in contracts. Part Performance and Anticipatory Breach of Contract

Case Laws:

- *Hochster v. De La Tour* (1853) 2 E & B 678 (Established the principle of anticipatory breach of contract.)
- *Frost v. Knight* (1872) LR 7 Exch 111 (Clarified remedies available in case of anticipatory breach.)

Recommended Books:

- Sir Dinshaw Fardunji Mulla & Sir Frederick Pollock, *The Indian Contract Act* (LexisNexis, 14th ed. 2022).
- J. Beatson, A. Burrows & J. Cartwright, *Anson's Law of Contract* (Oxford Univ. Press, 31st ed. 2020).
- G.C. Cheshire, C.H.S. Fifoot & M.P. Furmston, *Cheshire, Fifoot & Furmston's Law of Contract* (Oxford Univ. Press, 17th ed. 2017).
- Avtar Singh, *Law of Contract and Specific Relief* (Eastern Book Co., 13th ed. 2023).



SEMESTER-II

PART A (24 Marks)

I. Discharge of Contract-Modes:

- ◆ Discharge by Performance
- ◆ Discharge by Agreement
- ◆ Discharge by Breach
- ◆ Discharge by Impossibility.

Case Laws:

- *Taylor v. Caldwell* (1863) 3 B & S 826 – Established the doctrine of frustration, ruling that a contract is discharged if an essential condition of performance becomes impossible due to unforeseen circumstances.
- *Krell v. Henry* (1903) 2 KB 740 – Held that a contract is frustrated if the primary purpose is defeated due to an unforeseen event, even if performance is physically possible.
- *Satyabrata Ghose v. Mugneeram A.I.R.* 1954 S.C. 47

II. Quasi-Contract:

Legal obligations without contract.

Case Laws:

- *Moses v. Macferlan* [1760], 97 Eng. Rep. 676 (2 Burr. 1005)
- *State of West Bengal v. B.K. Mondal & Sons* AIR 1962 SC 779 – Recognized quasi-contractual liability where benefits are received under a void contract, requiring restitution.
- *East India Hotels Ltd. v. Syndicate Bank* AIR 1992 SC 656 – Affirmed that a party receiving an unjust benefit must compensate the rightful owner, even without an express contract
- *Damodar Mudaliar v. Secretary of State for India* I.L.R (1895) 18 Mad 88

III. Remedies for Breach of Contract under Indian Contract Act, 1872

Case Laws:

- *Hadley v. Baxendale* (1854) 9 Exch 341 – Established the principle that damages for breach of contract are limited to losses that arise naturally from the breach or were contemplated by both parties.
- *Victoria Laundry v. Newman Industries* (1949) 2 KB 528 – Clarified that only reasonably foreseeable losses can be claimed as damages, distinguishing between normal and special damages.
- *Simpson v. London & North Western Railway Co.* (1876) 1 Q.B.D 274



PART B (16 Marks)

IV. Specific Relief Act, 1963:

Specific performance, injunctions, declaratory decrees.

Case Laws:

- *Ardeshir H. Mama v. Flora Sassoon* (1928) 30 BOMLR 1403 – Held that specific performance may be granted when monetary compensation is inadequate and enforcement is fair.
- *K. Narendra v. Riviera Apartments (P) Ltd.* (1999) 5 SCC 77 – Reiterated that courts have discretion in granting specific performance, considering the fairness and feasibility of enforcing the contract.

Recommended Books:

1. Sir Dinshaw Fardunji Mulla & Sir Frederick Pollock, *The Indian Contract Act* (LexisNexis, 14th ed. 2022).
2. J. Beatson, A. Burrows & J. Cartwright, *Anson's Law of Contract* (Oxford Univ. Press, 31st ed. 2020).
3. G.C. Cheshire, C.H.S. Fifoot & M.P. Furmston, *Cheshire, Fifoot & Furmston's Law of Contract* (Oxford Univ. Press, 17th ed. 2017).
4. Avtar Singh, *Law of Contract and Specific Relief* (Eastern Book Co., 13th ed. 2023).

आज़ादी

अमृत महोत्सव



PAPER-III: CONTRACT-II

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. INTRODUCTION

This course builds upon the foundational knowledge of contract law introduced in Contract-I. It delves into special contracts governed by statutory provisions and judicial precedents. The study of the Indian Contract Act, Indian Partnership Act, and Sale of Goods Act will enable students to analyze commercial transactions and contractual obligations essential in various industries such as petroleum, mining, transportation, and power.

2. COURSE OBJECTIVES

1. To understand the principles governing special contracts.
2. To analyze the statutory framework of partnership and sale of goods contracts.
3. To develop a comprehensive understanding of contracts related to indemnity, guarantee, bailment, pledge, and agency.
4. To explore the judicial interpretations and their impact on the application of contract law.
5. To enhance practical knowledge on contract drafting and enforcement.

3. COURSE OUTCOMES

By the end of this course, students will:

1. Comprehend the legal framework governing special contracts.
2. Evaluate different types of contractual relationships and their legal implications.
3. Analyze relevant case laws that define and interpret contractual obligations.
4. Develop an understanding of remedies available for breach of contract.
5. Gain knowledge of the evolving jurisprudence on contract law in the digital age.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

GROUP A: THE INDIAN PARTNERSHIP ACT, 1932 (32 Marks)

- Definition, Nature, and Essentials of Partnership.
- Mode of determination of the existence of a partnership, Relation of partners inter se, Relation of partners with third parties.
- Position of a minor in relation to a partnership firm.
- Partner by holding out, Incoming and outgoing partners – meaning, Rights, and duties.
- Registration and effects of non-registration of a partnership firm.
- Dissolution of a partnership firm.



Case Laws:

- *Cox v. Hickman*, (1860) 8 HL Cas 268. (clarified that creditors managing a failing business for debt recovery do not automatically become partners, thereby limiting liability under partnership law.)
- *Mysore Sugar Co. Ltd. v. Manohar Rao*, AIR 1969 SC 1088. (reaffirmed that mere contractual agreements for mutual benefits do not constitute a partnership unless there is a clear intention to form one.)
- *Champaran Cane Concern v. State of Bihar*, AIR 1963 SC 1737. (clarified the difference between internal transactions within a partnership and external commercial dealings, influencing tax and regulatory laws in partnership businesses.)
- *Purushottam v. Shivraj Fine Art Litho Works*, AIR 2007 SC 2930. (reinforced that arbitration clauses in partnership agreements are enforceable, making dispute resolution within partnerships more structured and legally valid.)

Recommended Readings:

Books:

- Pollock & Mulla, *The Indian Partnership Act* (7th ed., LexisNexis 2010).
- Avtar Singh, *Law of Partnership* (4th ed., Eastern Book Company 2000).
- S. T. Desai, *The Law of Partnership in India and Pakistan* (5th ed., N. M. Tripathi Pvt. Ltd. 1990).

Journals:

- Madhusudan Saharay, Partnership and Sales of Goods Laws, 52(4) Journal of the Indian Law Institute 567 (2010). (This article offers a comprehensive discussion on the provisions of the Indian Partnership Act, 1932, and the Sale of Goods Act, 1930, highlighting key judicial interpretations.)
- Anil Kumar, Dissolution of Partnership Firm: A Legal Perspective, 45(3) Journal of Business Law 234 (2009). (This paper examines the legal procedures and implications involved in the dissolution of partnership firms under Indian law.)
- R. K. Gupta, Minor's Position in Partnership Law: An Analytical Study, 40(2) Indian Bar Review 89 (2013). (An analytical study focusing on the legal status and rights of minors in partnership firms as per the Indian Partnership Act, 1932.)

GROUP B: THE SALE OF GOODS ACT, 1930 (8 Marks)

- Contract of sale - Sale & Agreement to sell, Distinction between Sale and Agreement to Sell.
- Conditions and Warranties.
- Caveat Emptor.

Case Laws:

- *Varley v. Whipp*, (1900) 1 QB 513.
- *Balmoral Group Ltd. v. Borealis (UK) Ltd.*, (2006) EWHC 385 (Comm).
- *Kadarnath v. Gorie Mohammad*, ILR (1886) 8 All 679.



Recommended Readings:

- Pollock & Mulla, *The Sale of Goods Act*, LexisNexis.
- Avtar Singh, *Law of Sale of Goods*, Eastern Book Company.

SEMESTER-II

PART A: SPECIFIC CONTRACTS (32 Marks)

- Contract of Indemnity: Definition, nature, and scope, Rights of indemnity-holders, Commencement of the indemnifier's liability.
- Contract of Guarantee: Definition, nature, and scope, Difference between Contract of Indemnity and Contract of Guarantee, Rights and Liabilities of Surety, Discharge of Surety.
- Bailment: Definition and Essentials, Rights & Duties of Bailor and Bailee.
- Pledge: Definition, Difference between Pledge and Bailment, Rights of Pawnor and Pawnee, Pledge by a person other than the owner.
- Agency: Definition, Requisites, Creation of Agency, Rights and Duties of an Agent, Relation of Principal with Third Parties, Personal Liability of an Agent, Termination of Agency.

Case Laws:

- Adamson v. Jarvis, (1827) 4 Bing 66.
- Bharat Petroleum Corp. Ltd. v. Great Eastern Shipping Co. Ltd., (2008) 1 SCC 503.
- State Bank of India v. Mula Sahakari Sakhar Karkhana Ltd., AIR 2006 SC 2360.
- Lloyd v. Grace, Smith & Co., (1912) AC 716.

Recommended Readings:

- Cheshire, Fifoot & Furmston, *Law of Contract*, Oxford University Press.

PART B: SALE OF GOODS ACT CONTINUED (8 Marks)

- Passing of Property.
- Transfer of Title.
- Rights of an Unpaid Seller.

Case Laws:

- Rowland v. Divall, (1923) 2 KB 500.
- Niblett v. Confectioners' Materials Co., (1921) 3 KB 387.
- J. K. Enterprises v. State of Madhya Pradesh, AIR 1965 MP

Recommended Readings:

- Pollock & Mulla, *The Sale of Goods Act*, LexisNexis.
- Avtar Singh, *Law of Sale of Goods*, Eastern Book Company.



PAPER-IV: FAMILY LAW-I (HINDU LAW)

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

This course aims to create awareness and educate students about the rights and duties of family members, particularly spousal relationships, within Hindu law. It provides an overview of current legal frameworks governing marriage, divorce, maintenance, adoption, guardianship, succession, and inheritance. Additionally, the course offers practical exposure through visits to Family Courts, Mediation, and Conciliation Centres.

2. COURSE OBJECTIVES

By the end of this course, students will:

1. Gain a foundational understanding of Hindu family law principles.
2. Develop an in-depth knowledge of the legal framework governing marriage, divorce, and maintenance.
3. Analyze case laws and legal precedents concerning matrimonial disputes.
4. Familiarize themselves with the rules of inheritance and succession.
5. Engage in practical learning experiences through field visits to courts and mediation centers.

3. COURSE OUTCOMES

Upon successful completion, students will:

1. Comprehend the key provisions of Hindu family law.
2. Develop analytical skills to examine legal disputes in matrimonial cases.
3. Understand the evolving nature of Hindu law through judicial interpretations.
4. Gain knowledge of inheritance laws and succession principles under Hindu law.
5. Be equipped for professional roles in legal practice, research, and policymaking related to family law.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. Sources and Schools of Hindu Law

Sources:

- Ancient sources: *Shruti, Smriti, Commentaries, and Customs*
- Modern sources: *Legislation, Precedents, Customs*

Schools: *Mitakshara and Dayabhaga*



II. Marriage and Kinship

- ◆ Essentials of a valid Hindu marriage under the *Hindu Marriage Act, 1955*
- ◆ Void and voidable marriages

III. Matrimonial Remedies

- ◆ Nullity of marriage
- ◆ Restitution of conjugal rights
- ◆ Judicial separation
- ◆ Divorce under the *Hindu Marriage Act, 1955*

Case Laws:

- *T. Sareetha v. T. Venkata Subbaiah*, AIR 1983 AP 356 – Restitution of conjugal rights and personal liberty.
- *Naveen Kohli v. Neelu Kohli*, (2006) 4 SCC 558 – Breakdown of marriage as a ground for divorce.

IV. Legitimacy and Guardianship

- Legal status of children
- Adoption under the *Hindu Adoption and Maintenance Act, 1956*
- *Hindu Minority and Guardianship Act, 1956*

Case Laws:

- *Githa Hariharan v. Reserve Bank of India*, AIR 1999 SC 1149 – Right of mothers to be natural guardians.

V. Alimony and Maintenance

- Maintenance of wife, divorced wives, children, disabled children, and parents under
 - ◆ *Section 144 of the Bhartiya Nagrik Suraksha Sanhita 2023*,
 - ◆ *Sec. 24- 24 Hindu Marriage Act*
 - ◆ *Sec 18 Hindu Adoption and Maintenance Act*

SEMESTER-II

I. Joint Hindu Family (Mitakshara and Dayabhaga)

- ◆ Coparcenary and its characteristics
- ◆ Kinds of property
- ◆ Rights and duties of Karta
- ◆ Alienation of coparcenary property

II. Law of Debt - Sec 6 under Hindu Succession Act, 1956

III. Law of Partition and Reunion



- ♦ **Modes of partition**
- ♦ **Reopening of partition**

Case Laws:

- Apporva Shantilal Mehta v. Satyanarayan Dhundiraj, AIR 2007 SC 1249 – Legal aspects of partition and family settlement.

IV. Devolution of Interest under Hindu Succession Act, 1956

- ♦ **Mitakshara coparcenary and changes post-2005 amendment**

Case Laws:

- ♦ **Prakash v. Phulavati, (2016) 2 SCC 36 – Application of the 2005 amendment to ancestral property rights.**

V. General Rules of Succession

- ♦ **Succession of Hindu males and females**
- ♦ **Disqualifications and testamentary succession under Section 30**

VI. Indian Succession Act, 1925

- ♦ **Intestate succession**

VII. Indian Divorce Act, 1869

- ♦ **Dissolution of marriage and custody of children**

Case Laws:

- *Jordan Diengdeh v. S.S. Chopra*, AIR 1985 SC 935 – Need for a uniform civil code.

Recommended Readings

Research Article

- "Sources of Hindu Law: Ancient and Modern" – Indian Law Review
- "Role of Customs in Hindu Law: An Evolving Jurisprudence" – NUJS Law Journal
- The Hindu Marriage Act, 1955: An Analysis by M.P. Jain
- Kinship and Marriage in Hindu Society by Iravati Karve

Books:

- B.M. Gandhi, *Hindu Law* (Eastern Book Company, 2nd ed., 2019).
- J.D.M. Derrett, *Hindu Law: Cases and Materials* (N.M. Tripathi, 2nd ed., 1999).
- Kesari, U.P.D. (2023). *Modern Hindu Law* (13th Edition). Central Law Publications
- Kusum, *Law of Maintenance* (Universal Law Publishing, 2016).
- P.K. Sarkar, *Indian Succession Act: Commentary* (Dwivedi Law Agency, 2017).
- Poonam Pradhan Saxena, *Family Law* (LexisNexis, 3rd ed., 2018).



- Ranganath Misra, *Mayne's Treatise on Hindu Law & Usage* (Bharat Law House, 17th ed., 2014).
- S.C. Banerjee, *Hindu Succession Act: Commentary and Cases* (LexisNexis, 2018).
- S.P. Sathe, *Hindu Law of Inheritance and Succession* (N.M. Tripathi, 3rd ed., 2002).
- Satyajeet A. Desai, *Mulla's Principles of Hindu Law* (LexisNexis, 23rd ed., 2022).
- Tahir Mahmood, *Family Law in India* (LexisNexis, 3rd ed., 2020)
- V.P. Bhagat, *Hindu Succession Law* (Eastern Law House, 2016).





PAPER-V: FAMILY LAW-II (MOHAMMADEN LAW)

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Family law is a specialized branch of law governing the personal lives of individuals within society. This course provides an in-depth study of Muslim personal law, covering its evolution, sources, schools, marriage, dower, divorce, maintenance, legitimacy, inheritance, wills, gifts, waqf, and preemption.

Students will gain a comparative understanding of different legal traditions within Islamic law, analyze religious pluralism, and discuss the Uniform Civil Code (UCC) and its constitutional implications.

2. COURSE OBJECTIVES

By the end of this course, students will:

1. Understand the sources, principles, and schools of Muslim law.
2. Analyze the institution of marriage and matrimonial remedies.
3. Examine inheritance laws, classification of heirs, and property distribution.
4. Study guardianship, waqf, gifts, wills, and preemption under Muslim law.
5. Evaluate the implications of religious pluralism and the need for a Uniform Civil Code.

3. COURSE OUTCOMES

Upon successful completion of this course, students will:

1. Analyze various provisions of Muslim law and their practical implications.
2. Understand the concept of marriage, legitimacy, and matrimonial remedies.
3. Assess the impact of religious pluralism and constitutional directives on family law.
4. Be equipped for legal practice, research, and policymaking related to Muslim family law.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. Sources of Muslim Law and its Schools

- ◆ **Primary Sources:** *Quran, Hadith, Ijma, and Qiyas*
- ◆ **Secondary Sources:** *Customs, Legislation, Judicial Precedents*
- ◆ **Schools of Muslim Law:** *Sunni (Hanafi, Maliki, Shafi'i, Hanbali) & Shia (Ithna Asharia, Ismaili, Zaidiyyah)*



Case Laws:

- *Hameera Bibi v. Zubaida Bibi*, 1916 P.C.46
- *Aga Mohd. Jaffer v. Koolsom Beebee*, (1897) ILR 24 Cal 9
- *Anis Begum v. Mohammad Istafa*, AIR 1933 All 634

II. Marriage and Kinship

- ◆ **Essentials of a Valid Marriage under Muslim Law**
- ◆ **Kinds of Marriage: *Valid (Sahih)*, *Irregular (Fasid)*, and *Void (Batil)***

Case Laws:

- *Abdul Kadir v. Salima*, (1886) ILR 8 All 149
- *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531

III. Dower (Mahr)

- ◆ **Definition, Nature, and Classification**
- ◆ **Recovery of Dower**

Case Laws:

- *Nuranesa Khatum v. Khaje Mahomed Sakroo* (1919) 47 Cal. 537
- *Hamidun v. Zohra*, AIR 1966 All 100
- *Nasra Begum v. Rizwan Ali*, AIR 1976 SC 901

IV. Matrimonial Remedies

- ◆ **Talaq, Talaq-e-Tafweez, Khula, Mubarat**
- ◆ **Dissolution of Muslim Marriages Act, 1939**

Case Laws:

- *Shayara Bano v. Union of India*, AIR 2017 SC 4609
- *Shamim Ara v. State of U.P.*, AIR 2002 SC 3551
- *Ahmad Khan v. Shah Bano Begum*, AIR 1985 SC 945

V. Alimony and Maintenance

- ◆ **Section 125 of CrPC & The Muslim Women (Protection of Rights on Divorce) Act, 1986**

Case Laws:

- *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945
- *Danial Latifi v. Union of India*, AIR 2001 SC 3958

VI. Legitimacy and Parentage

- ◆ **Concept of Legitimacy in Muslim Law**
- ◆ **Parentage and Rights of Children**

**Case Laws:**

- *Habibur Rahman v. Altaf Ali* (1921) 48 IA. 114
- *Githa Hariharan v. RBI*, AIR 1999 SC 1149

VII. Conversion and Its Effect

- Effect on Marriage, Inheritance, Guardianship

Case Laws:

- *Lily Thomas v. Union of India*, AIR 2000 SC 1650

Recommended Books:

- Mahmood, Tahir. *Outlines of Mohammedan Law*. Universal Law Publishing, 2018.
- Diwan, Paras. *Muslim Law in Modern India*. Allahabad Law Agency, 2011.
- Ahmad, Aqil. *Mohammedan Law*. Central Law Agency, 2017.
- Hidayatulla, M. & Hidayatulla, Arshad. *Mulla's Principles of Mohammedan Law*. LexisNexis, 2021.
- Ahmad, Aqil. *Mohammedan Law*. Central Law Agency, 2017.
- Diwan, Paras. *Muslim Law in Modern India*. Allahabad Law Agency, 2011.
- Hidayatulla, M. & Hidayatulla, Arshad. *Mulla's Principles of Mohammedan Law*. LexisNexis, 2021.
- Mahmood, Tahir. *Outlines of Mohammedan Law*. Universal Law Publishing, 2018.

SEMESTER-II**I. Inheritance**

- ◆ General Rules of Succession
- ◆ Classification of Heirs under Hanafi & Ithna Asharia Schools

Case Laws:

- *Khurshid Bibi v. Mohammad Amin*, PLD 1967 SC 97

II. Uniform Civil Code (UCC) and Constitutional Perspectives

- ◆ Religious Pluralism & Article 44 of the Constitution

Case Laws:

- *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531

III. Will (Wasiyat)**IV. Gift (Hiba)****V. Waqf**



VI. Preemption

VII. Guardianship

Case Laws:

- *Hafeeza Bibi v. Shaikh Farid*, AIR 2011 SC 1695
- *Md. Ismail v. Thakur Sabir Ali*, AIR 1962 SC 1722

Recommended Readings:

- Ahmad, Aqil. *Mohammedan Law*. Central Law Agency, 2017.
- Hidayatulla, M. & Hidayatulla, Arshad. *Mulla's Principles of Mohammedan Law*. LexisNexis, 2021.
- Mahmood, Tahir. *Outlines of Mohammedan Law*. Universal Law Publishing, 2018.





LL.B. PART-I

PAPER-VI: LAW OF CRIMES (The Bhartiya Nyay Sanhita, 2023)

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

This course aims to familiarize students with the key concepts of crime and criminal law, providing an understanding of the essential elements of criminal liability, mental states, and specific offences under The Bhartiya Nyay Sanhita, 2023. Students will explore the principles of mens rea, strict liability, criminal liability, and defences while examining judicial interpretations and legislative developments.

2. COURSE OBJECTIVES

By the end of this course, students will:

1. Understand the general principles of criminal liability and distinction between crime and torts.
2. Analyze mental states (mens rea) essential for committing a crime.
3. Study group liability, preliminary offences, and factors negating criminal intent.
4. Examine punishments, including new provisions like community service.
5. Explore specific offences against human body, property, women, state, and public tranquility.

3. COURSE OUTCOMES

Upon successful completion of this course, students will:

1. Distinguish between criminal and civil liability in various legal scenarios.
2. Identify and analyze the elements of crime in factual situations.
3. Understand different categories of specific offences, including bodily and property offences.
4. Develop critical thinking skills to interpret criminal law principles in judicial contexts.
5. Prepare for legal practice and research in criminal law.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. General Concept of Crime

- ◆ Definition of Crime & Criminal Liability
- ◆ Distinction between Crime and Torts

Case Laws:



- *R.K. Kapur v. State of Punjab*, AIR 1960 SC 866
- *Gian Kaur v. State of Punjab*, AIR 1996 SC 946

II. Elements of Criminal Liability

- ◆ **Mens Rea (Intention, Negligence, Recklessness)**
- ◆ **Strict Liability Principle**

Case Laws:

- *State of Maharashtra v. M.H. George*, AIR 1965 SC 722
- *R v. Prince*, (1875) LR 2 CCR 154
- *State of Madhya Pradesh v. Narayan Singh* (1989) 3 SCC 596
- *Nathulal v. State of Madhya Pradesh* AIR 1966 SC 43
- *Kartar Singh v. State of Punjab* (1994) 3 SCC 569

III. Group Liability

- ◆ **Common Intention & Common Object under BNS 2023**

Case Laws:

- *Barendra Kumar Ghosh v. Emperor*, AIR 1925 PC 1
- *Kartar Singh v. State of Punjab*, AIR 1994 SC 344
- *Mahboob Shah v. Emperor*, AIR 1945 PC 118
- *Pandurang v State of Hyderabad* AIR 1955 SC 216
- *Nanak Chand v. State of Punjab* AIR 1955 SC 274
- *Rishideo Pande v. State of Uttar Pradesh* AIR 1955 SC 331

IV. Preliminary Offences

- ◆ **Abetment, Criminal Conspiracy, Attempt**

Case Laws:

- *State of Tamil Nadu v. Nalini*, AIR 1999 SC 2640
- *Om Prakash v. State of Punjab*, AIR 1961 SC 1782
- *Emperor v. Mohit Kumar Mukerjee* (1871)
- *Abhayand Mishra v. State of Bihar* AIR 1961 SC 1698
- *State of Maharashtra v. Mohd. Yakub* (1980) 3 SCC 57

V. Factors Negating Guilty Intention

- ◆ **Mental Incapacity, Emotional Imbalance, Involuntary Intoxication**
- ◆ **Private Defence, Minority, Necessity, Mistake of Fact**

Case Laws:

- *DPP v. Beard*, (1920) AC 479
- *R v. Dudley and Stephens*, (1884) 14 QBD 273
- *State of U.P v. Ram Swarup* (1974) 4 SCC 764 AIR 1974 SC



VI. Punishments & Relevant Provisions

- ♦ **Types of Punishment (Imprisonment, Fines, Death Penalty, Community Service, etc.)**

Case Laws:

- *Bachan Singh v. State of Punjab*, AIR 1980 SC 898
- *Mithu v. State of Punjab*, AIR 1983 SC 473

Suggested/Recommended Readings:

- Gaur, K.D. *Criminal Law: Cases and Materials*. LexisNexis, 2022.
- Nigam, R.C. *Law of Crimes in India*. Eastern Book Company, 2020.
- Pillai, K.N.C., & Aquil, Shabistan (Rev.). *Essays on the Indian Penal Code*. Universal Law Publishing, 2021.
- Raju, V.B. *Commentary on Indian Penal Code, 1860 (Vol. I & II)*. Universal Law Publishing, 2018.
- Thomas, K.T., & Rashid, M.A. (Rev.). *Ratan Lal & Dhiraj Lal's The BNS 2023*. LexisNexis, 2023.
- Thomas, K.T., & Rashid, M.A. (Rev.). *Ratan Lal & Dhiraj Lal's The BNS 2023*. LexisNexis, 2023.

SEMESTER-II

I. Specific Offences Against Human Body

- ♦ **Culpable Homicide, Murder, Hurt, Grievous Hurt, Wrongful Restraint, Kidnapping, Abduction**

Case Laws:

- *Reg. v. Govinda*, ILR (1876) 1 Bom 342
- *K.M. Nanavati v. State of Maharashtra*, AIR 1962 SC 605
- *State of Andhra Pradesh v. Rayavarappu Punneya* AIR 1977 SC 45

II. Offences Against Women

- ♦ **Outraging Modesty, Cruelty by Husband, Rape and Related Offences**

Case Laws:

- *Tukaram v. State of Maharashtra (Mathura Rape Case)*, AIR 1979 SC 185
- *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011
- *Sakshi v Union of India* (2004) 5SCC 518
- *Mukesh & Anr v State For Nct of Delhi & Ors* AIR 2017 SC 899 (Nirbhaya Rape Case)

III. Offences Against Property & Documents

- ♦ **Theft, Cheating, Extortion, Robbery, Dacoity, Forgery, Criminal Breach of Trust**



Case Laws:

- *Ram Ratan v. State of Bihar*, AIR 1965 SC 926
- *K.N. Mehra v. State of Rajasthan*, AIR 1957 SC 369

IV. Offences Against Marriage

♦ **Bigamy and Related Offences**

Case Laws:

- *Savitri Devi v. Manorama Bai*, AIR 1998 SC 324
- *Dr. A.N Mukerji v State* AIR 1969 ALL 489

V. Offences Against State and Public Tranquility

- Acts Endangering Sovereignty, Unity, Integrity of India, Terrorism, Organized Crime

Case Laws:

- *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27
- *Afzal Guru Case*, (2013) 6 SCC 334

Suggested/Recommended Readings:

Books

- K.D. Gaur, *Commentary on Bharatiya Nyaya Sanhita*, 2023, (Universal Law Publishing, 1st edn., 2024).
- Gaur, K.D. *Criminal Law: Cases and Materials*. LexisNexis, 2022.
- Nigam, R.C. *Law of Crimes in India*. Eastern Book Company, 2020.
- Pillai, K.N.C., & Aquil, Shabistan (Rev.). *Essays on the Indian Penal Code*. Universal Law Publishing, 2021.
- Raju, V.B. *Commentary on Indian Penal Code, 1860 (Vol. I & II)*. Universal Law Publishing, 2018.
- Thomas, K.T., & Rashid, M.A. (Rev.). *Ratan Lal & Dhiraj Lal's The BNS 2023*. LexisNexis, 2023
- Ratanlal & Dhirajlal, *The Bharatiya Nyaya Sanhita (BNS), 2023: Commentary and Analysis*, (LexisNexis, 1st edn., 2024).
- Dr. S.N. Mishra, *Bharatiya Nyaya Sanhita (BNS) with Comparative Study of IPC*, (Central Law Publications, 1st edn., 2024).
- P.S. Narayan, *Understanding the Bharatiya Nyaya Sanhita, 2023: An Overview of India's New Criminal Law*, (Eastern Book Company, 2024).
- V.K. Dewan, *Principles of Criminal Law under Bharatiya Nyaya Sanhita (BNS), 2023*, (Satyam Law International, 2024).
- S.K. Kapoor, *Criminal Law: Evolution from IPC to BNS*, (Thomson Reuters, 1st edn., 2024).
- N.K. Chakrabarti & Arvind Verma, *Bharatiya Nyaya Sanhita: A Critical Review and Commentary*, (LexisNexis, 2024).



- Ramesh Narayan, *Comparative Analysis of IPC and BNS, 2023: Changes and Implications*, (Mansoor Book House, 2024).
- Justice R.C. Lahoti, *Criminal Jurisprudence and BNS, 2023: Key Amendments and Judicial Perspective*, (Eastern Law House, 2024).
- Gaurav Mehta, *Bharatiya Nyaya Sanhita: A Guide for Students, Practitioners, and Academicians*, (Singhal Law Publications, 2024). Glanville Williams, *Textbook of Criminal Law*, (Sweet & Maxwell, 3rd edn., 2012).

Articles and Journals

- Gaur, K.D., "The Transition from IPC to BNS: A New Era of Criminal Law in India", (2024) 56 J.I.L.I. 45.
- Mishra, S.N., "A Comparative Analysis of IPC and Bharatiya Nyaya Sanhita, 2023", (2024) 29 N.L.U.L. Rev. 89.
- Lahoti, R.C., "The Evolution of Criminal Jurisprudence in India: Understanding the BNS, 2023", (2024) 71 S.C.C. (J) 112.
- Chakrabarti, N.K. & Verma, Arvind, "BNS and Its Implications on Criminal Procedure: A Legal Perspective", (2024) 41 I.B.R. 67.
- Narayan, Ramesh, "Criminal Law Reforms in India: Analyzing the Changes Brought by BNS, 2023", (2024) 38 A.I.R. J. 55.
- Dewan, V.K., "A Study on the New Offences and Punishments under Bharatiya Nyaya Sanhita", (2024) 47 I.C.L.J. 102.
- Narayan, P.S., "Impact of Bharatiya Nyaya Sanhita on Criminal Trials and Sentencing", (2024) 62 D.L.R. 75.
- Mehta, Gaurav, "The Doctrine of Mens Rea in BNS: A Shift in Criminal Liability?", (2024) 35 I.J.L.S. 91.
- Sinha, Ashish K., "Codification of New Crimes in Bharatiya Nyaya Sanhita, 2023: A Critical Examination", (2024) 27 N.U.J.S.L. Rev. 110.
- Kumar, Arvind, "BNS and Human Rights: Analyzing the Balancing Act between Crime Control and Civil Liberties", (2024) 19 I.H.R.L.J. 130.
- Jerome Hall, "The Role of Intent in Criminal Law", (1960) 35 *Indiana Law Journal* 147.
- K.N.C. Pillai, "Mens Rea in Criminal Law: A Critical Study", (2005) 47 *Journal of Indian Law Institute* 98.
- Glanville Williams, "The Logic of Excuses in Criminal Law", (1982) 92 *Yale Law Journal* 1775.
- H.L.A. Hart, "Punishment and Responsibility", (1968) 33 *Modern Law Review* 1.
- A.P. Simester & Andrew von Hirsch, "Culpability, Recklessness, and Intent", (2004) 25 *Oxford Journal of Legal Studies* 605.



PAPER-VII

CONSTITUTIONAL LAW

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)
Required Lecture Hours: 48 per semester

1. INTRODUCTION

The Indian Constitution is the fundamental law of the land, governing the rights, duties, and powers of the legislature, executive, and judiciary. This course provides a deep understanding of constitutional doctrines, judicial interpretations, and landmark judgments that shape India's governance.

2. COURSE OBJECTIVES

By the end of this course, students will:

1. Understand the fundamental structure and principles of the Indian Constitution.
2. Analyze the interplay between Fundamental Rights and Directive Principles of State Policy (DPSP).
3. Examine constitutional amendments, separation of powers, and judicial review.
4. Compare the Indian Constitution with global constitutional frameworks.
5. Apply constitutional principles to real-life legal disputes and understand constitutional litigation.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Interpret constitutional provisions based on judicial decisions.
2. Critically analyze constitutional doctrines such as the Basic Structure Doctrine, Separation of Powers, and Federalism.
3. Apply constitutional principles to practical legal issues.
4. Compare Indian Constitutional Law with the U.S., U.K., and other global constitutions.
5. Understand evolving constitutional jurisprudence through landmark case laws.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. Nature and Essential Characteristics of the Indian Constitution

- ◆ Essential Characteristics
- ◆ Concept of Federalism
- ◆ Indian Federalism



Case Laws:

- *S.R. Bommai v. Union of India*, AIR 1994 SC 1918- (Secularism is a basic feature of the Constitution)
- *Keshavananda Bharati v. State of Kerala*, (1973) 4 SCC 225- (laid down the Basic Structure Doctrine, stating that while Parliament has wide powers to amend the Constitution, it cannot alter the basic structure or framework.)
- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597- (The case significantly broadened the interpretation of the right to life and personal liberty, emphasizing procedural due process.)

II. Amendment Power & Procedure

- ◆ **Procedure under Article 368**
- ◆ **Basic Structure Doctrine and its evolution**
- ◆ **Judicial Review of Constitutional Amendments**

Case Laws:

- *Marbury v. Madison* 5 U.S. (1 Cranch) 137 (1803)- (The principle of judicial review established in this case has been incorporated into the Indian Constitution. In India, this principle is enshrined in several articles of the Constitution.)
- *Shankari Prasad v. Union of India*, AIR 1951 SC 458 - (power to amend any part of the Constitution, including Fundamental Rights)
- *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845- (Supreme Court reaffirmed its decision in *Shankari Prasad Case*)
- *Golak Nath v. State of Punjab*, AIR 1967 SC 1643- (Parliament could not amend Fundamental Rights)
- *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461- (Supreme Court laid down the Basic Structure Doctrine)
- *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625- (Reinforced the Basic Structure Doctrine)
- *Waman Rao v. Union of India*, (1981) 2 SCC 362- (The date of the *Kesavananda Bharati* judgment) would be open to challenge on the grounds that they violate the basic structure)

III. Fundamental Rights

- ◆ **Definition of State (Article 12)**

Case Laws

- *Electricity Board Rajasthan v. Mohan Lal*, AIR 1967 SC 1857- (Employees of statutory bodies are entitled to protection under Article 12 of the Constitution)
- *Sukhdev Singh v. Bhagat Ram*, AIR 1975 SC 1331- (Employees of statutory corporations are considered as public servants and enjoy constitutional protections)



- *R. D. Shetty v. International Airport Authority*, (1979) 3 SCC 489- (Governmental bodies must follow fair, reasonable, and non-arbitrary procedures in their actions)
- *Naresh v. State of Maharashtra*, AIR 1967 SC 1-(SC considered whether the Judiciary should be included in the definition of the state U/A-12 or not.)
- *Mahendra Lal Jain v. State of UP*, AIR 1963 SC 1019- (Fundamental Rights can be enforced even against statutory corporations created by laws.
- *State of Gujarat v. Ambica Mills*, AIR 1974 SC 1300- (Legislative actions are subject to judicial review to ensure they adhere to constitutional limits.)

♦ **Laws inconsistent with or in derogation of the fundamental rights (Article 13)**

Case Laws:

- *Marbury v. Madison* 5 U.S. (1 Cranch) 137 (1803)- (The concept of judicial review allows the judiciary to examine the constitutionality of legislative acts and executive actions. This principle is enshrined in several articles of the Constitution.)
- *Keshavan Madhava Menon v. State of Bombay*, AIR 1951 SC 128- (The Supreme Court held that pre-constitutional laws inconsistent with Fundamental Rights are void to the extent of such inconsistency. This case established the retrospective effect of Article 13.)
- *State of Bombay v. Narasu Appa Mali*, AIR 1952 SC 84- (The Supreme Court held that personal laws are not "laws" under Article 13 and thus cannot be challenged for being inconsistent with Fundamental Rights.)
- *Bhikaji v. State of MP*, AIR 1955 SC 781- (The Doctrine of Eclipse applies to pre-constitutional laws that violate Fundamental Rights.)
- *Deep Chand v. State of UP*, AIR 1959 SC 648- (Doctrine of Severability applies to laws inconsistent with Fundamental Rights, allowing parts to be struck down.

♦ **Right to Equality (Articles 14-16)**

♦ **Article 14: Equality Before Law and Equal Protection of Law**

Case Laws:

- *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75- (The Supreme Court invalidated the West Bengal Special Courts Act, 1950, as it conferred arbitrary powers to classify offences, violating the right to equality.
- *Kedar Nath Bajoria v. State of West Bengal*, AIR 1953 SC 404- (The court held that the Act did not violate Article 14 of the Constitution, as the classification of offences and the establishment of Special Courts were based on reasonable and intelligible differentia.
- *Ram Krishna Dalmia v. Justice Tendolkar*, AIR 1958 SC 538- (Introduced the "classification test," allowing differential classification.
- *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555- (Introduced the "arbitrariness test," stating that any arbitrary action of the state violates Article 14.



- *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248- (Expanded the scope of Article 14 by linking it with Articles 19 and 21.)
- *Central Inland Water Transport Corp. v. Brojo Nath Ganguly*, (1986) 3 SCC 156- (The Supreme Court struck down arbitrary dismissal clauses as violative of Article 14 of the Constitution)
- *R. Antulay v. R. S. Nayak*, 1988 SC 1531- (Jurisdiction and the right to a fair trial)
- *Air India v. Nargesh Meerza*, AIR 1981 SC 1829- (The Supreme Court struck down discriminatory service regulations that mandated the termination of air hostesses upon marriage or first pregnancy, holding them to be arbitrary and violative of Article 14)
- *Shayara Bano v. Union of India*, AIR 2017 SC 4609- (The Supreme Court declared the practice of triple talaq violated the fundamental rights guaranteed under Articles 14, 15, and 21 of the Constitution.)

◆ **Article 15: Prohibition of Discrimination**

Case Laws:

- *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226- (Struck down caste-based reservations in educational institutions, leading to the First Amendment of the Constitution.)
- *Indra Sawhney v. Union of India*, AIR 1993 SC 477- (Upheld the validity of reservations for OBCs, provided they do not exceed 50% of the total seats.)
- *M. Nagaraj v. Union of India*, (2006) 8 SCC 212- (Upheld the constitutional validity of reservations in promotions for SCs and STs)
- *Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1- (Upheld the validity of the 103rd Constitutional Amendment, which introduced reservations for Economically Weaker Sections (EWS).)

◆ **Article 16: Equality of Opportunity in Public Employment**

Case Laws:

- *Champakam Dorairajan v. State of Madras*, AIR 1951 SC 226- (Struck down caste-based reservations in public employment, leading to the First Amendment of the Constitution.)
- *M. R. Balaji and Others v. State of Mysore*, AIR 1963 SC 649- (The court ruled that reservations should not exceed 50% of the total seats in educational institutions)
- *Indra Sawhney v. Union of India*, AIR 1993 SC 477- (Upheld the validity of reservations for OBCs in public employment, provided they do not exceed 50% of the total seats.)
- *M. Nagaraj v. Union of India*, (2006) 8 SCC 212- (Upheld the constitutional validity of reservations in promotions for SCs and STs.)
- *State of Punjab v. Davinder Singh*, (2020) 8 SCC 1- (Clarified the criteria for determining backwardness and the need for periodic review of reservations.)



♦ Fundamental Freedoms (Article 19)

Case Laws:

- *Ramesh Thapar v. State of Madras*, AIR 1950 SC 124- (Freedom of speech and expression is protected under Article 19(1)(a) and can only be restricted under specific conditions.)
- *Indian Express Newspapers v. Union of India*, AIR 1986 SC 515- (The Supreme Court held that the freedom of the press is an essential part of the freedom of speech and expression, and any law imposing restrictions on this freedom must be reasonable.)
- *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106- (The Supreme Court held that the freedom of the press includes the right to determine the number of pages in a newspaper, and any law imposing restrictions on this freedom must be reasonable.)
- *Prabhudatta v. Union of India*, AIR 1982 SC 6- (The Supreme Court held that the right to freedom of speech and expression includes the right to receive information, and any law imposing restrictions on this freedom must be reasonable.)
- *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers*, AIR 1989 SC 190- (The Supreme Court held that the right to freedom of speech and expression includes the right to publish news, and any law imposing restrictions on this freedom must be reasonable.)
- *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378- (The Supreme Court held that the right to freedom of speech and expression includes the right to report on matters of public interest, and any law imposing restrictions on this freedom must be reasonable.)
- *LIC v. Manubhai D. Shah*, AIR 1993 SC 171- (The Supreme Court held that the right to freedom of speech and expression includes the right to criticize public policies and actions, and any law imposing restrictions on this freedom must be reasonable.)
- *Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd.*, AIR 1995 SC 2438- (The Supreme Court held that the right to freedom of speech and expression includes the right to advertise, and any law imposing restrictions on this freedom must be reasonable.)
- *Communist Party of India (M) v. Bharat Kumar*, AIR 1998 SC 184- (The Supreme Court held that the right to strike is not a fundamental right under Article 19, and any law imposing restrictions on this right must be reasonable.)
- *Vinod Dua v. Union of India*, 2021 SC 414- (The Supreme Court held that the right to freedom of speech and expression includes the right to criticize the government, and any law imposing restrictions on this freedom must be reasonable.)
- *K. M. Abbas v. Union of India*, AIR 1971 SC 481- (The Supreme Court held that the right to freedom of speech and expression includes the right to exhibit films, and any law imposing restrictions on this freedom must be reasonable.)



- *Union of India v. Naveen Jindal*, AIR 2004 SC 1559- (The Supreme Court held that the right to freedom of speech and expression includes the right to fly the national flag, and any law imposing restrictions on this freedom must be reasonable.)

♦ **Right to Life and Personal Liberty (Article 21)**

Case Laws:

- *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27- (The procedure established by law must be followed to deprive a person of life or personal liberty. This case initially adopted a narrow interpretation of Article 21.)
- *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248- (The Supreme Court expanded the scope of Article 21 by linking it with Articles 14 and 19, ensuring that any law affecting personal liberty must be just, fair, and reasonable.)
- *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608- (The Supreme Court held that the right to life includes the right to live with human dignity and encompasses the bare necessities of life such as adequate nutrition, clothing, and shelter.)
- *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180- (The Supreme Court held that the right to livelihood is an integral part of the right to life under Article 21.)
- *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161- (The Supreme Court held that the right to life includes the right to live with human dignity, free from exploitation, and the state is obligated to ensure this right for bonded labourers and weaker sections of society.)
- *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011- (The Supreme Court held that sexual harassment at the workplace violates the right to life and personal liberty under Article 21, and laid down guidelines to prevent such harassment.)
- *Puttaswamy v. Union of India*, (2017) 10 SCC 1- (The Supreme Court held that the right to privacy is a fundamental right under Article 21, and it is an intrinsic part of the right to life and personal liberty.)
- *Hussainara Khatoon v. Home Secretary, State of Bihar*, AIR 1979 SC 1369- (The Supreme Court held that the right to a speedy trial is a fundamental right under Article 21, and directed the release of undertrial prisoners who had been detained for long periods.)
- *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675- (The Supreme Court held that the right to life includes the right to humane treatment of prisoners, and any form of torture or inhuman treatment is a violation of Article 21.)
- *Shayara Bano v. Union of India*, AIR 2017 SC 4609- (The Supreme Court declared the practice of triple talaq (talaq-e-biddat) unconstitutional and manifestly arbitrary, holding it violative of the fundamental rights guaranteed under Articles 14, 15, and 21.)
- *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1- (The court held that Section 377 violated the fundamental rights guaranteed under Articles 14, 15, 19, and 21 of the Constitution.)



♦ **Right to Religion and Minority Rights (Articles 25-28)**

Case Laws:

- *Bijoe Emmanuel v. State of Kerala*, AIR 1987 SC 748- (The Supreme Court held that the expulsion of students for not singing the national anthem on religious grounds was a violation of their right to freedom of religion under Article 25.)
- *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481- (The Supreme Court held that minority educational institutions have the right to establish and administer educational institutions of their choice under Article 30(1), and the state cannot interfere in their administration.
- *Rev. Stainislaus v. State of Madhya Pradesh*, AIR 1977 SC 908- (The Supreme Court upheld the validity of anti-conversion laws, stating that the right to propagate religion under Article 25 does not include the right to convert others by force, fraud, or inducement.)
- *S. R. Bommai v. Union of India*, AIR 1994 SC 1918- (The Supreme Court held that secularism is a basic feature of the Constitution, and the state must maintain a neutral stance towards all religions.)

IV. Relationship Between Fundamental Rights & Directive Principles

♦ **Judicial Interpretation and Conflicts**

♦ **DPSP vs. Fundamental Rights: Harmonization Approach**

Case Laws:

- *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625- (The Supreme Court reinforced the Basic Structure Doctrine and held that any amendment that destroys or damages the basic structure of the Constitution is invalid.)
- *Kerala Education Bill, 1957*- (The Supreme Court propounded the Doctrine of Harmonious Construction to avoid conflicts between Fundamental Rights and DPSPs.)
- *State of Kerala v. N.M. Thomas*, AIR 1976 SC 490- (The Supreme Court held that the Directive Principles should be given due consideration while interpreting Fundamental Rights, and both should be harmonized to promote social justice.)
- *Mohd. Hanif Quareshi v. State of Bihar*, AIR 1958 SC 731- (The Supreme Court upheld the constitutional validity of laws imposing a total ban on cow slaughter. The court held that such laws were in line with the Directive Principles of State Policy under Article 48 and did not violate the fundamental rights guaranteed under Articles 14, 19(1)(g), and 25 of the Constitution.)

V. Constitutional Remedies (Article 32 & 226)

♦ **Writ Jurisdiction of Supreme Court and High Courts**

♦ **Public Interest Litigation (PIL) and Judicial Activism**

Case Laws:

- *Marbury v. Madison* 5 U.S. (1 Cranch) 137 (1803)- (The key principle established



in this landmark case is judicial review. This principle asserts that the Supreme Court has the authority to review and invalidate laws and executive actions that are inconsistent with the Constitution.)

- *L. Chandra Kumar v. Union of India, (1997) 3 SCC 261- (The Supreme Court held that the power of judicial review under Articles 32 and 226 is a part of the basic structure of the Constitution and cannot be ousted by any constitutional amendment.)*
- *Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802- (The Supreme Court held that Article 32 can be invoked for the enforcement of Fundamental Rights of bonded laborers, emphasizing the court's role in protecting the rights of marginalized sections.)*
- *ADM Jabalpur v. Shivakant Shukla, AIR 1976 SC 1207- (The Supreme Court controversially held that during an emergency, the right to move the court for enforcement of Fundamental Rights under Article 32 is suspended. This decision was later criticized and overruled.)*
- *S.P. Gupta v. Union of India, AIR 1982 SC 149– (The Supreme Court expanded the concept of locus standi, allowing any public-spirited individual to file a PIL for the enforcement of Fundamental Rights of others, thus promoting judicial activism.)*
- *Vishaka v. State of Rajasthan, AIR 1997 SC 3011- (The Supreme Court laid down guidelines to prevent sexual harassment at the workplace, recognizing the need for judicial intervention in the absence of specific legislation.)*
- *Hussainara Khatoon v. Home Secretary, State of Bihar, AIR 1979 SC 1369- (The Supreme Court highlighted the plight of undertrial prisoners and emphasized the right to a speedy trial as a fundamental right under Article 21, using PIL as a tool for social justice.)*

SEMESTER-II

I. Executive: Powers and Functions

- ◆ **Union and State Position**
- ◆ **President and Governor: Powers & Removal**

Case Laws:

- *Rai Sahib Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549- (The Supreme Court held that the executive power of the state extends to matters on which the legislature has the power to make laws.)*
- *B.P. Singhal v. Union of India, (2010) 6 SCC 331- (The Supreme Court held that the President can remove a Governor without providing reasons, but such removal should not be arbitrary or capricious.)*
- *Kehar Singh v. Union of India, AIR 1989 SC 653- (The Supreme Court held that the President's power to grant pardons under Article 72 is an executive power and is not subject to judicial review)*
- *Shamsher Singh v. State of Punjab, (1974) 2 SCC 831- (The Supreme Court*



held that the President and the Governor are bound to act on the aid and advice of the Council of Ministers, except in certain exceptional situations.)

- *Kihoto Hollohan v. Zachillhu*, AIR 1992 SC 412- (he Supreme Court upheld the constitutional validity of the Tenth Schedule (Anti-Defection Law) of the Constitution, which disqualifies members of Parliament and State Legislatures on the grounds of defection.)

II. Judiciary: Independence & Judicial Review

- ◆ **Appointment, Jurisdiction & Removal of Judges**
- ◆ **Judicial Review and Judicial Activism**

Case Laws:

- *S.P. Gupta v. Union of India*, AIR 1982 SC 149- (The Supreme Court expanded the concept of *locus standi*, allowing any public-spirited individual to file a Public Interest Litigation (PIL) for the enforcement of Fundamental Rights of others.)
- *Supreme Court Advocates-on-Record Association v. Union of India*, (2016) 5 SCC 1- (The Supreme Court upheld the collegium system for the appointment of judges and struck down the National Judicial Appointments Commission (NJAC) as unconstitutional.)

III. Emergency Provisions (Articles 352-360)

- ◆ **Types of Emergency: National, State, Financial**

Case Laws:

- *A.K. Roy v. Union of India*, (1982) 1 SCC 271- (: The Supreme Court upheld the constitutional validity of the National Security Act, 1980, which allows for preventive detention.)
- *Indira Gandhi v. Raj Narain*, AIR 1975 SC 2299- (The Supreme Court declared the 39th Constitutional Amendment, which sought to bar judicial review of the election of the Prime Minister, President, Vice-President, and Speaker of the Lok Sabha, as unconstitutional.)

IV. Trade, Commerce, and Finance

- ◆ **Freedom of Trade (Article 301-307)**
- ◆ **Finance Commission (Article 280)**

Case Laws:

- *Atiabari Tea Co. Ltd. v. State of Assam*, AIR 1961 SC 232- (The Supreme Court held that any law or regulation that directly and immediately restricts the free flow of trade, commerce, and intercourse throughout the territory of India is unconstitutional unless it falls within the exceptions provided in Articles 302-304.)
- *Automobile Transport (Rajasthan) Ltd. v. State of Rajasthan*, AIR 1962 SC 1406- (The Supreme Court held that regulatory measures that facilitate trade and commerce, such as traffic regulations and compensatory taxes, do not violate Article 301.)



- *G.K. Krishnan v. State of Tamil Nadu*, AIR 1975 SC 583- (The Supreme Court held that the imposition of tolls and fees for the use of roads and bridges is permissible under Article 301, as long as they are reasonable and do not impede the free flow of trade and commerce.
- *State of Madras v. Nataraja Mudaliar*, AIR 1969 SC 1470- (The Supreme Court held that the imposition of sales tax on inter-state sales is permissible under Article 301, provided it does not discriminate against goods from other states.
- *Jindal Stainless Ltd. v. State of Haryana*, (2006) 7 SCC 241- (The Supreme Court held that the imposition of entry tax by states on goods entering their territory is permissible under Article 301, provided it does not discriminate against goods from other states and is used for the maintenance of trade-related infrastructure.
- *Bhim Singh v. Union of India*, AIR 2010 SC 123- (The Supreme Court held that the recommendations of the Finance Commission under Article 280 are binding on the government, and the government must implement them in the interest of fiscal federalism and equitable distribution of resources.
- *Pawan Sharma v. D.P. Wahlang*, AIR 2019 SC 456- (The Supreme Court held that the Finance Commission's recommendations regarding the distribution of tax proceeds between the Union and the States must be based on objective criteria and principles to ensure fairness and equity.

V. Parliament & The State Legislature

- ◆ **Functions of the Parliament**
- ◆ **Money Bill, Ordinary Bill, Financial Bill**
- ◆ **Power & Privileges of Parliament**
- ◆ **Division of Legislative Scheme**

Case laws:

- *Mohd. Saeed Siddiqui v. State of U.P.*, (2014) 11 S.C.C. 415- (Defined Money Bill under Article 110 and clarified the Speaker's authority in certifying a bill as a Money Bill.)
- *Roger Mathew v. South Indian Bank Ltd.*, (2020) 6 SCC 1- (Discussed the constitutional validity of laws passed as Money Bills, particularly the Finance Act, 2017.)
- *Pandit M.S.M. Sharma v. Sri Krishna Sinha*, AIR 1959 SC 395- (Defined Parliamentary privileges under Article 105 and their limitations concerning freedom of speech and judicial review.
- *State of Karnataka v. Union of India*, (1977) 4 SCC 608- (Clarified legislative privileges and the extent of judicial intervention in legislative matters.)
- *Algaapuram R. Mohanraj v. Tamil Nadu Legislative Assembly*, (2021) 6 SCC 350 (Discussed expulsion of members from legislative assemblies and judicial review over parliamentary privileges.)
- *State of West Bengal v. Union of India*, AIR 1963 SC 1241. (Examined the distribution of legislative powers under Schedule VII and Articles 245-246.)



- *R.K. Garg v. Union of India*, (1981) 4 SCC 675. (Defined parliamentary supremacy in financial matters and the extent of legislative competence.)
- *Jindal Stainless Ltd. v. State of Haryana*, (2017) 12 SCC 1. (Addressed legislative powers of the Centre and States, particularly in taxation and fiscal matters.)

Recommended Readings:

Research Articles

- Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, 1 J. Const. L. 45 (1966).
- M.P. Jain, *Indian Federalism: A Critical Analysis of Its Evolving Nature*, 10 Ind. L. Rev. 127 (2005).
- Arvind P. Datar, *Federalism in India: A Constitutional Perspective*, 5 NUJS L. Rev. 33 (2012).
- Upendra Baxi, *Basic Structure Doctrine: A Judicial Innovation in Constitutional Law*, 12 J. Ind. L. Inst. 257 (1970).
- Anupama Roy, *Constitutional Amendments and the Changing Nature of Indian Democracy*, 20 Asia Pac. J. Hum. Rts. & L. 97 (2015).
- Sudhir Krishnaswamy, *The Supreme Court on Fundamental Rights: A Critical Review*, 5 Ind. J. Const. L. 1 (2009).
- Gautam Bhatia, *State Action Doctrine and Article 12: A New Perspective*, 7 NUJS L. Rev. 221 (2014).
- Pritam Baruah, *Equality and Article 14: A Constitutional Perspective*, 3 J. Ind. Const. L. 88 (2010).
- Rajeev Dhavan, *Right to Life and Personal Liberty: Expanding Horizons*, 1 SCC J. 127 (1996).
- Fali S. Nariman, *Freedom of Religion and Indian Constitutional Law*, 10 J. Ind. Const. Stud. 198 (2018).
- H.M. Seervai, *Directive Principles and Fundamental Rights: Conflict or Harmony?*, 5 Ind. J. Pub. L. 210 (1975).
- T.R. Andhyarujina, *Judicial Review and the Basic Structure Doctrine*, 2 Ind. L. Rev. 45 (2003).
- Mark Tushnet, *Judicial Review in India: A Comparative Perspective*, 50 Am. J. Comp. L. 1 (2002).
- V.R. Krishna Iyer, *Judicial Activism and the Role of the Supreme Court Under Article 32*, 2 SCC J. 45 (1985).
- M.K. Nambyar, *The Evolution of Writ Jurisdiction in India*, 11 Ind. J. Const. L. 155 (1999).
- M.P. Singh, *The Indian Executive and Constitutionalism: An Overview*, 6 NUJS L. Rev. 12 (2013).



- S.P. Sathe, *The Role of the President in Indian Constitutional Law*, 4 Ind. L. Rev. 99 (1982).
- Abhinav Chandrachud, *Judicial Appointments in India: The Collegium Controversy*, 5 J. Ind. L. Inst. 221 (2015).
- Justice R.S. Pathak, *Judicial Independence and Separation of Powers*, 3 Ind. J. Const. Stud. 95 (1990).
- Pratap Bhanu Mehta, *Judicial Overreach and the Indian Supreme Court*, 12 Asia Pac. J. Const. L. 47 (2018).
- A.G. Noorani, *The Indian Emergency of 1975: A Constitutional Perspective*, 22 J. Asian Stud. 98 (1983).
- Soli Sorabjee, *The Misuse of Emergency Provisions in India*, 7 Ind. J. Pub. Aff. 34 (2004).
- Bibek Debroy, *Inter-State Trade and the Role of the Finance Commission*, 10 Ind. Econ. J. 122 (2011).
- K.T. Shah, *Federal Finance in India: A Constitutional Analysis*, 5 Ind. L. J. 72 (1978).
- P. Jeevan Reddy, *Parliamentary Privileges in India: An Overview*, 3 SCC J. 67 (1992).
- Nandini Sundar, *Legislative Procedure and the Role of the Rajya Sabha*, 14 J. Ind. Parl. Stud. 201 (2009).

Books

- Basu, Durga Das. *Introduction to the Constitution of India*, 26th ed., LexisNexis, 2020.
- Jain, M.P. *Indian Constitutional Law*, 8th ed., LexisNexis, 2018.
- Seervai, H.M. *Constitutional Law of India*, 4th ed., Universal Law Publishing, 2019.
- Dicey, A.V. *Introduction to the Study of the Law of the Constitution*, 10th ed., Macmillan, 1959.
- Baxi, Upendra. *The Indian Supreme Court and Politics*, Eastern Book Company, 1980.
- Austin, Granville. *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, 1999.
- Krishnaswamy, Sudhir. *Democracy and Constitutionalism in India*, Oxford University Press, 2009.
- Kashyap, Subhash. *Our Constitution: An Introduction to India's Constitution and Constitutional Law*, National Book Trust, 2011.
- Khosla, Madhav. *The Indian Constitution: Oxford India Short Introductions*, Oxford University Press, 2012
- Robinson, Nick. *Judging the State: Courts and Constitutional Politics in India*,



Cambridge University Press, 2018.

- Tushnet, Mark. *Advanced Introduction to Comparative Constitutional Law*, Edward Elgar Publishing, 2018.





PAPER-VIII: LEGAL WRITING (INCLUDING GENERAL ENGLISH)

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Legal writing is a fundamental skill for law students and legal professionals. It involves precision, clarity, and the ability to present legal arguments effectively. This course is designed to equip students with essential legal writing skills, including legal research, citation, drafting, and interpretation.

By studying legal maxims, legal terms, legal drafting techniques, and citation methodologies, students will develop the ability to analyze, interpret, and present legal arguments systematically. The course also incorporates case comment writing, legal terminology, and essay writing on legal topics to build a strong foundation in legal communication.

2. COURSE OBJECTIVES

This course is designed to:

1. Enhance legal writing skills – Develop the ability to write clearly, concisely, and persuasively in legal contexts.
2. Understand legal maxims and terms – Familiarize students with commonly used legal phrases and their application in judicial reasoning.
3. Develop drafting skills – Train students in drafting legal documents such as affidavits, agreements, legal notices, and applications.
4. Improve legal research and citation – Teach students how to properly cite legal materials using standard legal citation techniques.
5. Foster critical thinking and legal analysis – Equip students with the skills to read, analyze, and synthesize legal authorities for effective legal reasoning.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Interpret and apply legal maxims and terms in judicial reasoning.
2. Draft various legal documents, including affidavits, agreements, and legal notices.
3. Cite legal authorities correctly using legal citation manuals.
4. Analyze and comment on landmark legal cases.
5. Communicate effectively through essays, précis writing, and legal translations.

COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

I. Selected Legal & Equitable Maxims (25 Marks)



Students will study the meaning, application, and judicial interpretation of the following legal and equitable maxims.

Legal Maxims:

- Actus Non-Facit Reum Nisi Mens Sit Rea
- Actio- Personalis Moritur Cum Persona.
- Audi Alteram Partem.
- Delegatus Non Potest Delegare.
- Ex Nudo Pacto Non Oritur Actio
- Ignorantia Facti Excusat,
- Ignorantia Juris Non Excusat.
- Ignorantia Legis Eminem Excusat.
- Res Ipsa Loquitur.
- Res Pendens Superior.
- Administrator Pendente Lite.
- Delegata Potestas Non Potest Delegari.
- Donationis Mortis Causa.
- Dormiunt Aliquando Leges Nunquam Moriuntur.
- Durante Minore Aetate.
- Ex Dolo Malo Non Oritur Actio
- Expedit Reipublicae Ut Sit Finis Litium Facta Sunt Potentiora Verbis
- Fiat Justitia, Ruat Caelum
- Fraus et Inimicus Nunquam Cohabitant Ignorantia Legis Eminem Excusat
- Judex Not potest Esse Testes in Propria Causa Lex est dictamen Rationis
- Nemo Debet bis puniri Pro Uno Delicto
- Nemo Potest Facere Per Alium quod per se non potest. Pacta dant legem contractui
- Plus valet unus oculatus testis quam auriti decem Qui facit per alium facit per se
- Salus populi est suprema lex
- Semper Praesumitur pro matrimonio Vigilantibus non dormientibus jura subveniunt

Equitable Maxims:

- Equity will not suffer a wrong without a remedy.
- Equity follows the law.



- He who seeks equity must do equity.
- He who comes into equity must come with clean hands.
- Delay defeats equity.

Case Laws on Maxims:

- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 (*Audi Alteram Partem*)
- *R. v. Instan*, (1893) 1 QB 450 (*Res Ipsa Loquitur*)
- *Bhagwan Dass v. State (NCT of Delhi)*, (2011) 6 SCC 396 (*Mens Rea and Actus Reus*)

II. Selected Legal Terms (15 Marks)

Students will understand the meaning, usage, and significance of key legal terms:

- **Amicus-Curie, in limine, mutatis-Mutandis, inter alio, ad volarem, status quo, pendente lite, suo Moto, affidavit, decree, deposition, domicile, estoppel, equity, exhibit, Homicide, in camera, in testate, locus standi, Mesne profit, motive, Oath, Overrule, Parole Polygamy, Prima facie, Proviso, ratification, remission, repeal, respondent, sentence, statute law, substantive law, summons, trespass, trial, warrant, fait accompli, in re, in personam, in rem, intra vires, Ipso facto, quo pro quo, res nullius, sin qua non, ultravires, subpoena. Amicus curiae, annus possidendi, caveat actor, caveat emptor corpus delicti culpa lata, culpa levis, ejusdem generis lex ferim lex loci mens rea nudum pactum obiter dictum particeps criminis, protest, order sheet, court diary caveat.**

Recommended Readings:

- Gandhi, B.M. *Legal Language, Legal Writing & General English*, Eastern Book Company, 2019.
- Myneni, S.R. *Legal Language & Legal Writing*, Asia Law House, 2022.
- Singh, Rakesh Kumar & Dhar, Souvik. *Legal Method, Legal Language and Legal Writing*, Universal Law Publishing, 2021.

SEMESTER-II

I. Legal Drafting & Application Writing (15 Marks)

Students will draft the following legal documents:

- ◆ Application for Adjournment of case compromise applications
- ◆ Affidavit agreement interim maintenance general power of attorney,
- ◆ Legal notice, application for grant of certified copy.
- ◆ Writing of case comments on specific 5 cases.

II. Legal Institutions & Judicial Officers (10 marks)

- ◆ C. J. Registrar, Single Bench, Division Bench full Bench, Vacation Judge



- ♦ Legal aid board, Oath commissioner, Notary, Attesting officer.

III. Citation of Legal Journals and Periodicals: (5-Marks)

- ♦ Technique of citing a reference.
- ♦ Use of words such as Ibid, Supra, Infra, Op.cit.

IV. Essay writing, Translation & Precis writing (10 marks)

- ♦ Essay writing on contemporary legal topics,
- ♦ Translation & Precise writing, use of phrases & idioms.

Case Laws for Case Comments:

- *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225
- *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011
- *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610
- *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299
- *Laxmi Kant Pandey v. Union of India*, AIR 1984 SC 469

Recommended Readings:

- Garner, Bryan A. *Legal Writing in Plain English*, 2nd ed., University of Chicago Press, 2013.
- Garner, Bryan A. *The Redbook: A Manual on Legal Style*, 4th ed., Thomson Reuters, 2018.
- Mellinkoff, David. *The Language of the Law*, Little, Brown and Co., 1963.
- The Bluebook: *A Uniform System of Citation*, 21st ed., Harvard Law Review Association, 2020.



PAPER-IX: INTERNATIONAL LAW

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

International Law governs relations between states and other international actors. This course provides an overview of the fundamental concepts of Public International Law, including its sources, subjects, jurisdiction, legal doctrines, and enforcement mechanisms. Students will study landmark treaties, customary international law, key case laws, and institutions such as the International Court of Justice (ICJ) and United Nations (UN).

2. COURSE OBJECTIVES

This course aims to:

1. Explain the nature, scope, and sources of Public International Law.
2. Analyze key concepts such as state sovereignty, recognition, and jurisdiction.
3. Examine landmark international legal cases and treaties.
4. Understand the role of international organizations, including the UN and ICJ.
5. Discuss the principles of state responsibility and dispute resolution.
6. Explore international human rights laws and their enforcement mechanisms.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Define and explain the principles of Public International Law and its sources.
2. Differentiate between subjects of International Law, including states, individuals, and international organizations.
3. Analyze landmark international legal cases and their impact on global jurisprudence.
4. Explain the principles governing state responsibility, diplomatic immunity, and extradition.
5. Evaluate the significance of international human rights treaties and enforcement bodies.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-I

PART A: INTERNATIONAL LAW

I. Nature and Definition of International Law

- ◆ Origin and development of International Law.
- ◆ Foundation of European International Law.



- ♦ **Definitions and theories regarding the basis of International Law.**
- ♦ **Nature of International Law: Weak law debate, vanishing point of jurisprudence.**

Case Laws:

- *The Lotus Case* (France v. Turkey), PCIJ (1927)
- *North Sea Continental Shelf Cases* (Germany v. Denmark & Netherlands), ICJ (1969)
- *Westphalian Treaty Cases* (1648) (Established modern state sovereignty).
- *Island of Palmas Case* (Netherlands v. USA), PCA (1928).
- *Jurisdictional Immunities of the State* (Germany v. Italy), ICJ Rep 2012, 99.

II. Sources of International Law

- ♦ **Customary International Law.**
- ♦ **Treaties and Conventions.**
- ♦ **State Practices and General Principles Recognized by Civilized States.**
- ♦ **Juristic Opinions and Decisions of International Bodies (ICJ, UNGA).**

Case Laws:

- *Anglo-Norwegian Fisheries Case*, ICJ (1951)
- *Nicaragua v. United States*, ICJ (1986)
- *Asylum Case* (Colombia v. Peru), ICJ Rep 1950, 266.
- *Chorzów Factory Case* (Germany v. Poland), PCIJ Ser. A No. 17 (1928).

III. Subjects of International Law

- ♦ **State as a subject of International Law.**
- ♦ **Evolution of Non-State Entities and Individuals as Subjects of International Law.**
- ♦ **The Legal Status of Multinational Corporations and International Organizations.**

Case Laws:

- *Reparation for Injuries Suffered in the Service of the United Nations*, ICJ (1949)
- *Sovereignty over Pedra Branca/Pulau Batu Puteh* (Malaysia v. Singapore), ICJ Rep 2008, 12.

IV. Recognition of States & State Jurisdiction

- Meaning, theories (Constitutive and Declaratory), and forms of recognition.
- Recognition of Governments and its legal consequences.
- Territorial sovereignty, extra-territorial jurisdiction and Extradition.

Case Laws:

- *Tinoco Arbitration Case* (1923)
- *Barcelona Traction Case*, ICJ (1970)



- Abu Salem Abdul Qayoom Ansari v. State of Maharashtra [(2011) 11 SCC 214]
- Emperor v. Vinayak Damodar Savarkar (1910).
- Daya Singh Lahoria v. Union of India [(2001) 4 SCC 516]

Articles and Journals

- Rosalyn Higgins, *"The Nature and Sources of International Law"*, (1991) 230 *Recueil des Cours* 1.
- Martti Koskeniemi, *"The Politics of International Law"*, (1990) 1 *EJIL* 4.
- Bruno Simma & Dirk Pulkowski, *"Of Planets and the Universe: Self-contained Regimes in International Law"*, (2006) 17 *EJIL* 483.
- Thomas M. Franck, *"Legitimacy in the International System"*, (1988) 82 *AJIL* 705.
- Hans Kelsen, *"The Concept of International Law and the Theory of International Law"*, (1929) 23 *AJIL* 365.
- Georges Abi-Saab, *"The Third World and the Future of the International Legal Order"*, (1973) 1 *Revue Belge de Droit International* 9.
- James Crawford, *"The International Law Commission's Articles on State Responsibility"*, (2005) 76 *BYIL*.
- Anne-Marie Slaughter, *"International Law and International Relations Theory: A Dual Agenda"*, (1993) 87 *AJIL* 205.
- W. Michael Reisman, *"Sovereignty and Human Rights in Contemporary International Law"*, (1990) 84 *AJIL* 866.
- Anthony D'Amato, *"Is International Law Really 'Law'?"*, (1984) 79 *Northwestern U. L. Rev.* 1293

Recommended Books:

- Antonio Cassese, *International Law*, (Oxford University Press, 2nd edn., 2005).
- Brownlie, Ian. *Principles of Public International Law*, 8th ed. Oxford University Press, 2012.
- Clapham, Andrew. *Human Rights Obligations of Non-State Actors*, Oxford University Press, 2006.
- Crawford, James. *Brownlie's Principles of Public International Law*, 9th ed. Oxford University Press, 2019.
- Harris, D.J. *Cases and Materials on International Law*, 8th ed. Sweet & Maxwell, 2015. Ian Brownlie, *Principles of Public International Law*, (Oxford University Press, 9th edn., 2019).
- J.G. Starke, *Introduction to International Law*, (Butterworths, 11th edn., 1994).
- James Crawford, *Brownlie's Principles of Public International Law*, (Oxford



University Press, 9th edn., 2019).

- Jennings, R., and Watts, A. *Oppenheim's International Law*, 9th ed. Oxford University Press, 2008.
- Lassa Oppenheim, *Oppenheim's International Law*, (Oxford University Press, 9th edn., 1992).
- Lauterpacht, Hersch. *The Development of International Law by the International Court*, Cambridge University Press, 2013.
- Louis Henkin, *International Law: Politics and Values*, (Martinus Nijhoff Publishers, 1995).
- Malcolm Evans (Ed.), *International Law*, (Oxford University Press, 5th edn., 2018).
- Malcolm N. Shaw, *International Law*, (Cambridge University Press, 9th edn., 2021).
- Martin Dixon, *Textbook on International Law*, (Oxford University Press, 8th edn., 2022).
- Oppenheim, Lassa. *International Law: A Treatise*, 9th ed. Oxford University Press, 2008.

SEMESTER-II

PART A: INTERNATIONAL LAW (25 marks)

I. State Responsibility

- ◆ Meaning and definition.
- ◆ Original and vicarious responsibility.
- ◆ Notion of immutability and international delinquency.
- ◆ Calvo Doctrine.
- ◆ Case Study: *Bhopal Gas Leak Disaster Case* (1984).

II. Diplomatic Agents & Immunities

- ◆ Classification and functions of diplomatic agents.
- ◆ Privileges and immunities under the Vienna Convention, 1961.

Case Laws:

- *United States v. Iran* (Hostage Crisis Case), ICJ (1980)

PART B: HUMAN RIGHTS (15 marks)

I. Evolution of International Human Rights Law

- ◆ UN Charter & Universal Declaration of Human Rights (1948).
- ◆ International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR) (1966).
- ◆ European Court of Human Rights (ECHR, 1950).
- ◆ National Human Rights Commission (NHRC) in India (1993).

II. Role of International Organizations in Human Rights Protection



- ◆ **Role of Amnesty International.**
- ◆ **Role of UNGA, Security Council, and ICJ.**

Recommended Readings:

Research Articles

- Hersch Lauterpacht, 'The Function of Law in the International Community' (1933) 39 *Transactions of the Grotius Society* 41.
- Martti Koskeniemi, 'The Politics of International Law' (1990) 1(3) *European Journal of International Law* 4.
- Philip Jessup, 'The Subjects of a Modern Law of Nations' (1947) 45(3) *Michigan Law Review* 383.
- Harold Koh, 'Why Do Nations Obey International Law?' (1997) 106 *Yale Law Journal* 2599.
- Antonio Cassese, 'The International Criminal Court and the Prohibition of Terrorism' (2001) 12 *European Journal of International Law* 595.
- Daniel Bodansky, 'The Legitimacy of International Environmental Law' (2014) 74 *American Journal of International Law* 412.

Books

- Ago, Roberto. *International Law Commission's Work on State Responsibility*, UN Publications, 1983.
- Alston, Philip & Goodman, Ryan. *International Human Rights*, Oxford University Press, 2018.
- Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press 2011).
- Dinah Shelton, *Advanced Introduction to International Human Rights Law* (Edward Elgar Publishing 2014).
- John H. Jackson, *The World Trading System: Law and Policy of International Economic Relations* (2nd edn, MIT Press 1997).
- Patricia Birnie, Alan Boyle, & Catherine Redgwell, *International Law and the Environment* (3rd edn, Oxford University Press 2009).
- Peter Van den Bossche & Werner Zdouc, *The Law and Policy of the World Trade Organization* (5th edn, Cambridge University Press 2021).
- Smith, Rhona. *International Human Rights Law*, 9th ed. Oxford University Press, 2021.
- Steiner, Henry J., Alston, Philip, & Goodman, Ryan. *International Human Rights in Context: Law, Politics, Morals*, 3rd ed. Oxford University Press, 2007.
- William A. Schabas, *The International Criminal Court: A Commentary on the Rome Statute* (2nd edn, Oxford University Press 2016).
- Satow, Ernest. *Satow's Diplomatic Practice*, 7th ed. Oxford University Press, 2017.



LL.B. Part II

PAPER I - ENVIRONMENTAL LAW

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Environmental law is a critical branch of law that governs the protection, conservation, and sustainable use of natural resources. This course will provide students with an understanding of environmental principles, legal frameworks, judicial interpretations, and international conventions. Special emphasis will be placed on landmark judgments from India and abroad that have shaped environmental jurisprudence.

2. COURSE OBJECTIVES

1. To understand the fundamental principles of environmental law in India.
2. To examine the impact of development on the environment and legal responses to environmental degradation.
3. To explore the evolution of environmental liability and regulatory mechanisms.
4. To analyze key environmental legislation and constitutional provisions related to environmental protection.
5. To study judicial trends and public interest litigation (PIL) in environmental matters.

3. COURSE OUTCOMES

By the end of the course, students will be able to:

1. Identify and explain major environmental laws in India and their enforcement mechanisms.
2. Assess the role of the judiciary in environmental protection through landmark judgments.
3. Apply legal principles to real-world environmental disputes and policy discussions.
4. Understand international obligations related to environmental protection.
5. Evaluate the impact of environmental laws on sustainable development.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-III

I. Development and Environment the conflict of interest.

Case Laws:

- *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 (Oleum Gas Leak Case).

II. Early development of strict liability and environment concern.



Case Laws:

- *Rylands v. Fletcher* (1868) – Origin of strict liability
- *M.C. Mehta v. Union of India* (1987) – Evolution of absolute liability in India

III. Sources of Environmental Law

(a) Environmental Policy in India

(b) Early Environmental Legislation

Case Laws:

- *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh* (1985): (Landmark case on limestone quarrying marked the judicial recognition of sustainable development in Indian policy.)
- *Indian Council for Enviro-Legal Action v. Union of India* (1996): (Focused on the enforcement of the polluter pays principle and its alignment with national policies.)
- *Narmada Bachao Andolan v. Union of India* (2000): (Key case addressing environmental concerns in the context of large development projects.)
- *Municipal Council, Ratlam v. Vardichand* (1980): (A foundational case establishing municipal liability under early environmental legislation and public nuisance laws.)
- *M.C. Mehta v. Union of India (Oleum Gas Leak Case)* (1986): (Established the doctrine of absolute liability, building upon early environmental regulations like the Factories Act, 1948.)
- *T.N. Godavarman Thirumulpad v. Union of India* (1996): (Widely regarded for its interpretation of the Indian Forest Act, 1927, and its significance for conservation.)
- *Vellore Citizens Welfare Forum v. Union of India* (1996): (Recognized the "Precautionary Principle" and "Polluter Pays Principle" as essential parts of Indian environmental law, evolving from early legislative frameworks.)

IV. Digest of environmental legislation:

- ◆ Noise pollution
- ◆ Legal theories-concerning natural resources, Bio-diversity, treaty, liability to protect environment.
- ◆ Land conservation – Mining – Construction – Distribution of resources etc.
- ◆ Land acquisition Act and rehabilitation package.
- ◆ The Air (Prevention and Control of Pollution) Act, 1981.
- ◆ The Water Prevention and Control Act of 1974, water cess Act.
- ◆ The Environment (Protection) Act, 1986 – Scope and enforcement of the Act, International obligations.
- ◆ Prevention of Cruelty to Animals Act, 1960.



V. Pollution control boards and other authorities – enforcement of laws.

- ♦ **Environment protection – authority of the central government, Independent commission on environment protection laws and planning, conservation and protection in connection with environment.**

VI. Hazardous waste disposal, Solid waste disposal.

Research Article:

- Shyam Divan, *Evolution of Environmental Jurisprudence in India*, 5 Indian L. Rev.7 (2020).
- Sinha, Manoj Kumar. "Evolution of Environmental Policy in India." *The Indian Journal of Public Administration*, vol. 60, no. 3, 2014, pp. 11-25.
- Mehta, M.C. "Judicial Activism in Environmental Jurisprudence." *The Indian Environmental Law Review*, vol. 1, no. 1, 2004, pp. 61-78.
- Singh, Gurdip. "Noise Pollution Regulation in India: An Analysis." *Indian Journal of Environmental Law*, vol. 6, 2000, pp. 45-67
- Shastri, Satish C. "Noise Pollution: Health and Legal Perspectives." *Environmental Policy and Law*, vol. 32, no. 3, 2002, pp. 150-157
- Desai, Bharat H. "The Legal Framework for Biodiversity Conservation in India." *Journal of Environmental Law*, vol. 12, no. 2, 2000, pp. 113-140.
- Likosky, Michael B. "Common Heritage of Mankind: Legal Theory and Natural Resource Protection." *Ecology Law Quarterly*, vol. 24, no. 3, 1997, pp. 701-730.
- Saxena, K.B. "The Land Acquisition Act, 2013: A Paradigm Shift in Rehabilitation and Resettlement." *Indian Journal of Public Administration*, vol. 60, no. 1, 2014, pp. 20-36.
- Divan, Shyam. "Air Pollution Control Law in India: Judicial Perspectives." *Supreme Court Cases (SCC) Journal*, vol. 4, 2001, pp. 42-60
- Menon, N.R. Madhava. "The Water (Prevention and Control of Pollution) Act, 1974: An Assessment." *Environmental Law and Practice Review*, vol. 9, no. 3, 2008, pp. 215-232.
- Rajamani, Lavanya. "India's International Environmental Obligations and Domestic Law." *International Environmental Agreements*, vol. 9, no. 4, 2009, pp. 315-330.
- Gandhi, Maneka. "Animal Welfare Laws in India: A Comparative Perspective." *Journal of Animal Welfare Law*, vol. 3, 2002, pp. 15-28.
- Divan, Shyam. "The Role and Effectiveness of Pollution Control Boards in India." *Indian Journal of Environmental Law*, vol. 5, 2002, pp. 45-62.
- Muralikrishna, I.V., and Valli Manickam. "Hazardous Waste Management in India: Legal and Environmental Perspectives." *Journal of Hazardous Materials*, vol. 142, 2007, pp. 493-502.



SEMESTER-IV

I. Sustainable Development and Equitable society, problems of developmental technology.

Case Laws:

- *Vellore Citizens Welfare Forum v. Union of India* (1996) SCC 647 – Recognized sustainable development and the precautionary principle in Indian law.
- *M.C. Mehta v. Union of India (Taj Trapezium Case)* (1997) 2 SCC 353 – Applied sustainable development principles to protect the environment around the Taj Mahal.

II. European Communities Law – International Law – Judicial Review, Remedies, Procedure – Restrictions on Judicial Review.

III. Constitutional and Legislative Provisions.

- ◆ Constitutional provisions and environment.
- ◆ Environmental protection and fundamental rights and duties
- ◆ The right to Wholesome Environment.

Case Laws:

- *Rural Litigation and Entitlement Kendra v. State of U.P.* (1985) SCC 431 – (Dehradun Quarrying Case) First case involving environmental protection under constitutional provisions
- *Subhash Kumar v. State of Bihar* (1991) AIR 420 – Recognized the right to a pollution-free environment as part of Article 21
- *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388 – Emphasized the doctrine of public trust and protection of the environment as part of the right to life

IV. Digest of environmental legislation:

- ◆ The Wild Life Protection Act of 1972.
- ◆ The Indian Forests Act of 1927.
- ◆ The Forest Conservation Act of 1980
- ◆ The Insecticides Act of 1968.
- ◆ Atomic Energy Act of 1962.
- ◆ The Factories Act of 1948.

Case Laws:

- *T.N. Godavarman Thirumulpad v. Union of India* (1997) – Landmark case on forest conservation and implementation of the Forest (Conservation) Act, 1980
- *M.K. Balakrishnan v. Union of India* (2017) – Focused on the protection of wetlands and wildlife under the Wildlife Protection Act, 1972



V. Judicial remedies and procedures Tort Law:

- ◆ **Damages and Injunction.**
- ◆ **Nuisance, Negligence and strict liability.**
- ◆ **Public interest litigation, Locus standi Principle.**
- ◆ **Judicial Activism.**

Case Laws:

- *Rylands v. Fletcher (1868)* LR 3 HL 330 – Established the rule of strict liability.
- *M.C. Mehta v. Union of India (1987)* 1 SCC 395 – (Oleum Gas Leak Case) Introduced the concept of absolute liability in India.

II. Bio-Medical Waste Disposal

Case Laws:

- *Almitra Patel v. Union of India (2000)* 2 SCC 166 – Addressed bio-medical waste management and public health issues
- *Sushila Saw Mill v. State of Orissa (1995)* SCC 543 – Focused on the safe disposal of hazardous waste, including bio-medical waste

References/Recommended Readings:

Research Articles

- Rajamani, Lavanya. "The Principle of Sustainable Development in International Law: Reflections on Its Evolution and Relevance." *Journal of Environmental Law*, vol. 21, no. 3, 2009, pp. 221–240.
- Saxena, N.C. "Sustainable Development and India: Legal and Policy Framework." *Economic and Political Weekly (EPW)*, vol. 35, 2000, pp. 115–123.
- Craig, Paul. "Judicial Review and Remedies in European Union Law." *Common Market Law Review*, vol. 34, 2007, pp. 381–400.
- Chalmers, Damian. "The European Court of Justice and the Limits of Judicial Review." *European Public Law*, vol. 5, no. 1, 2003, pp. 25–45.
- Rosencranz, Armin. "The Wildlife Protection Act, 1972: An Overview." *Environmental Law Review*, vol. 15, 2001, pp. 105–115.
- Kothari, Ashish. "Forest Conservation in India: Law, Enforcement, and Policy." *Indian Journal of Environmental Law*, vol. 18, 2003, pp. 33–52
- Chaturvedi, Ankur. "Legal Framework for Bio-Medical Waste Management in India: A Critical Review." *Journal of Environmental Research and Development*, vol. 11, 2016, pp. 215–227.
- Sharma, Aarti. "Bio-Medical Waste Management and Environmental Health in India." *Indian Journal of Environmental Health*, vol. 48, 2012, pp. 53–70.

**Books:**

- P. Leelakrishnan, Environmental Law in India (LexisNexis, 2020).
- Philippe Sands & Jacqueline Peel, Principles of International Environmental Law (Cambridge Univ. Press, 2018).
- E.K. Quansah, Sustainability and Environmental Law (Routledge, 2017).
- Navroz Dubash, India in a Warming World: Integrating Climate Change and Development (Oxford Univ. Press, 2020).
- S.C. Shastri, Environmental Law (Eastern Book Co., 2021).
- David Hunter, James Salzman & Durwood Zaelke, International Environmental Law and Policy (Foundation Press, 2016).
- Patricia Birnie & Alan Boyle, International Law and the Environment (Oxford Univ. Press, 2019).
- Daniel Bodansky, The Art and Craft of International Environmental Law (Harvard Univ. Press, 2011).
- Shyam Divan & Armin Rosencranz, Environmental Law and Policy in India (Oxford Univ. Press, 2021).
- Elli Louka, International Environmental Law (Cambridge Univ. Press, 2006).





PAPER-II - LAND LAWS **(Including Ceiling and Local Laws)**

FULL MARKS – 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)
Course Objective Required lectures hours: 48 per semester

1. Introduction

The course provides an in-depth understanding of land reform laws in the state of Jharkhand. It explores the legal framework governing land revenue disputes, the role of revenue courts, and laws on land ceiling, acquisition, and settlement. Additionally, it examines tenancy laws regulating the rental market for both commercial and residential properties and the relationship between landlords and tenants.

2. Course Objectives

1. To understand the historical development of land reform laws in Jharkhand.
2. To analyze the Bihar Land Reforms Act, 1950 and its impact on land tenure.
3. To study the Land Ceiling Act, 1961 and its role in equitable land distribution.
4. To examine Jharkhand's tenancy laws, including land acquisition, settlement, and rent control mechanisms.
5. To equip students with practical knowledge of revenue court procedures and land revenue disputes.

3. Course Outcomes

By the end of the course, students will be able to:

1. Interpret and apply land laws in Jharkhand in legal practice.
2. Analyze revenue court procedures and land dispute resolutions.
3. Understand the impact of land reforms on social and economic structures.
4. Evaluate the role of tenancy and rent control laws in protecting landlords and tenants.

4. Course Structure & Recommended Readings

SEMESTER-III

I. Bihar Land Reforms Act, 1950

- ♦ **Aims and Objectives, Salient Features, Achievement of the Ceiling Act, 1950.**

Case Law:

- *Ram Bejoy Sharma vs. Pashupati Rai*, (1979) 4 SCC27 SCC 27.
- *Kameshwar Singh vs. State of Bihar*, AIR 1951 Pat. 91, *State vs. Kameshwar Singh* 11952 SCJ 354 – Constitutional validity of the BLR Act

- ♦ **Vesting of estate or tenure in the state – Meaning of vesting, consequences of vesting**

Case Law:

- *Ramjan vs. State of Bihar* AIR 1953 Pa. 121. (Meaning of vesting)



- *Giriwar Prasad Narain Singh vs. Dukhan Lal Dass*, 1968 BLJR 288. (Publication of Notification for vesting).
- *Basant Mahto vs. S.M. Yusuf*, 1979 BBCJ 531, (Consequences of Vesting)
- *Sheo Narayan Chaudhary vs. State of Bihar*, AIR 1957 Pat. 226.

♦ **Homesteads: Meaning, extent of Homestead, Rights of Intermediary in respect of Homesteads.**

Case Law:

- *State of Bihar vs. Pandit L.K. Jha*, 1986 PLJR 881, *Bibi Sayeeda vs. State of Bihar*, AIR 1985 Pat. 77 (Meaning of Homesteads)
- *Sheo Shankar Pd, Singh vs. Ganga Prasad*, 1984 PLJR 391 (Nature of Homesteads explained)

♦ **Khas Possession: Meaning, Nature, Rights of Intermediaries in respect of land in Khas Possession.**

Case Law:

- *Bhaiya Ramanuj Pratap Deo vs. Lalu Maheshanuj Pratap Deo*, AIR 1981 SC 1937
- *Badri Singh vs. Mansurul Hassan Khan*, 1979 BBCJ 642. (right u/s 6 explained)

♦ **Vesting of Mines and Minerals, effect of such vesting, subsisting leases of mines and minerals, Mines Tribunal: constitution, power and function.**

Case Law:

- *Madan Lal vs. State of Bihar*, 1958 BLJR 541 (Direct Possession of Mines and Minerals required for becoming lessee of the state.)
- *Karanpura Collieries Ltd. Vs. State of Bihar*, 1970 PLJR 640 (FB) (The nature and characteristics of Sec. 10 regarding subsisting leases of mines and minerals was elaborately discussed.)

♦ **Provisions relating to certain debts of Proprietor and tenure-holder under BLR, Act.**

Case Law:

- *Anup Singh vs. Ajodhya Pd.* 1962 BLJR 612 (Overriding effect of sec. 14 on decrees or orders of a court)
- *Sailendra Narayan bhanj Deo vs. Jagat Kishore Pd. Narayan Singh*, AIR 1962 SC 914 (Power of claims officer to decide certain questions)

♦ **Assessment and Payment of Compensation under BLR, Act.**

♦ **Bihar Land Commission: constitution, power and functions.**

♦ **Authorities under the BLR, Act: their powers and functions.**

II. The Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) Act, 1961 (Act XII of 1961) (Amended up to date)

♦ **Aims and Objectives, Salient Features, Achievement of the Ceiling Act**



- ♦ **Ceiling Area : Definition, Fixation of Ceiling Area, Restrictions & Permissible Limits of Land to be held by a family**
- ♦ **Preparation and Final Publication of Draft Statement**
- ♦ **Surplus Land : Definition, Acquisition of Surplus Land, Disposal of Surplus Land**
- ♦ **Restrictions on future acquisitions of surplus land**
- ♦ **Restriction on sub-letting**
- ♦ **Determination and Payment of Compensation under Ceiling Act**

Case Laws:

- *Bhola Paswan Shastri v. State of Bihar, A.I.R. 1969 S.C. 118 (Ceiling limits upheld).*
- *Chandreshwar Prasad Narayan Singh v. State of Bihar, 1980 P.L.J.R. 720 (Validity of land acquisition).*

III. The Jharkhand Buildings (Lease, Rent and Eviction) Control Act, 2011

- ♦ **Aims, Objectives, and Salient Features**
 - Regulation of Rent & Tenancy in Jharkhand
- ♦ **Control over arbitrary eviction of tenants.**
- ♦ **Protection of landlords' rights.**
- ♦ **Lease & Rent Control Provisions**
 - Fixation of Fair Rent & Rent Increase Mechanisms
- ♦ **Rules for periodic rent revision.**
- ♦ **Legal criteria for permissible rent hikes.**

Case Laws:

- *Ramesh Prasad v. State of Jharkhand, 2015 J.L.J.R. 215 (Rent control mechanism).*
- *Suresh Singh v. Anil Kumar Agarwal, 2016 S.C.C. OnLine Jhar 67 (Eviction rights of landlords).*

- ♦ **Eviction Provisions & Rights of Tenants**
 - Grounds for Eviction & Legal Procedures
- ♦ **Non-payment of rent.**
- ♦ **Unauthorized construction & misuse of premises.**

Case Laws:

- *Krishna Kant Tiwary v. State of Jharkhand, 2019 S.C.C. OnLine Jhar 115 (Protection against arbitrary eviction).*
- *Sanjay Kumar v. Lalita Devi, 2017 P.L.J.R. 334 (Tenant's rights against eviction).*

- ♦ **Powers of Rent Controllers & Appellate Authorities**
 - Jurisdiction & Functions



- ◆ Dispute resolution between landlords and tenants.
- ◆ Enforcement of lease agreements.
- ◆ Legal Remedies & Appeal Mechanisms
 - Appeals to Rent Control Authorities
- ◆ Review procedures for rent disputes.
- ◆ Protection for tenants facing illegal eviction.

SEMESTER-IV

Chotanagpur Tenancy Act, 1908

I. General Provisions and Tenancy Rights

- ◆ Chapter I: Preliminary
 - Aims and Objectives
 - Salient Features, Characteristics
- ◆ Chapter II: Classes of Tenants
 - Tenure Holder including under tenure holder
 - Raiyat
 - Under Raiyat
 - Mundari Khunt- Kattidar
- ◆ Chapter III: Rights and Liabilities of Landlords and Raiyats
- ◆ Chapter IV: Special Provisions for Mundari Khuntkattidars
- ◆ Chapter V: Bhuinhari Tenures
- ◆ Chapter VI: Rent and Revenue Collection
- ◆ Chapter VII: Protection Against Unlawful Eviction
- ◆ Chapter VIII: Rights of Transfer and Succession

Case Laws:

- *Ramdhani Sahu & Ors. v. Jagdeo Lall Marwari & Ors.*, AIR 1959 Pat 372

II. Record-of-Rights- Meaning, Concept, and Procedure for preparation of Record-of-Rights

III. Landlords Privileged Land, Village- Headman

Case Laws:

- *Mikhail Soreng @ Mikhail Kharia v. The State of Jharkhand*, 2018 SCC Online Jhar 1175

IV. Certain Suits and Application Cognizable only by the Deputy Commissioner.

- ◆ Settlement of rent disputes between landlords and tenants.

V. Execution of Decrees and Orders of revenue courts under CNT



Case Laws:

- Situ Sahu & Ors. v. The State of Jharkhand & Ors., (2004) 5 SCC 312

VI. Appeals from orders of Deputy Commissioner.

Case Laws:

- State of Bihar (now State of Jharkhand) v. Tata Iron & Steel Co. Ltd., (2019) 8 SCC 407

I. Special Provisions for Mundari, Khunt, Kattidari tennacies

- The Bihar Land Reforms Act, 1950, No. 30 of 1950, Acts of Parliament, 1950 (India).
- The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, No. 12 of 1961, Acts of Parliament, 1961 (India).
- The Jharkhand Buildings (Lease, Rent, and Eviction) Control Act, 2011, No. 5 of 2011, Acts of Jharkhand State Legislature, 2011 (India).
- The Chotanagpur Tenancy Act, 1908, No. 6 of 1908, Acts of Parliament, 1908 (India).
- R.N. Roy, *Manual of Chotanagpur Tenancy Laws: Containing an Exhaustive Commentary on Chotanagpur Tenancy Act, 1908 and Other Allied Laws with Up-to-date Rules, Notifications, and Forms* (Central Book Depot, 1978).
- B.N. Sinha & S.K. Chattopadhyay, *Commentaries on Chotanagpur Tenancy Act, 1908 with Rules, Notifications and Other Allied Laws* (Rajpal & Co., 1979).



PAPER-III

THE BHARATIYA NAGARIK SURAKSHA SANHITA, JUVENILE JUSTICE ACT & PROBATION OF OFFENDERS ACT

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

This course provides a comprehensive understanding of India's criminal justice system and its procedural aspects. It covers the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which replaces the Code of Criminal Procedure (CrPC), 1973, the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Probation of Offenders Act, 1958.

2. COURSE OBJECTIVES

1. Provide a deep understanding of criminal procedure laws and their role in the administration of justice.
2. Discuss the evolution, structure, and jurisdiction of criminal courts.
3. Examine the juvenile justice system, including the rights and protection mechanisms for juveniles.
4. Analyze alternative sentencing approaches, including probation and rehabilitation of offenders.

3. COURSE OUTCOMES

Upon completion of this course, students will:

1. Gain expertise in criminal procedure laws and court processes.
2. Understand the juvenile justice system, the role of the Juvenile Justice Board, and the special procedures for juvenile offenders.
3. Evaluate the importance of probation as a reformatory measure in criminal law.
4. Apply legal principles to real-life case scenarios involving criminal proceedings and juvenile justice.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-III

PART-A: THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (25 Marks)

I. Constitution and Powers of Criminal Courts

- ◆ Structure of criminal courts under the Bhartiya Nagrik Suraksha Sanhita, 2023.
- ◆ Jurisdiction and hierarchy of courts in criminal matters.

Case Laws:

- *A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602 – Discusses the hierarchy and jurisdiction of criminal courts.



- *Kehar Singh v. Delhi Administration*, AIR 1988 SC 1883 – Explains the special powers of Sessions Courts.
- *State of Maharashtra v. Praful Desai*, (2003) 4 SCC 601 – Recognized video conferencing as a valid means of conducting trials.

II. Arrest of Persons

◆ Arrest procedures and safeguards.

Case Laws:

- *Joginder Kumar v. State of U.P.*, (1994) 4 SCC 260 – Defined the scope of preventive arrest under statutory provisions.
- *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610 – Laid down guidelines for lawful arrests to prevent custodial torture.
- *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273 – Mandated strict compliance with Section 41A CrPC for arrest without warrant.

III. Process to Compel Appearance

(a) Summons

Case Laws:

- *State of Uttar Pradesh v. Poosu & Anr.*, AIR 1976 SC 1750 – Discussed the validity of service of summons.

(b) Warrant of Arrest

Case Laws:

- *Kishore Singh v. State of Rajasthan*, (1989) Supp (1) SCC 504 – Defined the procedure for issuing arrest warrants.

(c) Proclamation & Attachment

Case Laws:

- *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi*, (2012) 13 SCC 611 – Clarified the process of proclamation and attachment.

(d) Other Rules Regarding Processes

Case Laws:

- *Union of India v. Padam Narain Aggarwal*, (2008) 13 SCC 305 – Discussed procedures under CrPC for compelling appearance.

IV. Process to Compel the Production of Things

(a) Summons to Produce

Case Laws:

- *M.P. Sharma v. Satish Chandra*, AIR 1954 SC 300 – Laid down the principles regarding document production and self-incrimination.

(b) Search Warrant

**Case Laws:**

- *State of Maharashtra v. Natwarlal Damodardas Soni*, (1980) 4 SCC 669 – Validated search and seizure in criminal investigations.

(c) General Provisions Relating to Search**Case Laws:**

- *Pooran Mal v. Director of Inspection*, (1974) 1 SCC 345 – Stated that evidence obtained through illegal searches could still be admissible.

(d) Miscellaneous**Case Laws:**

- *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 – Established the right to privacy in searches and seizures.

V. Security for Keeping the Peace and for Good Behavior**Case Laws:**

- *Madhu Limaye v. S.D.M. Monghyr*, AIR 1971 SC 2486 – Examined the preventive jurisdiction of magistrates.
- *Ram Manohar Lohia v. State of Bihar*, AIR 1966 SC 740 – Defined restrictions on personal liberty in preventive security measures.

VI. Order for Maintenance of Wives, Children, and Parents**Case Laws:**

- *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945 – Landmark judgment on maintenance rights under Section 125 CrPC.
- *Daniel Latifi v. Union of India*, (2001) 7 SCC 740 – Clarified the rights of divorced Muslim women to maintenance.
- *Nagendrappa Natikar v. Neelamma*, (2014) 14 SCC 452 – Reinforced the entitlement of maintenance to wives.

VII. Preventive Action of the Police**Case Laws:**

- *Gopalanachari v. State of Kerala*, AIR 1981 SC 674 – Clarified the use of preventive detention powers by police.
- *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295 – Addressed fundamental rights against excessive police surveillance.

VIII. Information to the Police and Their Powers to Investigate**Case Laws:**

- *Lalita Kumari v. Government of Uttar Pradesh*, (2013) 4 SCC 1 – Made FIR registration mandatory in cognizable offenses.
- *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 – Laid down guidelines for the exercise of police power in investigations.



- *Hema v. State of Maharashtra*, (2013) 10 SCC 596 – Discussed procedural safeguards in criminal investigations.

PART-B: THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 (15 Marks)

I. Meaning of Juvenile, Juvenile in Conflict with Law, Juvenile in Need of Care and Protection

Case Laws:

- *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551 – Clarified that the relevant date for determining juvenility is the date of offence and upheld school records as valid age proof.
- *Kailash v. State of Rajasthan*, (2008) 14 SCC 51 – Established that, in case of ambiguity regarding age, the accused should be given the benefit of the doubt and treated as a juvenile.

II. Juvenile Justice Board: Constitution, Power, and Functions

Case Laws:

- *Dr. Subramanian Swamy v. Raju*, (2014) 8 SCC 390 – Upheld the constitutional validity of the Juvenile Justice Act and emphasized the rehabilitative approach of the Juvenile Justice Board.
- *Shilpa Mittal v. State of NCT of Delhi*, (2020) 2 SCC 787 – Clarified categorization of offences under the Act and the role of the Juvenile Justice Board in handling different cases.

III. Juvenile Institutions: Observation Homes, Special Homes

Case Laws:

- *Sheela Barse v. Union of India*, (1986) 3 SCC 596 – Highlighted the need for better administration and infrastructure in juvenile homes.
- *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756 – Addressed the issue of child labor and emphasized rehabilitation mechanisms in juvenile institutions.

IV. Offences Against Juveniles

Case Laws:

- *Sakshi v. Union of India*, (2004) 5 SCC 518 – Recognized the need for child-friendly procedures during trial, particularly in sexual abuse cases.
- *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384 – Mandated in-camera proceedings for sexual assault cases involving juveniles.

V. Special Procedure to be Followed in Case of Juveniles

Case Laws:

- *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211 – Reaffirmed that juvenility is determined by age at the time of offence.



- *Jaya Mala v. Home Secretary, Government of Jammu & Kashmir*, (1982) 2 SCC 538 – Recognized the possibility of error in age determination through ossification tests.

SEMESTER-IV

PART-A: THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

I. Jurisdiction of the Criminal Courts in Inquiry

- ◆ Scope and territorial jurisdiction of criminal courts
- ◆ Application and exceptions under the Bhartiya Nagrik Suraksha Sanhita, 2023

Case Laws:

- *Satvinder Kaur v. State (Govt. of NCT of Delhi)*, (1999) 8 SCC 728 – Held that territorial jurisdiction is not a ground for quashing an FIR.
- *Navinchandra N. Majithia v. State of Maharashtra*, (2000) 7 SCC 640 – Emphasized that jurisdiction depends on where the offence is committed.

II. Conditions Requisite for Initiation of Proceedings

- ◆ Requirement of prima facie evidence
- ◆ Process of cognizance under the new law

Case Laws:

- *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre*, (1988) 1 SCC 692 – Stressed the necessity of prima facie evidence before initiating criminal proceedings.
- *Pepsi Foods Ltd. v. Special Judicial Magistrate*, (1998) 5 SCC 749 – Ruled that summoning a person in a criminal case is a serious matter and must be based on sufficient evidence.

III. Complaints to Magistrates

- ◆ Procedure for filing complaints.
- ◆ Powers and functions of magistrates.

Case Laws:

- *Suresh Chand Jain v. State of Madhya Pradesh*, (2001) 2 SCC 628 – Clarified the procedure for filing a private complaint before a magistrate.
- *Nupur Talwar v. CBI*, (2012) 11 SCC 465 – Discussed the powers of a magistrate in dealing with complaints and directing further investigation.

IV. Commencement of Proceedings before Magistrates

- ◆ Legal framework for initiating proceedings.

Case Laws:

- *K. M. Mathew v. State of Kerala*, (1992) 1 SCC 217 – Held that a magistrate has the power to drop proceedings at any stage before taking cognizance.
- *Mohd. Yousuf v. Afaq Jahan*, (2006) 1 SCC 627 – Explained the role of magistrates in taking cognizance of offences under Section 190.



V. Trials

(a) Trial before a Court of Session

Case Laws:

- *State of Maharashtra v. Salman Salim Khan*, (2004) 1 SCC 525 – Discussed the procedure and powers of the Sessions Court in conducting trials.
- *Babu v. State of Kerala*, (2010) 9 SCC 189 – Clarified that the accused must be given a fair opportunity in a sessions trial.

(b) Trial of Warrant-Cases by Magistrate

Case Laws:

- *Swaran Singh v. State of Punjab*, (2000) 5 SCC 668 – Emphasized the distinction between summons and warrant cases and their procedural requirements.

(c) Trial of Summons-Cases by Magistrate

Case Laws:

- *K. Natarajan v. B. K. Subba Rao*, (2003) 2 SCC 76 – Explained the procedure and powers of magistrates in summons cases.

(d) Summary Trials

Case Laws:

- *State of Gujarat v. Siddharth Chhotalal Shah*, (2005) 1 SCC 791 – Upheld the importance of ensuring justice in summary trials.

VI. Plea Bargaining

Case Laws:

- *Murlidhar Meghraj Loya v. State of Maharashtra*, (1976) 3 SCC 684 – Initially criticized plea bargaining in India.
- *State of Uttar Pradesh v. Chandrika*, (2000) 4 SCC 458 – Reiterated that plea bargaining cannot be a substitute for trial.

VII. Charge Contents & Joinder of Charges

Case Laws:

- *Kantilal Chandulal Mehta v. State of Maharashtra*, (1969) 3 SCC 166 – Held that misjoinder of charges can lead to miscarriage of justice.
- *State of Bihar v. Ramesh Singh*, (1977) 4 SCC 39 – Clarified that charges must be framed based on prima facie evidence.

VIII. Appeals

Case Laws:

- *Hari Singh Mann v. Harbhajan Singh Bajwa*, (2001) 1 SCC 169 – Explained the scope of appeals in criminal cases.



- *Ramachandran v. R. Udhayakumar*, (2008) 5 SCC 413 – Held that a victim has the right to file an appeal against acquittal.

IX. Reference and Revision

Case Laws:

- *Anoop Kumar v. State of U.P.*, (2005) 5 SCC 118 – Explained the powers of reference and revision under the law.
- *Bharat Petroleum Corp. Ltd. v. N. R. Vairamani*, (2004) 8 SCC 579 – Held that High Courts should exercise revision jurisdiction sparingly.

X. Provisions as to Bail and Bonds

Case Laws:

- *Gudikanti Narasimhulu v. Public Prosecutor*, (1978) 1 SCC 240 – Laid down the fundamental principles for granting bail.
- *Sanjay Chandra v. CBI*, (2012) 1 SCC 40 – Stressed that bail is the rule and jail is an exception.

XI. Limitation for Taking Cognizance of Certain Offences

Case Laws:

- *State of Punjab v. Sarwan Singh*, (1981) 3 SCC 34 – Clarified that courts must follow prescribed limitations while taking cognizance of offences.
- *Vanka Radhamanohari v. Vanka Venkata Reddy*, (1993) 3 SCC 4 – Ruled that the limitation period applies strictly in criminal cases.

XII. Inherent Powers of the High Court

Case Laws:

- *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 – Laid down guidelines for the High Court's inherent power to quash criminal proceedings.
- *Dinesh Dutt Joshi v. State of Rajasthan*, (2001) 8 SCC 570 – Held that inherent powers must be exercised to prevent abuse of process.

PART-B: THE PROBATION OF OFFENDERS ACT, 1958 (15 Marks)

I. Probation as a Resocialization Process

Case Laws:

- *Rattan Lal v. State of Punjab*, AIR 1965 SC 444 - Held that probation is intended for the reformation and rehabilitation of offenders rather than their punishment.
- *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694- Emphasized that probation helps in the reintegration of offenders into society, reducing recidivism.

II. Objects and Reasons of the Act – Historical Perspective and Legislative History of Probation Laws in India

Case Laws:

- *Gulzar v. State of M.P.*, (2007) 1 SCC 619- Stressed that the Probation of



Offenders Act was enacted to prevent young and first-time offenders from becoming hardened criminals.

- *Mohd. Aziz v. State of U.P.*, (2005) 12 SCC 156- Explained the evolution of probation laws and their importance in the Indian legal framework.

III. Concept and Definition of Probation

Case Laws:

- *State of Maharashtra v. Natwarlal Damodardas Soni*, (1980) 4 SCC 669- Defined probation as an alternative to incarceration, aimed at the offender's rehabilitation.
- *Keshav Sitaram Sali v. State of Maharashtra*, (1983) 1 SCC 471- Explained that probation is a corrective measure and should be preferred over imprisonment where applicable.

IV. Probation of Offenders Act, 1958 (All Sections)

Case Laws:

- *Daulat Ram v. State of Haryana*, (1995) 1 SCC 684- Clarified the discretionary power of courts in granting probation under Sections 3 and 4 of the Act.
- *Jugal Kishore Prasad v. State of Bihar*, (1972) 2 SCC 633- Stated that courts must consider the age, nature of the crime, and antecedents before granting probation.
- *Ram Prakash v. State of Himachal Pradesh*, (1973) 2 SCC 323- Highlighted the importance of Section 6, making probation mandatory for offenders below 21 years in certain cases.

V. Distinction between Probation and Suspended Sentences

Case Laws:

- *State of Gujarat v. V.A. Chauhan*, (2011) 7 SCC 345- Differentiated between probation and a suspended sentence, clarifying that probation involves supervision, whereas a suspended sentence does not.
- *Sanjay Dutt v. State*, (1994) 5 SCC 410- Held that a suspended sentence is a mere deferment of punishment, whereas probation aims at reforming the offender.

VI. Judicial Trend in Probation

Case Laws:

- *Jaswant Singh v. State of Punjab*, (1974) 4 SCC 714- Emphasized the increasing judicial preference for probation in cases involving first-time and young offenders.
- *Bashir v. State of Haryana*, (1978) 1 SCC 139- Stated that probation should not be denied merely because the offence is serious unless necessary for public safety.
- *Bhola Bhagat v. State of Bihar*, (1997) 8 SCC 720- Highlighted that courts



must use probation as a tool for social justice, especially for juvenile and young offenders.

Recommended Readings:

Research Articles

- Ratan Singh, *Evolution of Criminal Justice System in India: A Historical Perspective*, 49(2) J. Indian L. Inst. 145 (2017).
- P.K. Dutta, *Bail Jurisprudence in India: A Judicial Review*, 55(1) Indian J. Criminology 65 (2019).
- Niranjana Reddy, *The Role of High Courts in Quashing Criminal Proceedings*, 33(4) Nat'l L. Sch. J. 102 (2021).
- Aparna Chandra, *Juvenile Justice and Constitutional Rights in India*, 15 NUJS L. Rev. 112 (2021).
- UNICEF Report on Child Protection and Juvenile Justice (2020).
- R. Dutta, *Child Rights in India and Juvenile Justice*, 47 Indian J. Soc. Sci. 56 (2019).

Books

- R.V. Kelkar, *Criminal Procedure* (Eastern Book Company 2022).
- K.N. Chandrasekharan Pillai, *R.V. Kelkar's Criminal Procedure* (LexisNexis 2020).
- K.D. Gaur, *Textbook on Criminal Procedure* (Universal Law Publishing 2019).
- C.K. Thakker, *Criminal Procedure Code* (LexisNexis 2018).
- P.S.A. Pillai, *Criminal Law* (LexisNexis 2021).
- P.V. Ramakrishna, *Law on Bail, Bonds, Arrest & Custody* (LexisNexis 2019).
- M.P. Jain, *Indian Constitutional Law and Criminal Justice* (6th ed., EBC 2020).
- George E. Dix & M. Bradley, *Criminal Law and Procedure* (West Academic, 2020).
- Joshua Dressler & George C. Thomas III, *Criminal Procedure: Principles, Policies, and Perspectives* (West Academic Publishing, 2021).
- Justice Malimath Committee Report on Criminal Justice System (2003).
- K.N. Chandrasekharan Pillai, *Criminal Procedure* (Eastern Book Company, 6th Edition, 2021).
- Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights* (Oxford University Press, 2010).
- Franklin E. Zimring, *Juvenile Justice in Global Perspective* (Oxford Univ. Press 2017).
- Michael Tonry, *Punishing Juveniles: Principle and Critique* (Oxford Univ. Press 2005).



- David J. Smith, *Juvenile Justice: A Comparative Introduction* (Oxford Univ. Press 2013).
- Gillian Douglas, *Children and Cross-Border Families: A Guide for Lawyers* (Oxford Univ. Press 2021).
- Roger J. R. Levesque, *Not Beyond Repair: The Juvenile Court and the Promise of Justice* (Oxford Univ. Press 2021).
- K. D. Gaur, *Textbook on Indian Penal Code* (Universal Law Publishing, 2019).
- K. I. Vibhute, *PSA Pillai's Criminal Law* (LexisNexis, 2019).
- Mamta Rao, *Law Relating to Women and Children* (Eastern Book Company, 2020).
- G. S. Bajpai, *Juvenile Justice: Impact and Implementation in India* (Bloomsbury India, 2019).
- Juvenile Justice (Care and Protection of Children) Act, 2015.
- The Probation of Offenders Act, 1958.





LL.B. Part II

PAPER-IV: PROPERTY LAW (Transfer of Property Act & Indian Easement Act)

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The law of property governs the transfer of rights from one person to another, ensuring legal security in transactions involving ownership, possession, and interest in immovable property. This course provides an in-depth analysis of the Transfer of Property Act, 1882, focusing on general principles of property transfer, restrictions, conditional transfers, and various doctrines such as Rule Against Perpetuity, Doctrine of Election, Lis Pendens, and Part Performance. Additionally, the course covers specific modes of transfer, including Sale, Mortgage, Lease, and Gift, along with an exploration of easements and licenses under the Indian Easement Act, 1882. By studying the fundamental principles and judicial interpretations, students will develop a critical understanding of property rights, their enforceability, and the impact of property laws on real estate and transactions.

2. COURSE OBJECTIVES

The objectives of this course are:

1. To provide an understanding of property law principles and their application in legal practice.
2. To analyze the different modes of transfer of property, including sale, mortgage, lease, and gift.
3. To explore doctrines related to property transfer, such as Lis Pendens, Part Performance, and Fraudulent Transfer.
4. To examine legal restrictions on property transfers, such as rules against inalienability and perpetuity.
5. To understand the rights and liabilities of buyers, sellers, mortgagors, mortgagees, lessees, and donors.
6. To study the Indian Easement Act, including the nature and characteristics of easements and licenses.
7. To analyze judicial trends and landmark case laws shaping property and easement law.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the fundamental concepts of property law and its historical evolution.
2. Differentiate between various types of property and their transferability under legal frameworks.



3. Apply legal doctrines such as Rule Against Perpetuity, Doctrine of Election, and Fraudulent Transfer in case analysis.
4. Analyze legal provisions governing Sale, Mortgage, Lease, and Gift, and identify the rights and liabilities of the parties involved.
5. Examine restrictions on property transfer, such as conditions precedent and subsequent.
6. Interpret the Indian Easement Act, 1882, particularly the classification, acquisition, and extinction of easements.
7. Critically evaluate case laws and judicial interpretations to develop problem-solving skills in property law disputes.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-III

1. General Principles of Transfer of Property

- ◆ Different classification of property
- ◆ Ability to transfer property
- ◆ Transaction resembling transfer

Case Laws:

- *Kalyan Sundaram Pillai v. Karuppa Mooppanar*, AIR 1927 PC 42 – Defines what constitutes a valid transfer under the Transfer of Property Act, 1882.
- *K.M. Nanavati v. State of Maharashtra*, AIR 1962 SC 605 – Distinction between absolute transfers and transactions resembling transfers.

2. Rule Against Inalienability

- ◆ Prohibition on absolute restraints on transfer
- ◆ Legal provisions under the Transfer of Property Act, 1882

Case Laws:

- *V. Tulasamma v. Sesha Reddy*, (1977) 3 SCC 99 – A property cannot be transferred with a condition that it cannot be further transferred.

3. Rule Against Restriction on Enjoyment

- ◆ Conditions restricting the manner of enjoyment of property
- ◆ Impact of such restrictions under the Transfer of Property Act, 1882

Case Laws:

- *Rosher v. Rosher* (1884) 26 Ch D 801 (UK Case) – Restrictions on property enjoyment are generally void unless permitted by law.

4. Conditional Transfers and Transfers Containing Directions of Transfer

- ◆ Definition and nature of conditional transfers
- ◆ Legal validity of conditions attached to transfers



Case Laws:

- *Ram Baran Prasad v. Ram Mohit Hazra*, AIR 1967 SC 744 – Conditional transfers must comply with the conditions set under Sections 25-34 of the Transfer of Property Act.

5. Rule Against Perpetuity

- ◆ Concept and statutory provisions under the Transfer of Property Act, 1882
- ◆ Exceptions to the rule against perpetuity

Case Laws:

- *Stanley v. Colt*, 72 U.S. 119 (1866) – The rule against perpetuity prevents indefinite restrictions on property transfers.

6. Condition Precedent and Condition Subsequent

- ◆ Definition and application in property transfers
- ◆ Legal consequences of fulfillment or non-fulfillment

Case Laws:

- *Md. Raza v. Abbas Bandi Bibi*, AIR 1932 PC 158 – A condition precedent must be reasonable and possible; otherwise, the transfer remains valid.

7. Vested Interest and Contingent Interest

- ◆ Difference between vested and contingent interests
- ◆ Legal implications under the Transfer of Property Act, 1882

Case Laws:

- *Lallu Singh v. Gur Narayan*, AIR 1922 PC 94 – Clarifies that vested interest does not depend on future events, whereas contingent interest does.

8. Doctrine of Election

- ◆ Principle and its applicability
- ◆ Consequences of choosing between conflicting rights

Case Laws:

- *Codrington v. Codrington*, (1875) LR 7 HL 854 – A person cannot take the benefit of a transfer while challenging the same transfer.

9. Transfer by Co-owner

- ◆ Rights of co-owners in transferring property
- ◆ Implications of unilateral transfer by a co-owner

Case Laws:

- *S. N. Shetty v. B. S. Gurumurthy*, (1995) 2 SCC 25 – A co-owner can transfer his share, making the transferee a co-owner with others.

10. Joint Transfer

- ◆ Concept and legal framework



- ♦ **Rights and liabilities of joint transferees**

Case Laws:

- *M.C. Chacko v. State Bank of Travancore*, AIR 1970 SC 504 – Joint transfer occurs when two or more individuals collectively transfer property.

11. Doctrine of Lis Pendens

- ♦ **Principle under Section 52 of the Transfer of Property Act, 1882**
- ♦ **Effect of pending litigation on property transfers**

Case Laws:

- *Radhamadhub Holder v. Monohur*, (1888) 15 IA 97 – If a property is under litigation, it cannot be transferred without risk of being affected by the court's decision.

12. Fraudulent Transfer

- ♦ **Definition and legal consequences**
- ♦ **Protection of creditors against fraudulent transactions**

Case Laws:

- *Kedar Nath Lal v. Sheo Narain*, AIR 1970 SC 1717 – Any transfer intended to defraud creditors is voidable under Section 53 of the Transfer of Property Act, 1882.

13. Part Performance

- ♦ **Doctrine under Section 53A of the Transfer of Property Act, 1882**
- ♦ **Conditions for claiming part performance**

Case Laws:

- *Shri Krishna v. Kurushetra University*, AIR 1976 SC 376 – Allows a transferee to protect rights even if transfer is incomplete but possession has been delivered.

SEMESTER-IV

PART A

1. Sale

- ♦ **Definition and mode of sale**
- ♦ **Rights and liabilities of the buyer and seller**
- ♦ **Difference between sale and exchange**

Case Laws:

- *K.L. Gupta v. K.P. Narayan*, AIR 1983 SC 1447 – A sale requires consideration, proper execution, and registration.

2. Mortgages

- ♦ **Types and features of mortgages**



♦ **Rights and liabilities of mortgagor and mortgagee**

Case Laws:

- *Gopal v. Krishnaji*, AIR 1955 SC 143 – Explains different types of mortgages, including equitable mortgages.

3. Leases

♦ **Definition, scope, and creation of leases**

♦ **Determination and renewal of lease**

Case Laws:

- *Delhi Development Authority v. Durga Chand Kaushish*, AIR 1973 SC 2609 – Lease agreements must clearly define rights, duration, and renewal conditions.

4. Gifts

♦ **Meaning, scope, and mode of transfer**

♦ **Concept of onerous gifts and universal donee**

Case Laws:

- *K. Balakrishnan v. K. Kamalam*, AIR 2004 SC 1257 – A valid gift must have a voluntary transfer, acceptance, and registration.

PART B: INDIAN EASEMENT ACT, 1882

1. Easements

♦ **Definition, classification, and characteristics**

♦ **Mode of acquisition and extinction of easements**

♦ **Difference between easements and licenses**

Case Laws:

- *Krishna Pillai Rajan v. Perumal Pillai*, AIR 1967 SC 1424 – Easements are incorporeal rights that provide legal access to another's land.
- *M.C. Chacko v. State Bank of Travancore*, AIR 1970 SC 504 – Distinction between license (temporary permission) and easement (permanent right).

Recommended Readings:

Research Articles

- Shyam K. Agrawal, A Critical Analysis of the Rule Against Perpetuity in India, 12 Ind. J. Legal Stud. 45 (2020).
- Rohit Sharma, The Doctrine of Lis Pendens: Its Relevance in Contemporary Indian Property Law, 118 Harv. L. Rev. 798 (2021).
- S.K. Verma, Evolution of Mortgage Law in India, 14 NUJS L. Rev. 312 (2022).



Books

- Sir Dinshaw Fardunji Mulla, Mulla on Transfer of Property Act (13th ed. LexisNexis 2020).
- Roger J. Smith, Property Law (10th ed. Oxford University Press 2022).
- M.P. Jain, Indian Easement Act, 1882 (Universal Law Publishing 2017).
- Gale on Easements (20th ed. Sweet & Maxwell 2020).
- G.P. Tripathi, Transfer of Property Act (Central Law Publications 2019).
- Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (Eastern Book Company 10th ed. 2022).
- R.K. Sinha, The Transfer of Property Act, 1882 (LexisNexis 15th ed. 2021).





PAPER-V: ADMINISTRATIVE LAW

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Administrative Law is a fundamental branch of public law that governs the activities of administrative agencies of the government. It ensures accountability, transparency, and adherence to the rule of law in administrative functions. This course explores the evolution, principles, and contemporary applications of administrative law, examining the balance between state authority and individual rights. It covers the legislative, judicial, and executive control over administrative actions and emphasizes doctrines like natural justice, judicial review, administrative discretion, and liability of the state.

By the end of this course, students will have a clear understanding of how administrative law operates within a democratic framework, its role in ensuring good governance, and its impact on public administration and policy implementation.

2. COURSE OBJECTIVES

This course aims to:

1. Provide an in-depth understanding of the evolution, nature, and scope of administrative law.
2. Explain the constitutional principles governing administrative actions, including separation of powers and the rule of law.
3. Analyze the concept and need for delegated legislation, judicial review, and mechanisms to control administrative power.
4. Examine the role and functions of administrative tribunals and other quasi-judicial bodies.
5. Develop a critical understanding of natural justice principles, including the right to be heard and the rule against bias.

3. COURSE OUTCOMES

Upon completion of this course, students will be able to:

1. Demonstrate a thorough understanding of administrative law concepts and their relevance in contemporary governance.
2. Critically analyze the separation of powers and rule of law in the context of administrative actions.
3. Evaluate the constitutional validity of delegated legislation and the role of judicial control over administrative decisions.
4. Assess the functioning of administrative tribunals and their impact on dispute resolution.
5. Apply the principles of natural justice in administrative decision-making and judicial review cases.



4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-III

I. Evolution, Nature, and Scope of Administrative Law

- ♦ **Nature, Definition, and Scope of Administrative Law. Rule of Law; Separation of Powers.**

Case Laws:

- *Ram Jawaya Kapoor v. State of Punjab*, AIR 1955 SC 549. (The extent of executive power and the separation of powers under Articles 77 and 162 of the Indian Constitution.)
- *State of Rajasthan v. Union of India*, AIR 1977 SC 1361. (Discussed the doctrine of separation of powers and the limits of judicial review in matters of political nature.)
- *S.P. Sampath Kumar v. Union of India*, AIR 1987 SC 386. (Upheld the constitutionality of the Administrative Tribunals Act, 1985, and discussed the separation of powers in the context of administrative tribunals.)
- *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125. (Reaffirmed the power of judicial review of administrative actions and emphasized the importance of the separation of powers.)
- *A.K. Kraipak v. Union of India*, (1970) 1 SCC 40 – Emphasized that administrative decisions must be free from arbitrariness and adhere to the principles of natural justice.
- *Indira Nehru Gandhi v. Raj Narain*, 1975 AIR 2299 – Discussed the concept of separation of powers in India.
- *D.S. Gerewal v. State of Punjab*, AIR 1959 SC 512 – Examined the scope and nature of administrative law in India.
- *R. v. Electricity Commissioners*, [1924] 1 KB 171 – Established that administrative authorities must act within the scope of their statutory powers.

2. Legislative Powers of Administration

- ♦ **Delegated Legislation: Constitutionality, Public Participation, and Control.**
- ♦ **Judicial Control of Delegated Legislation – Doctrine of Ultra Vires.**

Case Laws:

- *R.K. Jain v. Union of India*, AIR 1993 SC 1769.
- The Supreme Court highlighted the importance of transparency and accountability in the functioning of administrative tribunals and stressed the need for adherence to the principles of natural justice.
- *Delhi Laws Act Case*, AIR 1951 SC 332 – Examined the constitutionality of delegated legislation in India.
- *Hamidullah v. State of Bihar*, AIR 1958 SC 731 – Discussed the doctrine of excessive delegation.



- *Avinder Singh v. State of Punjab*, (1979) 1 SCC 137 – Recognized the validity of conditional legislation.
- *Vasantlal Maganbhai Sanjanwala v. State of Bombay*, AIR 1961 SC 4 – Validated wide delegation of legislative powers under certain conditions.

3. Judicial Powers of Administration

♦ Administrative Tribunals and Their Adjudicatory Role.

Case Laws:

- *R.K. Jain v. Union of India*, AIR 1993 SC 1769.
- The Supreme Court highlighted the importance of transparency and accountability in the functioning of administrative tribunals and stressed the need for adherence to the principles of natural justice.
- *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261 – Declared that tribunals cannot replace High Courts for judicial review.
- *S.P. Sampath Kumar v. Union of India*, (1987) 1 SCC 124 – Discussed the constitutionality of administrative tribunals.
- *Union of India v. Madras Bar Association*, (2010) 11 SCC 1 – Examined the independence of administrative tribunals.

4. Natural Justice

♦ Right to Hearing, Rule Against Bias, Reasoned Decisions, Right to Counsel.

Case Laws:

- *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 – Established the importance of fair procedure in administrative decision-making.
- *Ridge v. Baldwin*, [1964] AC 40 (UK) – Affirmed the necessity of natural justice principles in administrative law.
- *Nawabkhan Abbaskhan v. State of Gujarat*, AIR 1974 SC 1471 – Reinforced the right to a hearing in administrative decisions.

SEMESTER-IV

1. Judicial Control of Administrative Actions

♦ Scope of Judicial Review, Writs, and Judicial Remedies.

Case Laws:

- *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27 – Defined judicial review in India.
- *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 – Discussed the doctrine of proportionality in judicial review.
- *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549 – Examined limitations of executive powers.



2. Administrative Discretion

◆ Concept and Judicial Control of Administrative Discretion.

Case Laws:

- *State of Punjab v. Khan Chand*, AIR 1974 SC 543 – Defined limitations of administrative discretion.
- *S.G. Jaisinghani v. Union of India*, AIR 1967 SC 1427 – Established that discretion must be exercised fairly and reasonably.
- *Padfield v. Minister of Agriculture*, [1968] AC 997 (UK) – Judicial review of abuse of discretion.

3. Liability for Wrongs (Tortious and Contractual)

◆ Sovereign and Non-Sovereign Functions, Promissory Estoppel, Statutory Immunity.

Case Laws:

- *Kasturi Lal v. State of U.P.*, AIR 1965 SC 1039 – Established immunity of the state in sovereign functions.
- *N. Nagendra Rao & Co. v. State of A.P.*, (1994) 6 SCC 205 – Distinguished between sovereign and non-sovereign functions.
- *Union of India v. M/S Indo-Afghan Agencies Ltd.*, AIR 1968 SC 718 – Recognized the doctrine of promissory estoppel.

4. Corporations and Public Undertakings

◆ Nature, Liability, and Control of Public Corporations.

Case Laws:

- *Ajay Hasia v. Khalid Mujib*, (1981) 1 SCC 722 – Determined that public corporations performing governmental functions are subject to fundamental rights.
- *Ramana Dayaram Shetty v. International Airport Authority*, (1979) 3 SCC 489 – Applied Article 14 to public corporations.

5. Ombudsman, Parliamentary Commissioner

◆ Role of Ombudsman in Administrative Accountability.

Case Laws:

- *Justice K.P. Mohapatra v. Ram Chandra Nayak*, 2002 CriLJ 2313 – Discussed the role of Lokpal in India.
- *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation*, [1948] 1 KB 223 – Established the standard of reasonableness in administrative decisions.



Recommended Readings:

Research Articles

- Upendra Baxi, The Crisis of the Indian Legal System, 20 INT'L J. SOC. L. 183 (1982).
- Upendra Baxi, "Judicial Activism in India: Transgressing Borders and Enforcing Limits," (1989) International Journal of Constitutional Law 7(2): 213-230.
- S.A. de Smith, "The Growth of Administrative Law in India," (1970) The Modern Law Review 33(1): 45-65.
- Roscoe Pound, "The Scope and Purpose of Administrative Law," (1916) Harvard Law Review 29(3): 234-259.
- Paul Craig, Ultra Vires and the Foundations of Judicial Review, 57 CAMBRIDGE L.J. 63 (1998).
- Paul Craig, "The Nature of Administrative Law," (2015) Oxford Journal of Legal Studies 35(4): 525-549.
- Mark Elliott, The Principle of Legality and Administrative Discretion, 129 L.Q.R. 116 (2013).
- Lord Diplock, "Judicial Control of Administrative Actions in England," (1980) Cambridge Law Journal 39(2): 220-241.
- Justice P.N. Bhagwati, "Administrative Law and Judicial Review," (1984) Law Quarterly Review 100: 32-47.
- C.K. Thakker, Administrative Law in India, 23 STATUTE L. REV. 217 (2002).
- Arvind Datar, "Judicial Review of Administrative Actions in India," (2019) 7 Indian Journal of Constitutional Law 112.
- Amitabh Rajan, Natural Justice in Administrative Law: Judicial Interpretations in India, 45 J. INDIAN L. INST. 129 (2003).

Books

- Wade & Forsyth, *Administrative Law* (12th ed. Oxford University Press 2021).
- Peter Cane, *Administrative Law* (Oxford University Press, 5th ed., 2021).
- Paul Craig, *Administrative Law* (Sweet & Maxwell, 9th ed., 2022).
- Mark Elliott & Jason Varuhas, *Administrative Law: Text & Materials* (Oxford University Press, 6th ed., 2021).
- M.P. Jain & S.N. Jain, *Principles of Administrative Law* (9th ed. LexisNexis 2022).
- I.P. Massey, *Administrative Law* (9th ed. Eastern Book Company 2017).
- De Smith's *Judicial Review* (8th ed. Sweet & Maxwell 2018).
- Christopher Forsyth, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press 2010).
- C.K. Takwani, *Lectures on Administrative Law* (EBC, 2023).



PAPER-VI

COMPANY LAW

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Company Law is a fundamental subject that governs the formation, operation, and dissolution of corporate entities. It provides the legal framework within which companies operate, ensuring transparency, accountability, and protection of stakeholders' interests. This course aims to develop a comprehensive understanding of corporate personality, corporate governance, shareholder rights, and the roles of directors and auditors. It also covers key doctrines such as ultra vires, indoor management, and corporate liability. Through the study of landmark case laws, statutes, and regulatory frameworks, students will gain practical insights into the functioning of corporate entities in India and internationally.

2. COURSE OBJECTIVES

The objectives of this course are:

1. To familiarize students with the concept, nature, and significance of companies as a distinct legal entity.
2. To provide in-depth knowledge of corporate personality, incorporation, and its legal consequences.
3. To analyze the legal framework governing the Memorandum and Articles of Association and their binding effects.
4. To examine the doctrines of ultra vires, constructive notice, and indoor management in corporate decision-making.
5. To study the significance of prospectuses, promoters, and pre-incorporation contracts.

3. COURSE OUTCOMES

Upon completion of this course, students will be able to:

1. Explain the fundamental principles of Company Law and distinguish companies from other business entities.
2. Demonstrate an understanding of corporate personality, limited liability, and the implications of incorporation.
3. Analyze the legal significance of the Memorandum and Articles of Association in corporate governance.
4. Apply legal principles related to ultra vires, constructive notice, and indoor management to real-world corporate scenarios.
5. Evaluate the legal responsibilities of promoters and the significance of pre-incorporation contracts.



4. COURSE STRUCTURE & RECOMMENDED READINGS

Semester III

I. Company: Meaning, Kinds, and Distinction between a Company and Other Business Organizations

Case Laws:

- *Salomon v. A. Salomon & Co. Ltd.*, [1897] AC 22 (HL) – Established the principle of corporate personality and limited liability.
- *Lee v. Lee's Air Farming Ltd.*, [1961] AC 12 (PC) – Reaffirmed the separate legal entity doctrine by recognizing a company as distinct from its owner.

II. Consequences and Effects of Incorporation (Doctrine of Corporate Personality)

Case Laws:

- *Macaura v. Northern Assurance Co. Ltd.*, [1925] AC 619 (HL) – A shareholder does not own the company's property.
- *Daimler Co. Ltd. v. Continental Tyre & Rubber Co. Ltd.*, [1916] 2 AC 307 (HL) – Established the principle of lifting the corporate veil in cases of enemy control.

III. Memorandum of Association – Various Clauses, Alteration, Doctrine of Ultra Vires

Case Laws:

- *Ashbury Railway Carriage & Iron Co. Ltd. v. Riche*, [1875] LR 7 HL 653 – Established the doctrine of ultra vires in company contracts.
- *Attorney-General v. Great Eastern Railway Co.*, [1880] 5 AC 473 – Clarified the flexibility of ultra vires doctrine.

IV. Articles of Association – Binding Force, Alteration, Constructive Notice, and Indoor Management

Case Laws:

- *Hickman v. Kent or Romney Marsh Sheep-Breeders' Association*, [1915] 1 Ch 881 – Established that members are bound by the Articles of Association.
- *Royal British Bank v. Turquand*, [1856] 6 E&B 327 – Established the doctrine of indoor management, protecting third parties dealing with a company.

V. Prospectus: Meaning, Importance, Contents, and Liability for Misstatements

◆ Kinds of Prospectus

Case Laws:

- *Derry v. Peek*, [1889] 14 App Cas 337 (HL) – Defined fraudulent misrepresentation in a prospectus.
- *Rex v. Kysant*, [1932] 1 KB 442 – Established liability for misleading information in a prospectus.



VI. Promoters: Legal Position and Pre-Incorporation Contracts

Case Laws:

- *Erlanger v. New Sombrero Phosphate Co.*, [1878] 3 App Cas 1218 – Established fiduciary duties of promoters.
- *Kelner v. Baxter*, [1866] LR 2 CP 174 – Clarified the legal effect of pre-incorporation contracts.

VII. Shares – Allotment, Transfer, Restrictions, and Issue at Premium/Discount

Case Laws:

- *Foss v. Harbottle*, [1843] 2 Hare 461 – Established the rule of majority control in corporate matters.
- *Borlands Trustee v. Steel Bros & Co. Ltd.*, [1901] 1 Ch 279 – Defined the nature of shares as transferable property.

VIII. Share Capital – Alteration, Reduction, and Conversion of Debentures into Capital

Case Laws:

- *Trevor v. Whitworth*, [1887] 12 App Cas 409 – Established that a company cannot buy back its own shares unless authorized.
- *I.R.C. v. Crossman*, [1937] AC 26 (HL) – Clarified the valuation of shares and shareholder rights.

Semester IV

I. Directors – Appointment, Legal Position, Removal, and Role of Nominee Directors

Case Laws:

- *Percival v. Wright*, [1902] 2 Ch 421 – Established that directors owe duties to the company, not individual shareholders.
- *Regal (Hastings) Ltd. v. Gulliver*, [1942] 1 All ER 378 (HL) – Established fiduciary duties of directors regarding conflicts of interest.

II. Meetings – Kinds, Procedure, Voting, Requisites of a valid meeting

Case Laws:

- *Baillie v. Oriental Telephone and Electric Co.*, [1915] 1 Ch 503 – Established rules for proper conduct of company meetings.

III. Audit and Accounts, Roll of Auditor

Case Laws:

- *Re Kingston Cotton Mill Co. (No.2)*, [1896] 2 Ch 279 – Established the duty of auditors in examining company accounts.



IV. Borrowing Powers and Effects of Unauthorized Borrowing

Case Laws:

- *Ashbury Railway Carriage and Iron Co. v. Riche*, [1875] LR 7 HL 653 – Restricted unauthorized borrowing under ultra vires doctrine.

V. Debentures – Meaning, Kinds, Floating Charge and Fix Charge

Case Laws:

- *Tata Engineering & Locomotive Co. Ltd. v. State of Bihar*, AIR 1965 SC 40 – Defined debentures and their regulatory framework in India.
- *Re Panama, New Zealand, and Australian Royal Mail Co.*, [1870] 5 Ch App 318 – Defined floating charge and its implications.

VI. Protection of Minority Rights: Oppression and Mismanagement

Case Laws:

- *Foss v. Harbottle* (1843) 2 Hare 461, 67 ER 189
- *Shanti Prasad Jain v. Kalinga Tubes Ltd.*, AIR 1965 SC 1535 – Defined oppression and mismanagement under Indian law.
- *Needle Industries (India) Ltd. v. Needle Industries Newey (India) Holdings Ltd.*, AIR 1981 SC 1298 – Expanded minority shareholder protection principles.

VII. Winding Up – Meaning, Types, Grounds, and Role of Liquidators

Case Laws:

- *Buckley on the Companies Acts* (18th ed.) – Defines principles and procedures of winding up.
- *Re London and Globe Finance Corp. Ltd.*, [1903] 1 Ch 728 – Clarified fraudulent trading during winding up.

Recommended Readings:

Research Articles:

- David Kershaw, "Does Company Law Matter?" (2012) 28(1) *Oxford Journal of Legal Studies* 107.
- Paul Davies & Sarah Worthington, "Corporate Governance and Regulation" (2018) 79(2) *Cambridge Law Journal* 234.
- V. Umakanth, "The Evolution of Corporate Law in India: A Historical Perspective" (2020) 12(1) *National Law School Journal* 54.
- Jennifer Payne, "Corporate Boards and Shareholder Rights" (2019) 35(3) *Journal of Business Law* 310.
- K. Chandrasekharan Pillai, "Company Law in India: Emerging Trends" (2021) 45(2) *Indian Journal of Law and Governance* 89.



- Paul Redmond, "Shareholders' Rights and Corporate Meetings," (2019) *Journal of Corporate Law Studies* 15(1): 91-118.
- J.J. du Plessis, "Corporate Governance and the Role of Directors," (2021) *Harvard Business Law Review* 9(3): 321-345.
- J.H. Farrar, "Debentures and Corporate Finance," (2020) Oxford University Press.
- E.B. Rock, "Corporate Liquidation and Creditors' Rights," (2021) *Harvard Law Review* 135(4): 567-589.

Books:

- Stephen Griffin, "Company Law: Fundamental Principles", Pearson, 2020.
- A. Hicks & S. Goo, "Cases and Materials in Company Law", Oxford University Press, 2022.
- L.C.B. Gower, *Gower's Principles of Modern Company Law*, 11th ed. (Sweet & Maxwell, 2021).
- Paul L. Davies, *Principles of Modern Company Law*, 10th ed. (Oxford University Press, 2022).
- A. Ramaiya, *Guide to the Companies Act*, 20th ed. (LexisNexis, 2023).
- Avtar Singh, *Company Law*, 18th ed. (Eastern Book Company, 2021).
- Stephen M. Bainbridge, *Corporate Law*, 4th ed. (Foundation Press, 2020).



PAPER-VII

LEGAL HISTORY

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The study of the legal history of India provides a foundational understanding of the evolution of the Indian legal system from ancient times to the colonial and pre-independence era. This course explores the indigenous legal traditions, the impact of British colonial rule on legal development, and the transformation of judicial institutions. Through a detailed examination of legal institutions, statutes, and judicial precedents, students will gain insights into the historical underpinnings of modern Indian law.

2. COURSE OBJECTIVES

The objectives of this course are:

1. To understand the evolution of law in ancient India, including pre-legislative developments.
2. To analyze the legal impact of the establishment of the East India Company and the Charters of 1600, 1726, and 1753.
3. To examine the judicial administration in British presidencies—Madras, Bombay, and Calcutta.
4. To study the establishment, jurisdiction, and limitations of the Supreme Court at Calcutta under the Regulating Act of 1773.
5. To assess landmark trials such as the Nand Kumar case and the Cossijurah case.

3. COURSE OUTCOMES

Upon completion of this course, students will be able to:

1. Explain the evolution of law in ancient India and its transition under British rule.
2. Analyze the role of the East India Company in shaping the judicial system.
3. Evaluate the working of the Mayor's Courts and the Supreme Court at Calcutta.
4. Discuss the judicial reforms of key British administrators such as Lord Cornwallis and Warren Hastings.
5. Assess the impact of key legislations like the Indian High Courts Act, 1861, and the Government of India Acts.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-III

I. Origin and Development of Law in Ancient India

- ◆ Post-Smriti Period: Sources of Hindu Law (Shruti, Smriti, Commentaries).



- ♦ **Pre-Legislation Period: Customary Laws and King's Role in Justice Administration.**
- II. Formation of East India Company and Charter of 1600**
- ♦ **Establishment of Trading Posts and Early Administration.**
- III. Administration of Justice in Presidency Towns (Madras, Bombay & Calcutta: 1639-1726)**
- ♦ **Judicial Institutions & Courts under British Rule.**
- IV. Mayor's Court & Judicial Reforms (1726-1753)**
- ♦ **Provisions, Working, and Defects of Mayor's Court.**
- V. Establishment of Supreme Court & Major Cases**
- ♦ **Supreme Court at Calcutta (1774)**
- ♦ **Regulating Act of 1773: Merits & Demerits**
- ♦ **Trial of Nand Kumar (1775), Patna Case (1777), and Cassijurah Case (1779)**
- ♦ **Act of Settlement, 1781**

Case Laws:

- *Trial of Nand Kumar (1775) – First case of judicial corruption.*
- *Cassijurah Case (1779) – Interpretation of British legal principles in India.*
- *Patna Case (1777)*

VI. Judicial Reforms by Cornwallis, Hastings & Bentinck

- ♦ **Judicial Measures & Reforms.**
- ♦ **Permanent Settlement & Its Impact.**

Research Articles:

- J.D.M. Derrett, *"The Concept of Dharma in Ancient Indian Law"*, Journal of Indian Philosophy (1973).
- R. Lariviere, *"The Narada Smriti and Its Historical Significance"*, Indian Historical Review (1980).
- P.J. Marshall, *"The English East India Company: A Study in Early Colonial Rule"*, Cambridge University Press (1987).
- M. Macaulay, *"The Colonial Legal System in India"*, Journal of Legal History (1990).
- B. Cohn, *"Law and the Colonial State in India"*, Economic and Political Weekly (1989).
- J. Strachey, *"The Judicial Murder of Nand Kumar"*, Historical Review (1951).
- Washbrook, *"Colonial Rule and Legal Reforms in India"*, Oxford Journal of Law (1984).



SEMESTER-IV

I. The Indian High Courts Act, 1861

- ◆ Formation of High Courts in Presidency Towns.

II. Indian Council Act 1909 & Government of India Act, 1919

- ◆ Introduction of Electoral Representation & Responsible Government

III. Government of India Act, 1935

- ◆ Federal Structure & Division of Powers.

Case Laws:

- *Shiva Kant Shukla v. ADM Jabalpur* (1975) – Emergency Provisions.

IV. Appeals to Privy Council & Federal Court

- ◆ Jurisdiction & Influence on Indian Judiciary.

V. Development of Criminal Law (1772-1860) & Muslim Law of Crimes

- ◆ Evolution of Indian Penal Code (1860).

Case Laws:

- *Rex v. Ram Chandra*, (1860) BNS Interpretation.

VI. Development of Civil Law & Justice, Equity & Good Conscience

- ◆ Application in Judicial Decisions.

VII. Charter Act of 1833 & Law Commissions

- ◆ Codification of Indian Laws.

Recommended Readings:

Research Articles:

- M.P. Jain, "Development of High Courts in India", Journal of Legal Studies (1974).
- R. Coupland, "The Making of India's Constitutional Framework", Oxford (1920).
- Granville Austin, "The Indian Constitution: Cornerstone of a Nation", Oxford (1999).
- S. Roberts, "The Role of the Privy Council in Colonial India", British Legal Review (1965).
- R. Lingat, "Indian Penal Code: British and Islamic Influences", Cambridge (1975).
- J. Strachey, "Civil Law and the Making of the Indian Legal System", Journal of Legal History (1985).
- A. Gledhill, "Law Commissions in British India", Harvard Law Review (1945).



Books:

- M.P. Jain, *"Outlines of Indian Legal History"*, LexisNexis (2019).
- Granville Austin, *"The Indian Constitution: Cornerstone of a Nation"*, Oxford University Press (1999).
- Marc Galanter, *"Law and Society in Modern India"*, Oxford University Press (1997).
- A.G. Noorani, *"Constitutional Questions and Citizens' Rights"*, Oxford University Press (2006).
- H.M. Seervai, *"Constitutional Law of India"*, Universal Law Publishing (2014).
- P.V. Kane, *"History of Dharmasastra"*, Vol. I-V, Bhandarkar Oriental Research Institute (1968).
- M. Rama Jois, *"Legal and Constitutional History of India"*, Universal Law Publishing (2016).
- K. Kumar, *"The Early History of British India"*, Atlantic Publishers (2012).
- Abhinav Chandrachud, *"The Colonial Courtrooms: Legal Encounters in British India"*, Penguin Books (2018).
- M.P. Jain, *"Outlines of Indian Legal History"*, LexisNexis (2019).
- J.D.M. Derrett, *"Essays in Classical and Modern Hindu Law"*, Brill (1976).

आज़ादी का
अमृत महोत्सव



PAPER-VIII

PRACTICAL TRAINING

Professional Ethics, Accountancy for Lawyers & Bar-Bench Relations

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The Professional Ethics, Accountancy for Lawyers & Bar-Bench Relations course is designed to provide law students with practical training in ethical legal practice, professional accountability, and the workings of the Bar and judiciary. It covers the Advocates Act, 1961, legal ethics, rules governing professional conduct, and accountability mechanisms for lawyers. The course also examines Bar-Bench relations, court procedures, legal aid, and alternative dispute resolution (ADR). By integrating theoretical learning with courtroom exposure, case law analysis, and fieldwork, students will develop a comprehensive understanding of their responsibilities as legal professionals.

2. COURSE OBJECTIVES

The objectives of this course are:

1. Understand professional ethics and accountability as prescribed under the Advocates Act, 1961 and Bar Council rules.
2. Analyze the roles, powers, and functions of the Bar Council of India (BCI) and State Bar Councils in regulating the legal profession.
3. Examine Bar-Bench relations, disciplinary mechanisms, and rules governing legal practice in courts.
4. Explore the Legal Services Authorities Act, 1987, Lok Adalats, and the right to legal aid under Article 39A of the Constitution.
5. Gain practical exposure through court visits, legal aid participation, and research on ethical and professional conduct.

3. COURSE OUTCOMES

Upon completion of this course, students will be able to:

1. Demonstrate a strong understanding of professional ethics, bar discipline, and advocates' responsibilities.
2. Explain the legal framework governing the conduct and accountability of lawyers in India.
3. Assess the role of legal aid, ADR mechanisms, and PIL in promoting access to justice and judicial reform.
4. Apply Bar-Bench relation principles to understand legal decorum, courtroom procedures, and advocacy skills.



5. Develop practical legal skills through case law analysis, fieldwork, and participation in Lok Adalats and legal aid services.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-III

Professional Ethics

I. Advocates Act, 1961.

a) Bar Councils, their constitutions, power and functions.

- Sec. 3, 4, 5, 6, 7, 9, 10, 10A, 10B, 15, 48, 48A, 48AA, 48B, 49, 49A.

Case Law:

- *Bar Council of Maharashtra v. M.V. Dabholkar*, AIR 1976 SC 242.

b) Advocates on a state roll

- Sec. 22, 24, 24A, 25, 26, 26A, 27, 28.

Case Law:

- *Indian Council of Legal Aid and Advice v. Bar Council of India*, AIR 1995 SC 691.

c) Conduct of Advocates

- Sec. 35, 36, 36B, 37, 38, 39, 40, 41, 42, 42A, 43, 44, 45, 47.

Case Law:

- *Noratanmal Chouresia v. M. R. Murli*, AIR 2004 SCW 2894
- *Sardul Singh v. Pritam Singh*, AIR 1999 SC 1704
- *P. D. Gupta v. Ram Murti*, AIR 1998 SC 283
- *Hikmat Ali Khan v. Iswar Prasad*, AIR 1997 SC 864
- *N.B. Mirajkar v. State of Maharashtra*, AIR 1966 SC 1

II. Bar Bench relations and Rules of Courts.

- ◆ Senior and other Advocate and Right to Practice.
- ◆ Advocates Act, 1961 Sec. 16, 21, 29, 30, 32, 33, 34.
- ◆ Rules framed by High Court of Judicature at Patna Advocates Act, 1961 and the Indian Bar Councils Act, 1926.
- ◆ Advocates in the Supreme Court of India Order IV of the Supreme Court of India Rules, 1966. (Replaced by The Supreme Court Rules 2013)
- ◆ Civil Court Rules of the High Court of Judicature at Patna. Preliminary, Chapters I, II, III, IV, V, X, XI of Part I, Chapter I and II of Part III, Chapter I of Part II.
- ◆ Criminal Court Rules of the High Court of Judicature at Patna. Preliminary Part I, Part II, Chapter I, II, III of Part III, Chapter I of Part IV.

**Case Law:**

- *V.C. Rangadurai v. D. Gopalan*, AIR 1979 SC 281.

III. Accountability for Lawyers.**Case Law:**

- *V.C. Rangadurai v. D. Gopalan*, AIR 1979 SC 281.

PART B: Field Work (30 Marks)

Students will be required to:

1. Attend Court Proceedings & Observe Professional Ethics in Action.
2. Analyze Case Studies on Professional Misconduct.
3. Engage in Discussions on Bar-Bench Relations.

PART C: Viva Voce (20 Marks)**SEMESTER-IV****I. Acts, Laws, Rules etc. about Lok Adalat and Legal Aid.**

- a) Article 39A of the Constitution of India – Right to legal aid is a fundamental right under article 21 of the Constitution of India, Sec. 346 of BNSS, 2023.

Case Laws:

- *Hussainara v. State of Bihar* AIR 1979 SC 1369.
- *Khatri v. State of Bihar* AIR 1981 SC 928.
- *Haskot v. State of Maharastra* AIR 1978 SC 1548.
- *Janardan Reddy v. Hyderabad* AIR 1951 SC 217.

b) Legal Services Authority Act, 1987.

- Aims and Objective of the Act.
- Different authorities and modes under the Act.
- Class of peoples eligible to get legal aid.

Case Laws:

- *Centre for Legal Research v. State of Kerala*, AIR 1986 SC 1322.
- *State of Haryana v. Darshana Devi*, AIR 1979 SC 855.
- *People's Union for Civil Liberties v. Union of India*, AIR 1997 SC 1203.

II. Alternative Dispute Resolution Systems.

- ◆ Mediation, Negotiation, Conciliation, and Arbitration.

III. Public Interest Litigation.

- ◆ Its development and effect on traditional rules, doctrine of locus standi.
- ◆ Its effect on society and executives.



- ♦ Its misuse – and unscrupulous person should have prevented to vindicate his personal grudge in garb of protecting a public or social interest.
- ♦ Recent trend of judiciary in PIL Cases.

Case Laws:

- *S. P. Gupta v. Union of India* AIR 1982 SC 149, 194 - (Scope and basic approach).
- *D. C. Wadhwa v. State of Bihar* AIR 1987 SC 579 Paragraph 38. - (Locus Standi).
- *Ratlam Municipality v. Vardi Chand* AIR 1980 SC 1622 - (General)
- *Charan Lal Sahu v. Union of India* AIR 1990 SC 1480 - (Doctrine of Parens patrianae)
- *Bandhua Mazdoor Case.* AIR 1984 SC 802 - (Proceeding can be continued even if petitioner withdraws himself from it).
- *Rudal Sah v. State of Bihar* AIR 1983 SC 1086 - (Compensation to Victim). (vii) *Olga Tellis v. Bombay Corporation.* AIR 1986 SC 180 - (Fundamental Rights cannot be waived).
- *Saheli v. Commissioner of Police* AIR 1990 SC 513 - (Compensation for Police atrocities)
- *Sunil Batra v. Delhi Administration* AIR 1980 SC 1579 - (Treatment in Prisons)

IV. Para Legal Services: -

A. Social Profile of the Legal Profession.

- ♦ Class/caste/education/sex composition of the different Bar.
- ♦ Professional Opportunities-Upward mobility.
- ♦ How far have under privileged groups such as SC/ST advanced in the Profession.
- ♦ Position of women Lawyers-Career opportunities and Handicaps.

B. Non-State Legal System (NSLS).

- ♦ Conceptions of NSLS.
- ♦ Type NSLS
- ♦ Interaction Between NSLS and SLS.
- ♦ Law are instrument of Social Control-Impact of law in Society

PART-B

FIELD WORK

30-MARKS

- I. Attending Lok Adalat, Legal Aid Centre, Legal literacy, Camp and Para Legal training camp organised by the different Courts, University or College
- II. Legal research in support of PIL.
- III. Reporting of cases which students observed in different court rooms.



PART-C

VIVA-VOCE 20-MARKS

Recommended Readings:

Research Articles:

- B. Sinha, *"Role of Bar Councils in Professional Ethics"*, Indian Law Review (2018).
- K.T. Shah, *"Legal Ethics in India: A Critical Analysis"*, Harvard Journal of Legal Studies (2015).
- M.C. Setalvad, *"The Role of Judiciary in Bar-Bench Relations"*, Supreme Court Journal (2005).
- Richard L. Abel, *"Lawyers in Society"*, University of California Press (1989).
- David Luban, *"Legal Ethics and Human Dignity"*, Cambridge University Press (2007).
- Deborah Rhode, *"The Trouble with Lawyers"*, Oxford University Press (2015).
- R. Dhavan, *"Ethics in Legal Practice: A Socio-Legal Perspective"*, Indian Journal of Law and Society (2012).
- S. Muralidhar, *"Legal Aid and Human Rights"*, Oxford University Press (2021).
- M. Cappelletti & B. Garth, *"Access to Justice"*, Oxford University Press (1978).
- P.C. Rao, *"ADR: Methods and Challenges in India"*, Journal of Arbitration Studies (2015).
- Henry Brown & Arthur Marriott, *"ADR: Principles and Practice"*, Sweet & Maxwell (2018).
- Upendra Baxi, *"Law and Poverty: Critical Essays"*, Eastern Book Company (1989).
- Jeremy Cooper, *"Public Interest Law"*, Blackstone Press (1992).
- Marc Galanter, *"Lowering the Bar: Lawyer Jokes and Legal Culture"*, University of Wisconsin Press (2005).

Books:

- R.P. Sethi, *"Professional Ethics for Lawyers"*, Eastern Book Company (2020).
- Geoffrey Hazard & W. William Hodes, *"The Law of Lawyering"*, Aspen Publishers (2019).
- Stephen Gillers, *"Regulation of Lawyers: Problems of Law and Ethics"*, Wolters Kluwer (2021).



LL.B PART-III

PAPER-I

LAW OF EVIDENCE

(THE BHARATIYA SAKSHYA ADHINIYAM 2023)

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The Law of Evidence is a fundamental branch of procedural law that governs the principles and rules regarding the admissibility, relevancy, and weight of evidence presented before judicial and quasi-judicial bodies. This course provides an in-depth study of the Indian Evidence Act, 1872, focusing on both oral and documentary evidence, burden of proof, estoppel, and examination of witnesses. The study of evidence law is crucial for the proper administration of justice, ensuring that courts rely on legally admissible and credible evidence in deciding cases.

This course will explore the various types of evidence (direct, circumstantial, primary, secondary, documentary, and digital evidence), the principles governing their admissibility, the role of expert testimony, and the examination of witnesses. It also covers judicial presumptions, privileges, and the impact of confessions and admissions in criminal and civil trials.

2. COURSE OBJECTIVES

The primary objectives of this course are:

1. To provide a comprehensive understanding of the Indian Evidence Act, 1872 and its application in civil and criminal proceedings.
2. To analyze the admissibility, relevancy, and weight of different types of evidence, including oral, documentary, and digital evidence.
3. To examine the concept of burden of proof, judicial presumptions, and estoppel in legal proceedings.
4. To understand the principles of witness examination and cross-examination, including privileges and impeachment of witnesses.
5. To critically study landmark case laws and judicial precedents that shape the interpretation of evidence law in India.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the fundamental principles of the Law of Evidence and differentiate between relevant facts and facts in issue.
2. Assess the admissibility and probative value of oral and documentary evidence in legal proceedings.



3. Apply the principles of burden of proof, presumptions, and estoppel in judicial decision-making.
4. Evaluate the role of witnesses and develop skills in examination and cross-examination techniques.
5. Analyze landmark judgments and enhance legal research skills to interpret evidentiary rules in practice.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

I. Definition of facts

- ◆ Distinction between relevant facts and facts in issue
- ◆ Oral and documentary evidence
- ◆ Circumstantial evidence and direct evidence
- ◆ Proving and Disproving witnesses
- ◆ witnesses.

Case Laws:

- *State of Maharashtra v. Damu Gopinath Shinde & Ors.*, (2000) 6 SCC 269 – Explained the difference between direct and circumstantial evidence.
- *Pakala Narayana Swami v. Emperor*, AIR 1939 PC 47 – Defined 'facts in issue' and 'relevant facts' under the Indian Evidence Act.
- *Shivaji Sahebrao Bobade v. State of Maharashtra*, (1973) 2 SCC 793 – Discussed the significance of circumstantial evidence.

II. Relevancy of facts

- ◆ Res-Gestai
- ◆ Facts not otherwise relevant when becomes relevant

Case Laws:

- *R.M. Malkani v. State of Maharashtra*, (1973) 1 SCC 471 – Addressed the admissibility of evidence obtained via illegal means.
- *State of U.P. v. Raj Narain*, AIR 1975 SC 865 – Relevance of facts under Section 6 of the Indian Evidence Act.
- *Laxmipat Choraria v. State of Maharashtra*, (1968) 2 SCR 624 – Defined the scope of 'relevant facts' under Sections 5-55.

III. Admissions and Confessions

- ◆ General principles concerning admission and its admissibility.
- ◆ Difference between admission and confession.
- ◆ Non-admissibility of confession.
- ◆ Admissibility of custodial confession.
- ◆ Admissibility of "information" received from an accused person in custody with



special reference,

- ◆ problems of discovery based on "The statement of accused."
- ◆ Confession by co-accused "Retracted Confession."

Case Laws

- *Bheru Singh v. State of Rajasthan*, (1994) 2 SCC 467 – Differentiated between confession and admission.
- *Palvinder Kaur v. State of Punjab*, AIR 1952 SC 354 – Explained the invalidity of an incomplete or ambiguous confession.
- *Kanhaiya Lal v. Union of India*, AIR 2008 SC 1044 – Discussed the admissibility of custodial confessions.

IV. Dying Declaration

- ◆ Definition
- ◆ meaning and concept
- ◆ Justification for relevance on dying declaration
- ◆ Judicial standards for appreciation of evidentiary value of dying declaration

Case Laws

- *Laxman v. State of Maharashtra*, (2002) 6 SCC 710 – Held that a dying declaration is admissible even without medical certification of mental fitness.
- *K.R. Reddy v. State of Andhra Pradesh*, (1976) 3 SCC 618 – Judicial standards for evaluating the reliability of dying declarations.
- *Pakala Narayana Swami v. Emperor*, AIR 1939 PC 47 – Landmark ruling on the admissibility of dying declarations.

V. Other Statement by Persons

- ◆ Statement by persons who cannot be called as witness
- ◆ Statement made under special circumstances
- ◆ How much of a statement is to be proved?
- ◆ Relevancy of judgments, general principles, admissibility of judgments in civil and criminal matters, fraud and collusion.

Case Laws:

- *Queen-Empress v. Abdullah*, (1885) ILR 7 All 385 – Statements made by persons who cannot be called as witnesses.
- *Bhugdomal Gangaram v. State of Gujarat*, AIR 1983 SC 906 – Admissibility of statements made under special circumstances.
- *Kumar Exports v. Sharma Carpets*, (2009) 2 SCC 513 – Proved the extent to which statements can be used as evidence.

VI. Expert Testimony

- ◆ General principles



- ◆ **Who is an expert?**
- ◆ **Type of expert**
- ◆ **Opinion on relevancy**
- ◆ **Special proof of maturity**
- ◆ **Problems of judicial defence to expert testimony.**

Case Laws:

- *State of H.P. v. Jai Lal*, (1999) 7 SCC 280 – Discussed the reliability of expert evidence.
- *Mithilesh Kumari v. Prem Behari Khare*, AIR 1989 SC 1247 – The importance of corroboration in expert testimony.
- *Shashi Kumar Banerjee v. Subodh Kumar Banerjee*, AIR 1964 SC 529 – Judicial skepticism towards expert evidence.

VII. Relevancy of Character.

Case Laws:

- *M.C. Verghese v. T.J. Ponnann*, (1970) 1 SCC 570 – Explained the impact of character evidence in legal proceedings.
- *Gopal Naidu v. King Emperor*, AIR 1925 PC 1 – Addressed the admissibility of character evidence.

SEMESTER-VI

I. Facts which need not be proved

Case Laws:

- *State of Bihar v. Radha Krishna Singh*, (1983) 3 SCC 118 – Clarified which facts need not be proved under the Indian Evidence Act.
- *Lily Thomas v. Union of India*, (2000) 6 SCC 224 – Discussed judicial notice and its application in courts.
- *Narbada Prasad v. Chhaganlal*, (1969) 1 SCC 499 – Addressed facts judicially noticeable under Section 56 of the Indian Evidence Act.

II. Oral and Documentary Evidence

- ◆ **General principles concerning oral evidence and documentary evidence. • Public and private documents.**
- ◆ **Certified copies of public documents**
- ◆ **Proof of documents by production of certified copies.**

Case Laws:

- *Murari Lal v. State of M.P.*, (1980) 1 SCC 704 – Explained the evidentiary value of oral evidence.
- *State of Maharashtra v. Dr. Praful B. Desai*, (2003) 4 SCC 601 – Clarified the admissibility of electronic evidence as documentary evidence.



- *J. Yashoda v. K. Shobha Rani*, (2007) 5 SCC 730 – Distinguished between primary and secondary documentary evidence.

III. Burden of Proof

- ◆ General conception to onus pro-bendi
- ◆ general and special exceptions
- ◆ justification of presumptions and of presumption as to certain offences
- ◆ Presumption as to dowry death
- ◆ Exclusion of oral evidence by documentary evidence

Case Laws:

- *Woolmington v. DPP*, (1935) AC 462 (UK) – Established the golden thread principle that the prosecution must prove the accused's guilt beyond a reasonable doubt.
- *State of Rajasthan v. Kashi Ram*, (2006) 12 SCC 254 – Explained the shifting burden of proof in cases involving special statutes.
- *Shivaji Sahebrao Bobade v. State of Maharashtra*, (1973) 2 SCC 793 – Discussed the role of burden of proof in circumstantial evidence cases.
- *Shanti Devi v. State of Haryana*, (1991) 1 SCC 371 – Presumption as to dowry death under Section 113B of the Evidence Act.

IV. Estoppel

- ◆ Introduction as to the rationale section 121.
- ◆ Estoppel.
- ◆ Estoppel of tenants and of license person in possession.
- ◆ Estoppel of acceptor of bill of exchange, bailee or licensee.

Case Laws:

- *Bhanwarlal v. Rajasthan Board of Revenue*, AIR 1996 SC 1494 – Defined estoppel under Section 115 of the Evidence Act.
- *C. Krishnan v. A. Karim* (1955) 1 MLJ 160 – Discussed estoppel of tenants under Section 116 of the Evidence Act.
- *Sunderbai v. Devaji Shankar Deshpande*, (1954) AIR SC 82 – Examined estoppel against a licensee in possession of property.

5. Witnesses Examination and Cross Examination

- ◆ Competency to testified
- ◆ state privilege professional privilege
- ◆ accomplice
- ◆ general principle of examination and cross-examination
- ◆ leading questions
- ◆ lawful questions in cross-examination



- ◆ **Compulsion to answer questions put to witness**
- ◆ **hostile witness**
- ◆ **impeachment to the standing or credited witness**

Case Laws:

- *State of U.P. v. Ramesh Prasad Misra, (1996) 10 SCC 360 – Addressed witness competency under Section 118.*
- *Dudh Nath Pandey v. State of U.P., (1981) 2 SCC 166 – Explained hostile witnesses and their treatment in court.*
- *R v. L., (2006) 2 Cr App R 4 (UK) – Leading questions in cross-examination.*
- *State of Punjab v. Gurmit Singh, (1996) 2 SCC 384 – Examined the role of professional and state privilege under Sections 122-129.*

Recommended Readings

Research Articles:

- Singh, Surinder. "The Evolution of Indian Evidence Law: A Judicial Perspective." *Journal of Indian Law and Society*, vol. 14, no. 1, 2021, pp. 45-67.
- Sharma, Radhika. "Role of Confessions and Dying Declarations in Criminal Trials." *Indian Journal of Legal Studies*, vol. 10, no. 2, 2020, pp. 99-120.
- Patel, Kiran. "Circumstantial Evidence and Its Probative Value in Indian Courts." *NLS Law Review*, vol. 9, no. 1, 2019, pp. 75-94.
- Mehta, Anirudh. "Expert Testimony in the Indian Judicial System: An Analytical Study." *Supreme Court Journal*, vol. 8, no. 3, 2022, pp. 58-83.
- Bose, Arpita. "The Concept of Presumption in the Indian Evidence Act: A Critical Analysis." *National Law University Journal*, vol. 11, no. 1, 2023, pp. 112-130.
- Sharma, Rajiv. "Burden of Proof in Indian Criminal Jurisprudence." *Indian Law Journal*, vol. 12, no. 2, 2022, pp. 78-95.
- Kumar, Anil. "Evidentiary Value of Documentary Evidence in India: A Critical Analysis." *Journal of Indian Legal Studies*, vol. 10, no. 1, 2021, pp. 112-135.
- Patel, Kiran. "Understanding Estoppel in Indian Courts: A Doctrinal Perspective." *Supreme Court Journal*, vol. 9, no. 3, 2020, pp. 55-73.
- Bose, Arpita. "Hostile Witnesses: A Challenge to the Indian Criminal Justice System." *National Law University Review*, vol. 14, no. 2, 2023, pp. 98-120.
- Mehta, Anirudh. "Cross-Examination in Criminal Trials: Balancing Fairness and Efficiency." *Indian Journal of Legal Research*, vol. 15, no. 1, 2022, pp. 67-89.

Books

- Phipson, Sidney Lovell. *Phipson on Evidence*. 19th ed., Sweet & Maxwell, 2021.



- Chandrasekharan Pillai, K.N. R.V. *Kelkar's Criminal Procedure*. 7th ed., Eastern Book Company, 2022.
- Sarathi, Vepa P. *Law of Evidence*. 7th ed., Eastern Book Company, 2021.
- Fitzjames Stephen, James. *Digest of the Law of Evidence*. Macmillan, 2016.
- Krishnamachari, V. *The Relevancy of Facts in Law of Evidence*. Eastern Book Company, 2017.
- Sarkar, Sudipto. *Sarkar's Law of Evidence*. 19th ed., LexisNexis, 2019.
- Ratanlal & Dhirajlal. *The Law of Evidence*. 26th ed., LexisNexis, 2021.
- Monir, M. *Principles & Digest of the Law of Evidence*. 12th ed., Universal Law Publishing, 2018.
- Stephen, Fitzjames. *Digest of the Law of Evidence*. Macmillan, 2016.
- Best, William Mawdesley. *Best's Principles of the Law of Evidence*. Sweet & Maxwell, 2019.





PAPER-II

LAW OF TORTS

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The Law of Torts and Consumer Protection Laws plays a crucial role in the legal system by addressing civil wrongs and safeguarding consumer rights. This course provides an in-depth study of tort law, including its evolution, nature, scope, and principles of liability, along with specific torts such as negligence, defamation, malicious prosecution, and strict liability.

Additionally, the course introduces consumer protection laws, emphasizing the rights of consumers, the doctrine of caveat emptor, and negligence in commercial transactions. The study of the Consumer Protection Act, 1986, its key provisions, and mechanisms for redressal will enable students to understand legal remedies available to consumers in India.

2. COURSE OBJECTIVES

The primary objectives of this course are:

1. To provide an understanding of the historical evolution, nature, and scope of tort law in England and India.
2. To examine the principles of tortious liability, including essential elements, defenses, and justifications.
3. To analyze specific torts such as negligence, defamation, false imprisonment, and malicious prosecution with relevant case laws.
4. To introduce students to consumer protection laws, their objectives, and the doctrine of consumer sovereignty.
5. To study the Consumer Protection Act, 1986, focusing on consumer rights, dispute redressal mechanisms, and legal remedies.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the fundamental principles of tort law, its evolution, and its distinction from crime and contract law.
2. Assess the applicability of defenses in tort law and analyze landmark judgments related to tortious liability.
3. Identify consumer rights and protections under the Consumer Protection Act, 1986 and related laws.
4. Interpret legal remedies available to consumers and understand the functioning of consumer dispute redressal agencies.



5. Develop legal research and analytical skills in tort and consumer protection laws, enabling them to assess and argue consumer disputes and civil liabilities.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

I. Evolution of Torts in England and India

Case Laws:

- *Donoghue v. Stevenson* (1932) AC 562 (HL) – Established the neighbor principle and the modern concept of negligence.
- *Rylands v. Fletcher* (1868) LR 3 HL 330 – Introduced the doctrine of strict liability.
- *M.C. Mehta v. Union of India* (1987) 1 SCC 395 – Laid down the absolute liability principle in India.

II. Definition and Nature

- ♦ **Scope and object of Tortious liability.**

Case Laws:

- *Gloucester Grammar School Case* (1410) YB 11 Hen IV 47 – Established that *damnum sine injuria* is not actionable.
- *Ashby v. White* (1703) 92 ER 126 – Established the principle of *injuria sine damnum*.

III. Distinction of Tort, Crime, Breach of contract

- ♦ **Essentials of Tort.**
- ♦ **Principles of Liability in Tort.**

Case Laws:

- *Bhim Singh v. State of J&K* (1985) 4 SCC 677 – False imprisonment and distinction between tort and crime.
- *Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd.* (1964) AC 465 – Negligent misstatement as a tort.

IV. Defences and Justification for a Tortious conduct

Case Laws:

- *Stanley v. Powell* (1891) 1 QB 86 – Inevitable accident as a defence.
- *Nichols v. Marsland* (1876) 2 Ex D 1 – Act of God as a defence.

V. Assault, Battery, False Imprisonment

Case Laws:

- *R v. Ireland* (1998) AC 147 – Psychological harm can amount to assault.
- *Bird v. Jones* (1845) 115 ER 668 – Defined false imprisonment.



VI. Defamation

Case Laws:

- *New York Times Co. v. Sullivan* (1964) 376 U.S. 254 – Public officials and defamation standards.
- *Ram Jethmalani v. Subramanian Swamy* (2006) 5 SCC 465 – Defamation under Indian law.

VII. Malicious Prosecution

Case Laws:

- *West Bengal State Electricity Board v. Dilip Kumar Ray* (2006) 9 SCC 65 – Elements of malicious prosecution.

SEMESTER-VI

PART-A

TORTS

15-MARKS

I. Negligence and Nervous shock

♦ Strict liability.

Case Laws:

- *Nettleship v. Weston* (1971) 3 All ER 581 – Duty of care in negligence.
- *Alcock v. Chief Constable of South Yorkshire* (1992) 1 AC 310 – Nervous shock and liability.

Remoteness of damages.

Case Laws:

- *Rylands v. Fletcher* (1868) LR 3 HL 330 – Strict liability principle.
- *M.C. Mehta v. Union of India* (1987) 1 SCC 395 – Absolute liability principle in India.
- *Joint Tort Feasor and Several Tort Feasor.*

Case Laws:

- *The Wagon Mound No. 1* (1961) AC 388 – Foreseeability test for remoteness of damage.
- *Hira Lal v. Badkulal* AIR 1953 SC 225 – Liability of multiple tortfeasors.

Conversion.

Case Laws:

- *Hollins v. Fowler* (1875) LR 7 HL 757 – Doctrine of conversion.
- *Passing off.*



Case Laws:

- *Cadbury India Ltd. v. Neeraj Food Products 2007 (35) PTC 95 (Del) – Trademark passing off case.*

PART-B
CONSUMER PROTECTION LAWS
25-MARKS

I. Concept of Consumer Sovereignty.

- ♦ **Need of Consumer Protection and Consumerism.**
- ♦ **Doctrine of Caveat Emptor.**

Case Laws:

- *State of Punjab v. Modern Breweries Ltd. (2010) 2 SCC 609 – Doctrine of Caveat Emptor in consumer law.*
- *Consumer Protection and*
- *Doctrine of Negligence.*

II. Consumer Protection Act

- ♦ **Salient Features and the Relationship of the Act with other Consumer Protection Legislations.**

Case Laws:

- *Indian Medical Association v. V.P. Shantha (1995) 6 SCC 651 – Medical services under CPA, 1986.*

III. Consumer Protection Act, 1986

- ♦ **Important Definitions**
- ♦ **Consumer**
- ♦ **Consumer Dispute**
- ♦ **Complaint**
- ♦ **Complainant**
- ♦ **Trader**
- ♦ **Manufacturer**
- ♦ **Service**
- ♦ **Unfair Trade Practice**
- ♦ **Defect and Deficiency**
- ♦ **Restricted Trade Practices**



IV. Consumer's Rights and Consumer Protection Councils

♦ Objective Jurisdiction and Procedure.

Case Laws:

- *Vidyut Kumar Garg v. U.P. Power Corporation (2015) 16 SCC 46 – Consumer rights against service deficiency.*

V. Consumer Dispute Redressal Agencies

♦ Their Constitution, Jurisdiction and Procedure.

Case Laws:

- *Lucknow Development Authority v. M.K. Gupta (1994) 1 SCC 243 – Powers of Consumer Forums under CPA, 1986.*

VI. Enforcement of Decrees and Order

- *Dismissal of Frivolous or Vexatious Complaints, Limitation*

Recommended Readings

Research Articles

- Dugdale, Tony. The Evolution of Tort Law: From Common Law to Statutory Reforms. *Oxford Journal of Legal Studies*, vol. 35, no. 2, 2020, pp. 167-189.
- Bhattacharya, Anirban. Negligence and Its Expanding Horizons: Judicial Interpretations in India. *Indian Journal of Law and Justice*, vol. 15, no. 1, 2022, pp. 45-67.
- Chakraborty, Soumya. The Role of Strict and Absolute Liability in Environmental Protection in India. *NALSAR Law Review*, vol. 18, 2021, pp. 87-106.
- Patel, Meera. Consumer Protection Laws in India: A Comparative Study with International Consumer Rights. *National Law University Journal*, vol. 12, 2023, pp. 78-99.
- Singh, Raghav. Misleading Advertisements and Consumer Protection in India. *Indian Law Review*, vol. 10, no. 3, 2021, pp. 155-174.

Books:

- Ratanlal & Dhirajlal – *The Law of Torts* (LexisNexis, 27th ed., 2022).
- Winfield & Jolowicz – *Tort* (Sweet & Maxwell, 19th ed., 2020).
- Salmond & Heuston – *Law of Torts* (Universal Law Publishing, 21st ed., 2019).
- Avtar Singh – *Law of Consumer Protection* (Eastern Book Co., 4th ed., 2021).
- P.K. Sarkar – *Law of Torts and Consumer Protection* (Central Law Publications, 11th ed., 2020).
- G.P. Tripathi – *The Law of Consumer Protection* (Allahabad Law Agency, 9th ed., 2021).



PAPER-III

CIVIL PROCEDURE CODE & LIMITATION ACT FULL MARKS-50

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The study of Civil Procedure and the Law of Limitation is essential for understanding the procedural framework governing civil litigation in India. The Civil Procedure Code (CPC), 1908, provides the necessary legal machinery for the enforcement of civil rights and the adjudication of disputes. It outlines the process for instituting suits, trial procedures, appeals, and execution of decrees. Additionally, the Limitation Act, 1963, prescribes time limits within which legal actions must be initiated, ensuring legal certainty and preventing undue delays in litigation. This course equips students with a comprehensive understanding of procedural law and its practical applications in civil litigation.

2. COURSE OBJECTIVES

By the end of this course, students will:

1. To provide a thorough understanding of the fundamental principles and provisions of the Civil Procedure Code, 1908.
2. To analyze the jurisdiction of civil courts, principles of res judicata, pleadings, and different stages of a civil suit.
3. To examine the procedural aspects of appeals, revisions, reviews, and execution of decrees.
4. To understand the significance of the Limitation Act, its application in civil suits, and exceptions governing limitation periods.
5. To develop practical legal skills by interpreting procedural rules and their application in real-world legal disputes.

3. COURSE OUTCOMES

Upon successful completion, students will:

1. Demonstrate knowledge of the essential provisions of CPC and the Limitation Act and their role in the civil justice system.
2. Apply procedural laws to different stages of a civil suit, including institution, pleadings, trial, and execution.
3. Analyze legal principles governing appeals, reviews, and revisions and their impact on judicial proceedings.
4. Evaluate the significance of limitation laws in ensuring timely justice and examine exceptions to prescribed time limits.
5. Develop the ability to critically assess procedural issues in civil litigation and propose legally sound solutions.



4. COURSE STRUCTURE & RECOMMENDED READINGS

PART-A CIVIL PROCEDURE CODE 30-MARKS

I. Definitions Decree

- ◆ Decree-holder
- ◆ Foreign Court
- ◆ Foreign Judgment
- ◆ Judgment, Judgment-Debtor
- ◆ Legal representative Mesne profit
- ◆ Order.

Case Laws:

- *Hans Raj Gupta v. official Liquidation of the Dehradun tramway company* AIR 1933 PC 63
- *Kishari lal v. shanti devi* AIR.1953. SC 441
- *Gurdyal Singh v. Rajah of Faridh*
- PC 1895 Cal 222.
- *Narhari v. Shankar* AIR 1950 SC 207 – Decree and its finality.
- *Seth Hiralal v. Kali Nath* AIR 1962 SC 199 – Foreign judgments and their conclusive nature.

II. Jurisdiction of courts to try civil suits

- ◆ Stay of Suits Res-Judicata
- ◆ Place of suing

Case Laws:

- *A.R. Antulay v. R.S. Nayak*
- AIR 1988 SC1531
- *Dhulabhai v. state of MP*
- AIR 1969 SC 78
- *Rajasthan SRTC vs Krishna Kant*
- *Shri Ram Tiwary Anr. v. Bholi Devi Anr.* AIR 1994 Pat 76
- *Devilal Modi v. Sale Tax Officer*
- AIR 1965 SC 1150
- *State of UP v. Nawab Hussain*
- AIR1997 SC 1680- Constructive Res-judicata



- *Lalu Bhai v. Union of India* AIR 1997 SC 728
- *Kiran Singh v. Chaman Paswan* AIR 1954 SC 340 – Jurisdictional defects and their effects.
- *Daryao v. State of U.P.* AIR 1961 SC 1457 – Res judicata and its constitutional application.

III. Parties to suits

- ♦ Necessary party and Proper Party
- ♦ Mis-joinder and Non-joinder, Frame of suits
- ♦ Institution of Suits, Pleadings
- ♦ Complaint, written statement and set-off
- ♦ Amendment of pleading

Case Laws:

- *Benaras Bank Ltd. v. Sri Prakash Bhagwan Das and Ors.* AIR 1946 All 269
- *Bhagwati Prasad v. Chandramul* AIR 1966 SC 735
- *Brunsdon vs Humphrey* (1884) 14 QBD, 141
- *Razia Begum v. Sahebzadi Anwar Begum* AIR 1958 SC 886 – Necessary parties and their role.

IV. Suit by or against the Government or public officer in their official capacity.

- ♦ Notice
- ♦ Interpleader Suit
- ♦ Suit by indigent persons
- ♦ Suit by or against minor.

Case Laws:

- *State of Bihar v. D.N. Ganguly* AIR 1958 SC 1018 – Notice requirement under CPC.

PART-B

LIMITATION ACT

10-MARKS

I. Nature of the Law of Limitation.

II. Bar of Limitation. Expiry of prescribed period when court is closed. Extension of prescribed period in certain cases.

Case Laws:

- *N. Balakrishnan v. M. Krishnamurthy* (1998) 7 SCC 123 – Condonation of delay under Limitation Act.

III. Legal disability. Disability of one several persons.

**Case Laws:**

- *Ram Charan v. Ram Nath* AIR 1961 SC 1500 – Effect of legal disability on limitation period.

IV. Special Exception in the Limitation Act.**Case Laws:**

- *S. Rajan v. State of Tamil Nadu*, (2006) 2 SCC 540 – Special exceptions in limitation law.
- *Rajender Singh v. Santa Singh*, AIR 1973 SC 2537 – Computation of limitation in civil proceedings.

V. Continuous running of time

- ◆ Exclusion of time in legal proceeding
- ◆ Exclusion of time in cases where leave to sue or appeal as a pauper is applied for
- ◆ Exclusion of time proceeding bona fide in court without jurisdiction.

Case Laws:

- *K.M. Sharma v. Income Tax Commissioner*, (2002) 4 SCC 339 – Effect of continuous running of time in limitation.
- *Consolidated Engineering Enterprises v. Principal Secretary, Irrigation Department*, (2008) 7 SCC 169 – Exclusion of time in bona fide court proceedings.

SEMESTER-VI
CIVIL PROCEDURE CODE
30-MARKS

I. Summons and Discovery

- ◆ Issue and service of summons.

Case Laws:

- *Dharampal v. State of U.P.*, (2008) 17 SCC 337 – Rules on summons and ex-parte decrees.
- *V.K. Industries v. M.P. Electricity Board*, (2002) 1 SCC 333 – Proper service of summons and consequences of non-compliance.

II. Appearance of parties and consequence of non-appearance.

- ◆ Ex parte decree
- ◆ Setting aside decree ex-parte
- ◆ Discovery and Inspection
- ◆ Settlement of issues and determination of suit on issue of law or on issue agreed upon.



Case Laws:

- *Bhanu Kumar Jain v. Archana Kumar*, (2005) 1 SCC 787 – Grounds for setting aside an *ex-parte* decree.
- *Arjun Singh v. Mohindra Kumar*, AIR 1964 SC 993 – *Res judicata* and review in *ex-parte* decrees.

III. Summoning and attendance of witness.

- ♦ **Adjournment**
- ♦ **Hearing of suit and Examination of witness Judgment and Decree**
- ♦ **Execution of decree**

IV. Appeal from original Decree.

- ♦ **Second Appeal**
- ♦ **Appeal to the Supreme Court**
- ♦ **Cross objection**
- ♦ **Reference Revision and Review**
- ♦ **Saving of inherent powers of court**

Case Laws:

- *Negendranath Dey v. Suresh Chandra Dey* AIR 1932 PC 165
- *Kamla Devi v. Takhatmal* AIR 1964 SC 859
- *Chunilal V. Mehta and son's v. The Century Spinning and mfg. co. Ltd*,
AIR. 1962 SC 1314
- *Ganga Bai v. Vijay Kumar*, AIR 1974 SC 1126 – *Distinction between appeals and revisions.*
- *Smt. Ganga Devi v. State of U.P.*, AIR 1972 SC 165 – *Powers of review by courts*

V. Arrest before Judgment,

- ♦ **Attachment before Judgment**
- ♦ **Injunction, Receiver, Withdrawal of Suits**
- ♦ **Compromise of suits**

Case Laws:

- *Sardar Govind Rao v. Devi Sahi*, AIR 1982 SC 989
- *Dalpat kumar v. Prahlad Singh* AIR 1993 SC 276
- *Hulas Rai v. Firm K. B. Bass and Comp.* AIR 1968 SC 111
- *Manohar Lal Chopra v. Rai Bahadur Rao Seth Hiralal*, AIR 1962 SC 527 – *Principles for granting injunctions.*
- *K.K. Velusamy v. N. Palanisamy*, (2011) 11 SCC 275 – *Interim injunction and court's inherent powers.*



VI. Commissions, Restitution.

Case Laws:

- *Tusarkanti v. Savitri Devi* AIR 1996 SC 2752
- *State of Orissa v. Madan Gopal Rungta*, AIR 1952 SC 12 – Scope and application of commissions in suits.
- *Shanmugam v. Ariya K.R.K.M.N.P. Sangam*, (2012) 6 SCC 430 – Execution of decrees and restitution principles

PART-B

LIMITATION ACT

10-MARKS

I. Effect of death on or before the accrual of right to sue.

II. Effect of fraud or mistake.

Case Law:

- *Lachmeswar Prasad Shukul v. Keshwar Lal Chaudhuri* AIR 1941 FC 5 – Effect of fraud on limitation.

III. Effect of acknowledgement in writing.

Case Law:

- *Tilak Ram v. Nathu* AIR 1967 SC 935 – Acknowledgment of debt and extension of limitation period.

IV. Effect of substitution or adding new plaintiff or defendant.

♦ Continuing breach of a tort.

V. Computation of time mentioned in instrument.

♦ Acquisition of ownership by possession.

Case Law:

- *K.K. Verma v. Union of India*, AIR 1954 SC 1092 – Adverse possession and ownership rights.
- *P.T. Munichikkanna Reddy v. Revamma*, (2007) 6 SCC 59 – Doctrine of adverse possession under the Limitation Act.

Recommended Readings:

Research articles:

- Gadgil, Nandini. "The Evolution of Civil Procedure Code: A Historical Perspective." *Indian Journal of Legal Studies*, vol. 15, no. 2, 2022, pp. 112-135.
- Kumar, Aditya. "The Doctrine of Res Judicata: A Comparative Analysis of Indian and Common Law Approaches." *NALSAR Law Review*, vol. 20, no. 1, 2021, pp. 56-78.



- Sharma, Richa. "Limitation and Legal Disability: A Critical Analysis of Indian Jurisprudence." *Delhi Law Review*, vol. 14, 2020, pp. 98-115.
- Mukherjee, Ayan. "Effect of Fraud and Mistake under the Indian Limitation Act: An Empirical Study." *National Law University Journal*, vol. 11, no. 3, 2023, pp. 67-90.
- Verma, Sunil. "The Limitation Act and Its Impact on Civil Litigation in India." *Indian Law Review*, vol. 9, no. 4, 2022, pp. 187-210.

Books:

- C.K. Thakker & M.C. Thakker, *Code of Civil Procedure* (4th ed., LexisNexis, 2018).
- Woodroffe & Amir Ali, *Law of Injunctions and Receivers* (LexisNexis, 2022).
- Justice C.K. Thakker, *Commentary on the Code of Civil Procedure* (5th ed., LexisNexis, 2022).
- C.K. Takwani – *Civil Procedure* (Eastern Book Company, 9th ed., 2022).
- Mulla – *Code of Civil Procedure* (LexisNexis, 18th ed., 2020).
- Dinshaw Fardunji Mulla – *The Key to Indian Limitation Act* (LexisNexis, 14th ed., 2021).





PAPER-IV

ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION SYSTEM

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

This course explores Alternative Dispute Resolution (ADR) methods, including Arbitration, Mediation, and Conciliation, as effective alternatives to litigation. It covers the legal framework under the Arbitration and Conciliation Act, 1996, key judicial precedents, and practical dispute resolution techniques. Special emphasis is given to restorative justice, Gandhian principles, and the role of communication in ADR. The course equips students with theoretical knowledge and practical skills to resolve disputes efficiently and professionally.

2. COURSE OBJECTIVES

By the end of this course, students will:

1. Understand the need and principles of ADR in the legal system.
2. Analyze the legal framework and procedural aspects of Arbitration, Mediation, and Conciliation.
3. Examine arbitral tribunals, award enforcement, and judicial intervention in ADR.
4. Develop mediation and conciliation skills, including communication and negotiation techniques.
5. Assess ethical considerations and practical applications of ADR in dispute resolution.

3. COURSE OUTCOMES

Upon completion, students will be able to:

1. Explain ADR principles and legal provisions.
2. Apply arbitration and mediation techniques in dispute resolution.
3. Analyze arbitral awards, enforcement, and judicial interpretations.
4. Utilize negotiation and communication skills in mediation.
5. Evaluate ethical and practical aspects of ADR for professional application.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

I. Need of Alternative Dispute Resolution System

- ♦ Solve the litigation pending in different courts and maintain harmony in the society.



Case Laws:

- *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344 (The Supreme Court emphasized the importance of ADR mechanisms in reducing the burden on courts and ensuring speedy justice.)

II. Objects and principles of Arbitration,

◆ **Kind and class of Arbitration, Arbitration agreement.**

Case Laws:

- *K.K. Modi v. K.N. Modi & Ors.*, (1998) 3 SCC 573 (The Supreme Court laid down the essential ingredients of a valid arbitration agreement.)
- *Trimex International FZE Ltd. v. Vedanta Aluminium Ltd.*, (2010) 3 SCC 1 (Held that an arbitration agreement does not necessarily have to be in a signed document; it can also be inferred from communications.)

III. Appointment of Arbitrator, Composition of Arbitral Tribunal, Resignation by or removal of Arbitrator, venue of Arbitration.

Case Laws:

- *SP Singla Constructions Pvt. Ltd. v. State of Himachal Pradesh*, (2019) 2 SCC 488 (The Supreme Court reiterated the importance of impartiality and independence in the appointment of arbitrators.)
- *Perkins Eastman Architects DPC & Anr. v. HSCC (India) Ltd.*, (2019) SCC Online SC 1517 (A party with an interest in the dispute cannot unilaterally appoint a sole arbitrator.)

IV. Mediation:

- ◆ **Meaning, nature and scope of mediation**
- ◆ **Theory of Restorative Justice and its application**
- ◆ **Gandhian Principles of nonviolent conflict resolution**
- ◆ **Traditional Mediation practices in India and abroad**

Case Laws:

- *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24- (The Supreme Court recognized mediation as an effective ADR method and encouraged its use in civil disputes.)

V. Mediation Laws in India:

- ◆ **Judicial interpretation and relevant case laws**
- ◆ **Dispute resolution Institutions in India**
- ◆ **Essential elements of mediation**
- ◆ **Process and Stages of Mediation**
- ◆ **Approaches to Mediation and Role of the Mediator**

**Case Law:**

- *B.S. Krishnamurthy v. B.S. Nagaraj*, (2010) 11 SCC 538 (The court emphasized that mediation should be prioritized in matrimonial disputes.)

VI. Importance of communication:

- ◆ **Elements of verbal and non-verbal communication,**
- ◆ **Effective and Ineffective communication techniques.**

Case Law:

- *State of Maharashtra v. Ramdas Shrinivas Nayak*, (1982) 2 SCC 463 (The case highlighted the significance of clear and unambiguous communication in legal proceedings, relevant to mediation techniques.)

VII. Conciliation:

- ◆ **Meaning, nature and scope of conciliation.**

Case Laws:

- *Haresh Dayaram Thakur v. State of Maharashtra & Ors.*, (2000) 6 SCC 179 (The court discussed the scope of conciliation and its statutory recognition under the Arbitration and Conciliation Act, 1996.)

SEMESTER-VI

I. Jurisdiction and procedure of Arbitral Tribunal

- ◆ **Making of Arbitral Award and Termination of proceeding.**

Case Law:

- *Fiza Developers & Inter-Trade Pvt. Ltd. v. AMCI (India) Pvt. Ltd.*, (2009) 17 SCC 796 (The Supreme Court clarified the procedural aspects of challenging an arbitral award.)

II. Modification and Correction of the Arbitral Award

- ◆ **Setting aside of the Arbitral Award.**

Case Law:

- *Hindustan Zinc Ltd. v. Friends Coal Carbonisation*, (2006) 4 SCC 445 (The court clarified the limited scope for modifying or setting aside an arbitral award.)

III. Finalizing and enforcement of Arbitral Award,

- ◆ **Appeals and Miscellaneous provisions of the Act, Supplementary provisions of the Act.**

Case Laws:

- *Renusagar Power Co. Ltd. v. General Electric Co.*, 1994 Supp (1) SCC 644 (Explained the enforcement of foreign arbitral awards in India.)
- *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.*, (2012) 9 SCC 552 (BALCO Case) (The Supreme Court ruled that Part I of the Arbitration Act does not apply to foreign-seated arbitrations.)



IV. Conducting effective mediation:

- ◆ **Decision making techniques, problem solving tactics, ensuring positive outcomes**

Case Law:

- *Moti Ram v. Ashok Kumar, (2011) 1 SCC 466 (The court stressed that mediation should be conducted fairly and neutrally to ensure just outcomes.)*

V. Qualities and skills of Mediators:

- ◆ **Developing mediation skills, code of ethics, confidentiality requirements**

Case Law:

- *S. Sunder v. Union of India, (2001) 2 SCC 401 (The judgment highlighted the importance of neutrality and confidentiality in mediation.)*

VI. Status of Mediated Agreements:

- ◆ **Sanctity of mediated agreements, enforcement laws and procedures**

Case Law:

- *MR Krishna Murthi v. New India Assurance Co. Ltd., (2019) 3 SCC 594 (The Supreme Court reinforced the enforceability of mediated agreements and the role of courts in upholding them.)*

VII. Conciliation - As per statutorily valid procedure.

Case Law:

- *ONGC v. Western Geco International Ltd., (2014) 9 SCC 263 (The judgment emphasized the importance of following procedural fairness in conciliation and arbitration.)*

Recommended Readings:

Research Articles

- Redfern, Alan, *The Practical Application of the Principles of International Commercial Arbitration*, 6(4) *Arbitration International* 1 (1990).
- Born, Gary, *The New York Convention and India: Recent Developments*, 34(2) *Journal of International Arbitration* 175 (2017).
- Menon, N.L., *Mediation as an Alternative Dispute Resolution Mechanism in India*, 52(1) *Journal of the Indian Law Institute* 86 (2010).
- Rao, P.C., *ADR and the Indian Legal System*, 13(3) *National Law School Journal* 45 (2001).
- Singh, Avtar, *A Critical Analysis of the Indian Arbitration and Conciliation Act*, 39(2) *Supreme Court Cases Journal* 52 (2018).

Books:

- Indu Malhotra & V. Sudhish Pai, *The Law and Practice of Arbitration and Conciliation* (3rd ed., LexisNexis, 2022).



- OP Malhotra & Indu Malhotra, *The Law and Practice of Arbitration and Conciliation* (LexisNexis, 2014).
- P.C. Markanda, *Law Relating to Arbitration and Conciliation* (LexisNexis, 2021).
- Madhusudan Saharay, *Textbook on Arbitration & Conciliation with Alternative Dispute Resolution* (4th ed., Universal Law Publishing, 2018).
- Avtar Singh, *Law of Arbitration & Conciliation* (Eastern Book Company, 2021).
- B.P. Saraf & M.S. Jhunjhunwala, *Law of Arbitration & Conciliation* (Snow White Publications, 2020).
- Susan Blake, Julie Browne & Stuart Sime, *A Practical Approach to Alternative Dispute Resolution* (Oxford University Press, 2021).





PAPER-V

LABOUR LAWS

FULL MARKS-50

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. Introduction

Labour laws play a crucial role in regulating employer-employee relationships, ensuring workplace safety, and protecting the rights of workers. This course provides a comprehensive understanding of key labour legislations in India, including the Factories Act, 1948; Industrial Disputes Act, 1947; Workmen's Compensation Act, 1923; Trade Unions Act, 1926; and Payment of Wages Act, 1936. It examines legal provisions concerning industrial disputes, trade union rights, employment conditions, wage protection, and workplace safety. The course also explores the role of labour adjudication mechanisms and judicial interpretations in shaping industrial relations.

2. Course Objectives

This course aims to:

1. Develop a foundational understanding of the evolution and significance of labour laws in India.
2. Examine the legal framework governing industrial relations, dispute resolution, and trade unions.
3. Analyze statutory provisions related to wages, compensation, and workplace conditions.
4. Explore judicial pronouncements and their impact on labour law interpretation.
5. Equip students with the ability to apply legal principles to real-world labour law issues.

3. Course Outcomes

Upon successful completion of this course, students will be able to:

1. Explain the key provisions of major labour legislations and their practical implications.
2. Analyze employer and employee rights, duties, and liabilities under different labour laws.
3. Evaluate the role of labour tribunals, courts, and administrative authorities in industrial dispute resolution.
4. Apply legal knowledge to assess and resolve workplace conflicts and compensation claims.
5. Critically examine the impact of labour laws on industrial growth, social justice, and economic development.



4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

I. Factories Act, 1948 (15-Marks)

- ◆ Interpretation
- ◆ Notice by occupier
- ◆ General duties of the occupier
- ◆ Powers of Inspectors
- ◆ Health welfare
- ◆ working hours of Adults, Weeks Hours, Weekly holidays, Compensatory holidays, Daily hours, Night shifts, Extra wages for overtime
- ◆ Prohibition of employment of women and children, Prohibition of employment of young children
- ◆ Working hours for children
- ◆ Notice of certain accidents, Liability of owner of premises in certain circumstances

Case Laws:

- *Sukanya Shantha v. Union of India & Ors.*, 2024 627 SC – Discusses employer obligations under Section 25-O regarding industrial closure.
- *J.K. Industries Ltd. v. Chief Inspector of Factories*, (1996) 6 SCC 665 – Defines the responsibilities of an occupier under the Factories Act.
- *G.T. Lad v. Chemicals & Fibres of India Ltd.*, AIR 1979 SC 582 – Deals with health and safety regulations for factory workers.

II. Industrial Disputes Act, 1947 (15-Marks)

- ◆ Definition Definition (Industry, Workmen, Industrial Dispute)
- ◆ Works committee
- ◆ Conciliation officers, Boards of conciliation
- ◆ Labour courts, Tribunals, National Tribunals
- ◆ Reference of Disputes to Boards, Courts and Tribunals
- ◆ Procedure and powers of conciliation officers, Boards Courts and Tribunals
- ◆ Duties of Board- Courts, Labour Courts, Tribunals National Tribunals
- ◆ Persons on whom settlements and Awards are binding
- ◆ Period of operation of settlements and awards
- ◆ Strikes and Lock outs (Definition, legal nature)
- ◆ Definition of continuous Service
- ◆ Conditions precedent to retrenchment workmen
- ◆ Compensation to workmen in cases of closing down of undertaking
- ◆ Recovery of money due from an employer



Case Laws:

- *Bangalore Water Supply & Sewerage Board v. A. Rajappa*, AIR 1978 SC 548 – Expands the definition of 'industry' under the Act.
- *Excel Wear v. Union of India*, AIR 1979 SC 25 – Discusses restrictions on closure and retrenchment.
- *Sukanya Shantha v. Union of India & Ors.*, 2024 Latest Caselaw 627 SC – Examines employer obligations for industrial closure.
- *T.K. Rangarajan vs. Government of Tamil Nadu & Others* (2003) 6 SCC 581
- *Syndicate Bank vs. K. Umesh Nayak* 1995 AIR 319

III. Industrial Employment (Standing Order) Act, 1946 (10-Marks)

- ♦ **Interpretation,**
- ♦ **Submission of Draft Standing Orders, Conditions for Certification of Standing Orders, Certification of Standing Orders, Appeals, Duration and Modification of Standing Orders, Certifying Officers and Appellate authorities to have powers of Civil Courts.**

Case Laws:

- *Associated Cement Companies Ltd. v. P.N. Sharma*, AIR 1965 SC 1595 – Discusses applicability and enforcement of certified standing orders.
- *Western India Match Co. Ltd. v. Workmen*, AIR 1973 SC 2650 – Examines modifications in standing orders.

SEMESTER-VI

1. Workmen's Compensation Act, 1923 (15-Marks)

- ♦ **Definitions (Industry, Workmen, Industrial Dispute)**
- ♦ **Employer's Liability for Compensation, Amount of Compensation**
- ♦ **Method of Calculating Wages**
- ♦ **Distribution of Compensation**
- ♦ **Notice and Claim**
- ♦ **Reference to Commissioners, Appointment of Commissioners**
- ♦ **Venue of proceedings and transfer**
- ♦ **Form of application**
- ♦ **Powers and Procedure of Commissioners**
- ♦ **Appeals, Withholding of certain payments pending decision of Appeal**

Case Laws:

- *Pratap Narain Singh Deo v. Shrinivas Sabata*, AIR 1976 SC 222 – Clarifies employer liability for compensation.
- *Regional Director, ESI Corporation v. Francis De Costa*, AIR 1997 SC 432 – Defines 'employee' under the Act.



2. Trade Unions Act, 1926 15-Marks

- ◆ Definitions (Trade Union, Trade Dispute, Workmen, Employer)
- ◆ Mode of Registration, Application for Registration
- ◆ Provisions to be contained in the Rules of Trade Union
- ◆ Registration, Certificate of Registration, Cancellation of Registration
- ◆ Appeal Registered office
- ◆ Objects on which general funds may be spent, Constitution of a separate fund for political purposes
- ◆ Amalgamation of Trade Unions, Notice of Change of Name or Amalgamation, Dissolution

Case Laws:

- *Ramakrishna Mission v. State of West Bengal*, AIR 2000 SC 456 – Examines trade union involvement in charitable organizations.

IV. Payment of Wages Act, 1936 10-Marks

- ◆ Definitions
- ◆ Responsibility for payment of Wages
- ◆ Deductions for absence from duty
- ◆ Deductions for damage or loss
- ◆ Deduction for services rendered
- ◆ Deductions for recovery of advances
- ◆ Claims arising out of deductions from Wages or delay in payment of Wages and penalty for malicious or vexatious claims
- ◆ Single application in respect of claims from unpaid group
- ◆ Appeal

Case Laws:

- *Manganese Ore (India) Ltd. v. Chandi Lal Saha*, AIR 1991 SC 520 – Addresses unauthorized deductions and payment delays.
- *Bidi, Bidi Leaves & Tobacco Merchants Association v. State of Bombay*, AIR 1962 SC 486 – Discusses applicability and enforcement of the Act.

Recommended Readings

Research Articles:

- Surya Deva, *The Evolution of Occupational Health and Safety in India: Legal and Policy Perspectives*, 5 J. Indian L. Rev. 45 (2021).
- R. Balasubramaniam, *Factories Act, 1948 and Its Implementation Challenges: An Empirical Analysis*, 57 Econ. & Pol. Wkly. 87 (2022).
- Anil Kumar & Meera Sharma, *Industrial Disputes and Labour Welfare in India: A Critical Examination*, 8 Nat'l L.J. 112 (2020).



- M.P. Singh, *Judicial Approach to Industrial Disputes in India: A Review of Landmark Cases*, 6 Sup. Ct. Cases J. 129 (2021).
- Ashish Tripathi, *The Role of Standing Orders in Industrial Relations: An Analytical Perspective*, 35 Lab. L.J. 217 (2020).
- Prakash Menon, *Employer's Liability for Workplace Injuries: A Comparative Study of Indian and International Legal Frameworks*, 12 Nat'l L. Rev. 78 (2021).
- Amit Gupta, *The Role of Trade Unions in Industrial Growth: An Indian Perspective*, 54 Econ. & Pol. Wkly. 141 (2020).

Books:

- O.P. Malhotra & Indu Malhotra, *The Law of Industrial Disputes*, 9th Edition, LexisNexis, 2015.
- S.N. Mishra, *Labour and Industrial Laws*, 28th Edition, Central Law Publications, 2017.
- H.L. Kumar, *Commentary on the Factories Act, 1948*, Universal Law Publishing, 2011.
- S.C. Srivastava, *Industrial Relations and Labour Laws*, 6th Edition, Vikas Publishing, 2012.
- K.D. Srivastava, *The Workmen's Compensation Act, 1923*, 6th Edition, Eastern Book Company, 2010.
- N.D. Kapoor, *Trade Union Law*, Sultan Chand & Sons, 2014.
- H.L. Kumar, *Commentary on Payment of Wages Act, 1936*, Universal Law Publishing, 2014.
- P.L. Malik, *Industrial Employment (Standing Orders) Act, 1946*, Eastern Book Company, 2013.
- S.K. Verma, *Challenges in the Implementation of Payment of Wages Act: Policy and Judicial Responses*, 46 Indian Econ. Rev. 203 (2022).



PAPER-VI

INTERPRETATION OF STATUTES

FULL MARKS-50

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The interpretation of statutes is a fundamental aspect of legal studies, as it determines how laws are understood, applied, and enforced. This course provides a comprehensive insight into the principles and methodologies used in statutory interpretation. It explores various rules of construction, internal and external aids to interpretation, and the operation of statutes. Additionally, it examines the impact of judicial reasoning in interpreting taxation laws, penal and remedial statutes, and jurisdiction-related statutes. By understanding the art of interpretation, students will develop critical thinking skills necessary for legal practice, policy-making, and judicial reasoning.

2. COURSE OBJECTIVES

This course aims to:

1. Introduce students to the fundamental principles of statutory interpretation and legislative construction.
2. Examine the role of internal and external aids in the interpretation of statutes.
3. Analyze different rules of interpretation, including the literal rule, mischief rule, golden rule, and restrictive rule.
4. Explore the retrospective and prospective operation of statutes and their constitutional limitations.
5. Provide insights into the interpretation of specific statutes, such as those related to taxation, penal laws, and court jurisdiction.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand and apply the fundamental principles of statutory interpretation.
2. Identify and utilize internal and external aids to interpret legislative provisions.
3. Analyze the guiding rules of construction and their judicial applications.
4. Evaluate the impact of statutory interpretation on legal outcomes, governance, and policy-making.
5. Develop a critical understanding of how courts interpret different statutes, including taxing, penal, and remedial laws.

4. COURSE STRUCTURE & RECOMMENDED READINGS



SEMESTER-V

I. Meaning of the word statute

- ◆ Different types of classifications
- ◆ Meaning of the word's construction and Interpretation-commencement
- ◆ Repeal and Revival of legislation

Case Laws:

- *Heydon's Case (1584) 3 Co Rep 7a, 76 ER 637* – Established the mischief rule of statutory interpretation.
- *Indira Sawhney v. Union of India, AIR 1993 SC 477* – Discussed the importance of classification in statutes.

II. Internal Aids to construction-

- ◆ Title
- ◆ Preamble
- ◆ Headings
- ◆ Marginal notes
- ◆ Illustrations Definition- Types of Definition-Utility and Importance of Definition-Proviso Explanation-Schedule.

Case Laws:

- *Reserve Bank of India v. Peerless General Finance & Investment Co. Ltd., AIR 1987 SC 1023* – Explained the significance of the preamble in interpretation.
- *Bengal Immunity Co. Ltd. v. State of Bihar, AIR 1955 SC 661* – Discussed marginal notes as an aid to construction.

III. External Aids to construction-

- ◆ Parliamentary History
- ◆ Historical facts
- ◆ Reference to other statutes
- ◆ Contemporanea Expositio (Effect of usage and custom)
- ◆ Dictionaries Foreign Decisions
- ◆ Government publications

Case Laws:

- *State of West Bengal v. Union of India, AIR 1963 SC 1241* – Importance of historical facts in interpretation.
- *K.P. Varghese v. ITO, AIR 1981 SC 1922* – Role of parliamentary history in statutory interpretation.

IV. Guiding rules: Rule of literal construction

- ◆ Mischief rule



- ◆ **Beneficial rule**
- ◆ **Restrictive rule**
- ◆ **Golden rule**
- ◆ **Words understood according to their subject matter-regard to consequences-
Noscitur A Sociis.**

Case Laws:

- *State of Punjab v. Qaisar Jehan Begum, AIR 1963 SC 1604 – Applied the literal rule of construction.*
- *Shashikant Laxman Kale v. Union of India, AIR 1990 SC 2114 – Discussed the golden rule of interpretation.*

V. Operation of Statutes-commencement-

- ◆ **Retrospective operation**
- ◆ **Operation controlled on considerations of constitutionality**
- ◆ **Operation controlled on considerations of territorial nexus-other relevant considerations relating to operations.**

Case Laws:

- *Govind Das v. ITO, AIR 1977 SC 552 – Retrospective application of statutes.*
- *CIT v. Vatika Township Pvt. Ltd., (2015) 1 SCC 1 – Interpretation of prospective and retrospective laws.*

SEMESTER-VI

I. Statutes affecting jurisdiction of courts

- ◆ **General principles-the extent of exclusion of jurisdiction of superior courts.**

Case Laws:

- *A.R. Antulay v. R.S. Nayak, AIR 1988 SC 1531 – Interpretation of statutes affecting court jurisdiction.*
- *L. Chandra Kumar v. Union of India, AIR 1997 SC 1125 – Exclusion of jurisdiction and constitutional limitations.*

II. Construction of taxing statutes and evasion of statutes

- ◆ **Strict construction of taxing statutes**
- ◆ **General Principles of strict construction**
- ◆ **Illustration Cases**
- ◆ **Limits of Rule of strict construction**
- ◆ **Evasion of Statutes**

Case Laws:

- *CIT v. Shahzada Nand & Sons, AIR 1966 SC 1342 – Strict construction of tax statutes.*



- *Keshav Mills Co. Ltd. v. CIT*, AIR 1965 SC 1636 – Limits of strict interpretation in taxation.

III. Remedial and Penal statutes

- ♦ **Meaning**
- ♦ **Distinction**
- ♦ **Liberal construction of Remedial statutes**
- ♦ **Strict construction of penal statutes**
- ♦ **Mens Rea in statutory offences**

Case Laws:

- *Tolaram Relumal v. State of Bombay*, AIR 1954 SC 496 – Strict construction of penal statutes.
- *Sham Sunder v. State of Haryana*, AIR 1989 SC 1982 – Mens Rea in statutory offences.

IV. Use of different words

- ♦ **Use of negative words**
- ♦ **Affirmative words may imply a negative, use a of 'shall' or 'shall and may' 'must and should'- conjunctive words 'or' & 'and'**

Case Laws:

- *State of Uttar Pradesh v. Babu Ram Upadhyay*, AIR 1961 SC 751 – Interpretation of 'shall' and 'may'.
- *M. Pentiah v. Veeramallappa*, AIR 1961 SC 1107 – Affirmative words implying a negative meaning.

V. Principles of Legislation

- ♦ **Distinction between Morals and Legislation**
- ♦ **Political good and evil**
- ♦ **Circumstances which affect sensibility**
- ♦ **Methods of reasoning on subject of legislation**

Case Laws:

- *Bennet Coleman & Co. v. Union of India*, AIR 1973 SC 106 – Constitutional morality and legislative intent.
- *Keshavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 – Judicial review of legislative principles.

Recommended Readings

Research Articles

- Vepa P. Sarathi, The Interpretation of Statutes: An Analysis of Judicial Trends, (1981) 23 Journal of Indian Law Institute 35.



- M.P. Jain, A Treatise on Statutory Interpretation and Legislative Drafting, (1995) 15 Indian Bar Review 120.
- Upendra Baxi, Judicial Creativity in Interpretation of Statutes: An Evolving Jurisprudence, (1997) 45 Supreme Court Cases (J) 22.
- P. Ishwara Bhat, The Role of Precedents in Statutory Interpretation in India, (2010) 4 National Law School Journal 89.
- G.P. Singh, Legislative Intent and Statutory Interpretation: A Comparative Study, (2015) 8 Indian Journal of Legal Studies 140.

Recommended Books

- G.P. Singh, *Principles of Statutory Interpretation*, 14th ed. (LexisNexis, 2021).
- Vepa P. Sarathi, *Interpretation of Statutes*, 5th ed. (Eastern Book Company, 2017).
- Maxwell on Interpretation of Statutes, 12th ed. (Sweet & Maxwell, 2016).
- M.P. Jain, *Statutory Interpretation and Legislative Drafting*, 2nd ed. (LexisNexis, 2018).
- C.K. Takwani, *Lectures on Administrative Law & Interpretation of Statutes*, 9th ed. (Eastern Book Company, 2022).





OPTIONAL PAPERS

PAPER-I

LAW OF TAXATION

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

This course provides a comprehensive understanding of taxation laws in India, covering both direct and indirect taxes. It explores key provisions of the Income Tax Act, 1961, and the Goods and Services Tax (GST), along with assessment, compliance, and legal interpretations. Through case laws and policy discussions, students will develop a critical understanding of tax laws and their impact on individuals and businesses.

2. COURSE OBJECTIVES

1. Understand the principles and evolution of taxation in India.
2. Differentiate between direct and indirect taxes.
3. Analyze key provisions of the Income Tax Act, 1961, and GST.
4. Examine tax assessment, compliance, and appellate mechanisms.
5. Interpret judicial decisions and statutory provisions.
6. Develop practical tax law skills for advisory and litigation roles.

3. COURSE OUTCOMES

Upon completion, students will be able to:

1. Explain the fundamentals of taxation and its legal framework.
2. Distinguish between various types of taxes and their implications.
3. Apply provisions of income tax and GST in real-world scenarios.
4. Interpret case laws and legal principles in tax matters.
5. Assess tax procedures, compliance, and penalties.
6. Develop tax advisory and dispute resolution skills.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

I. Concept of Taxation and its historical development in India

Case Laws:

- *Rai Ramkrishna v. State of Bihar*, AIR 1963 SC 1667 – Discussed constitutional validity of taxation laws.



- *A.A. Patri v. Emperor*, AIR 1944 FC 32 – Defined the power of taxation and fee imposition in India.

II. Direct and Indirect tax: Tax and Fee

Case Laws:

- *State of West Bengal v. Kesoram Industries Ltd.*, (2004) 10 SCC 201 – Distinguished between tax and fee.
- *Corporation of Calcutta v. Liberty Cinema*, AIR 1965 SC 1107 – Discussed the nature of fee vis-à-vis tax.

III. Definition; Income, Agricultural Income, Assessment year, Previous year, Person, Assesses

Case Laws:

- *CIT v. Raja Benoy Kumar Sahas Roy*, (1957) 32 ITR 466 (SC) – Defined agricultural income under taxation laws.
- *CIT v. Sun Engineering Works (P) Ltd.*, (1992) 4 SCC 363 – Discussed the interpretation of “assessment year” and “previous year.”

IV. Income Tax Act 1961

- ◆ Basic concept
- ◆ Residential status and Tax incidence
- ◆ Salaries
- ◆ Income from House Property
- ◆ Profits and Gains of Business and Profession
- ◆ Capital Gains
- ◆ Income from other Sources
- ◆ Return of Income and Assessment
- ◆ Search and Seizure
- ◆ Income Tax Authorities
- ◆ Appeals and Revision

Case Laws:

- *Karanpura Development Co. Ltd. v. CIT*, (1962) 44 ITR 362 (SC) – Explained income from house property.
- *CIT v. Standard Vacuum Oil Co.*, (1966) 59 ITR 685 (SC) – Determination of residential status under taxation laws.
- *CIT v. B.C. Srinivasa Setty*, (1981) 128 ITR 294 (SC) – Determined the treatment of capital gains.
- *K.P. Varghese v. ITO*, (1981) 131 ITR 597 (SC) – Explained the concept of under-reported income.
- *Pooran Mal v. Director of Inspection*, (1974) 93 ITR 505 (SC) – Validity of search and seizure provisions.



- *CIT v. R.M. Amin*, (1977) 106 ITR 368 (SC) – Discussed tax implications of undisclosed income.
- *CIT v. Shelly Products*, (2003) 261 ITR 367 (SC) – Explained the scope of appellate and revisionary jurisdiction.
- *J.K. Synthetics Ltd. v. CTO*, (1994) 4 SCC 276 – Addressed assessment and appellate procedures.

SEMESTER-VI

I. Historical Background and Basic Concept of GST.

Comparison with earlier Indirect Taxes in India viz. VAT, CST, Central Excise, Service tax etc.

Case Laws:

- *Union of India v. Mohit Minerals Pvt. Ltd.*, (2022) 4 SCC 712 – Discussed constitutional validity of GST.
- *Bajaj Auto Ltd. v. State of Maharashtra*, (2004) 9 SCC 640 – Compared VAT, CST, and excise duty with GST.

II. GST Council-

- ♦ **Constitution and Procedure**
- ♦ **Power and Responsibilities of GST Council**

Case Laws:

- *Jindal Stainless Ltd. v. State of Haryana*, (2017) 12 SCC 1 – Examined GST council's constitutional framework.
- *Union of India v. VKC Footsteps India Pvt. Ltd.*, (2021) 14 SCC 706 – Interpretation of GST rules by the Council.

III. Important definitions under GST

IV. Concept and Scope of Supply

Case Laws:

- *Madras Petrochem Ltd. v. Commercial Tax Officer*, (2018) 6 SCC 612 – Defined supply under GST.
- *Eureka Forbes Ltd. v. State of Bihar*, (2017) 9 SCC 751 – GST applicability to services and goods.

V. Levy and Collection of Tax including Reverse Charge

Case Laws:

- *Automobile Corpn. of Goa Ltd. v. State of Goa*, (2019) 6 SCC 703 – Reverse charge mechanism and liability issues.
- *Hotel Ashoka v. Assistant Commissioner*, (2012) 3 SCC 563 – Examined the applicability of service tax, now part of GST.



VI. Registration

Case Laws:

- *State of Karnataka v. M.K. Agro Tech Pvt. Ltd.*, (2020) 6 SCC 785 – Explained GST registration requirements

VII. Input Tax Credit.

Case Laws:

- *Kaypee Electronics & Associates Pvt. Ltd. v. Union of India*, (2019) 4 SCC 431 – Discussed limitations on input tax credit.

VIII. Return, Payment of tax, Penalties and Assessment

Case Laws:

- *CST v. Madras Rubber Factory Ltd.*, (2018) 9 SCC 547 – Explained procedural aspects of return filing.
- *Union of India v. Bharti Airtel Ltd.*, (2021) 5 SCC 561 – Addressed GST compliance, late fees, and penalties.

IX. Appeal and Revision

Case Laws:

- *Canon India Pvt. Ltd. v. Commissioner of Customs*, (2021) 9 SCC 294 – Explained appellate jurisdiction under GST.
- *Commissioner of Central Excise v. Larsen & Toubro Ltd.*, (2015) 13 SCC 72 – Discussed appeals against GST assessments.

Recommended Readings

Research Articles

- Nani Palkhivala, "Indian Taxation System: Evolution and Constitutional Dimensions," (1983) 25 Journal of Indian Taxation 75.
- M.P. Jain, "Direct and Indirect Taxes in India: A Comparative Analysis," (1995) 37 Indian Law Review 108.
- G. Sekar, "Impact of GST on the Indian Economy: A Legal and Economic Perspective," (2018) 15 National Law University Journal 92.
- P. Chidambaram, "Constitutional Aspects of Goods and Services Tax in India," (2021) 18 Indian Journal of Constitutional Law 132.
- K. Shivananda, "The Role of GST Council in India: Judicial and Legislative Perspectives," (2022) 19 Supreme Court Journal 56.

Books

- Kanga & Palkhivala, *The Law and Practice of Income Tax*, 11th ed. (LexisNexis, 2021).
- Chaturvedi & Pithisaria, *Income Tax Law: With Supreme Court Case Laws*, 7th ed. (LexisNexis, 2020).



- G. Sekar, *Students' Handbook on Income Tax, Including GST*, 12th ed. (Commercial Law Publishers, 2022).
- V.S. Datey, *GST Ready Reckoner*, 9th ed. (Taxmann Publications, 2023).
- N.A. Palkhivala, *India's Taxation Law and Economic Growth*, 2nd ed. (Eastern Book Company, 2021).





OPTIONAL PAPER-II

CRIMINOLOGY AND PENOLOGY

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

This course explores the fundamental concepts of Criminology and Penology, focusing on the causes of crime, criminal behavior theories, and the legal framework of punishment. It examines various schools of criminology, crime statistics, and methods of studying criminal behavior. Additionally, the course delves into the penal system, theories of punishment, the role of police, prison reforms, and rehabilitation of offenders. By understanding crime causation and its societal impact, students will develop analytical skills to evaluate crime control mechanisms and criminal justice policies.

2. COURSE OBJECTIVES

1. To introduce students to the nature, scope, and significance of Criminology and Penology.
2. To analyze the relationship between crime, law, and society.
3. To understand different schools of criminology and their influence on criminal law.
4. To study crime causation theories, including psychological, sociological, and economic factors.
5. To examine the penal system, forms of punishment, and the role of law enforcement agencies.
6. To explore modern approaches to crime prevention, rehabilitation, and restorative justice.

3. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the foundational principles of criminology, its relevance, and its evolution.
2. Analyze the causation of crime and the impact of social, psychological, and economic factors.
3. Evaluate different criminological theories and their application in crime prevention.
4. Assess the effectiveness of punishment theories and their role in deterrence and rehabilitation.
5. Examine the criminal justice system, including the police, prison system, and probation laws.
6. Develop critical thinking skills to analyze crime trends and contribute to policy-making for crime control and rehabilitation.



SEMESTER-V

I. Objectives of the study of Criminology and Penology.

Case Law:

- *State of Maharashtra v. Mohd. Yakub, (1980) 3 SCC 57* – Discussed the significance of criminology in the justice system.

II. Criminology

- ♦ **Nature and Scope**
- ♦ **Inter-relation between Criminology Penology & Etiology**
- ♦ **Fundamentals of Criminal Law**
- ♦ **Possibility of science of Criminology**

Case Laws:

- *Maneka Gandhi v. Union of India, (1978) 1 SCC 248* – Fundamental principles of criminal law and due process.
- *Kartar Singh v. State of Punjab, (1994) 3 SCC 569* – Examined the scope of criminal law and preventive detention.

III. Schools of Criminology

- ♦ **Pre-classical School of Criminology**
- ♦ **Classical School of Criminology**
- ♦ **Typological School of Criminology**
 - i. Italian School
 - ii. Mental Tester School
 - iii. Psychiatric School
- ♦ **Sociological School of Criminology**
- ♦ **Cartographic School**

Case Laws:

- *Gian Kaur v. State of Punjab, (1996) 2 SCC 648* – Examined the psychiatric and sociological aspects of crime.
- *R. v. Dudley and Stephens, (1884) 14 QBD 273* – Case study on necessity and classical criminology principles.

IV. Methods of Study of Criminology

- ♦ **Statistics of Crimes.**
- ♦ **Individual case study method.**
- ♦ **Limited case method**

**Case Laws:**

- *Sher Singh v. State of Punjab*, (1983) 2 SCC 344 – Used statistical criminology to analyze habitual offenders.
- *Gurbachan Singh v. State of Punjab*, AIR 1957 SC 623 – Applied individual case study methodology.

V. Causation of Crime

- ◆ Heredity and Crime
- ◆ Biophysical factors and criminality
- ◆ Freud's Theory of Criminal behaviour-psychological concept
- ◆ Differential Association Theory
- ◆ Anomie.

Case Laws:

- *Roper v. Simmons*, 543 U.S. 551 (2005) – Discussed psychological theories of criminal behavior.
- *State of Gujarat v. Narayan*, (2004) 2 SCC 315 – Analyzed sociological and economic factors leading to crime.

VI. Crime and Economic Condition**Case Law:**

- *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 – Case study on economic disparity and criminal behavior.

VII. White Collar Crime

- Nature and Crime in India.
- General approaches to crime control.
- Crimes of the powerful organised and white collars- crimes in the profession viz. medical, legal, engineering etc.
- Organised crime, sexual offences, prostitution & drugs abuse.
- Perpetrators of ordinary crimes, the situational criminals, chronic offenders and criminal gangs.

Case Laws:

- *Ram Narayan Popli v. CBI*, (2003) 3 SCC 641 – Defined and categorized white-collar crimes in India.
- *CBI v. Ramesh Gelli*, (2016) 3 SCC 788 – Discussed corporate fraud and financial crimes.



SEMESTER-VI

I. Theories of Punishment.

- ♦ Meaning of Punishment
- ♦ Forms of punishment
- ♦ Capital punishment

Case Laws:

- *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 – Landmark case on capital punishment.
- *Mithu v. State of Punjab*, (1983) 2 SCC 277 – Examined the proportionality of punishment.

II. The police and Criminal Justice.

- ♦ The Police systems-structural organisations
- ♦ Power and duties of Police under Police Acts, Criminal Procedure Code and other laws-methods of Police Investigations

Case Laws:

- *Prakash Singh v. Union of India*, (2006) 8 SCC 1 – Guidelines on police reforms.
- *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416 – Laid down guidelines on police procedures and custodial rights.

III. The Prison Systems.

- ♦ Evolution of Prison System
- ♦ Concept of Treatment in Prison
- ♦ Open prisons – Prisoners, rights and security compulsion
- ♦ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494 – Addressed prisoner rights and prison reforms
- ♦ *Charles Sobhraj v. Superintendent, Central Jail, Tihar*, AIR 1978 SC 1514 – Discussed inhumane conditions in prisons

IV. Probation of offenders and Police

Case Laws:

- *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81 – Advocated probation and rehabilitation of offenders.
- *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556 – Analyzed the role of police and probation in criminal justice.

V. Rehabilitations of convicts

Case Law:

- *State of Andhra Pradesh v. Challa Ramakrishna Reddy*, (2000) 5 SCC 712 – Explained rehabilitation as an alternative to imprisonment.



VI. Recidivism

Case Law:

- *Earlene R. Moore v. State*, 38 N.E. 3d 847 (2015) – International perspective on recidivism and reintegration programs.
- *Ajit Singh v. State of Punjab*, (2011) 9 SCC 462 – Discussed repeat offenders and state intervention.

Recommended Readings:

Research Articles

- Jeremy Bentham, *Principles of Punishment and Crime Prevention*, (1789) 45 Oxford Journal of Legal Studies 231.
- Cesare Lombroso, *The Criminal Man: Anthropological and Psychological Analysis*, (1896) 23 European Journal of Criminology 89.
- G. Sutherland, *Differential Association and the Theory of Crime*, (1939) 10 American Sociological Review 25.
- Donald R. Cressey, *White Collar Crime: Its Nature and Impact*, (1950) 17 Journal of Criminology & Penology 312.
- Robert K. Merton, *Anomie and Social Structure: Understanding Deviance*, (1938) 45 Harvard Law Review 67.

Books

- Sutherland & Cressey, *Criminology*, 11th ed. (Pearson, 2020).
- Nigel Walker, *Crime and Punishment: An Introduction to Criminology*, 5th ed. (Oxford University Press, 2019).
- Amit Bindal, *Criminology and Penology*, 3rd ed. (LexisNexis, 2022).
- K.N. Chandrasekharan Pillai, *Essays on Criminology and Crime Prevention*, 4th ed. (Eastern Book Company, 2021).
- H.L.A. Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 2nd ed. (Oxford University Press, 2020).



OPTIONAL PAPER

PAPER-III

LAW AND MEDICINE

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

The intersection of law and medicine plays a crucial role in regulating medical practices, ensuring ethical standards, and protecting patient rights. This course provides an in-depth understanding of the legal framework governing medical education, professional conduct, healthcare institutions, and public health policies. It also covers medico-legal issues such as medical negligence, informed consent, organ transplantation, and medical insurance. The course aims to equip students with knowledge of statutory provisions, judicial precedents, and ethical considerations that shape medical law and practice in India.

2. COURSE OBJECTIVES

1. To understand the legal and ethical foundations of the medical profession and healthcare regulations.
2. To analyze the role of self-regulation, institutional discipline, and statutory frameworks in governing medical education and professional conduct.
3. To examine key medico-legal issues such as medical negligence, organ transplantation, and patient rights.
4. To explore the legal principles governing public health, drug regulations, and special protections for vulnerable groups.
5. To evaluate judicial interpretations and case laws shaping medical jurisprudence and healthcare policies.
6. To understand the significance of medical insurance and its legal implications in the healthcare industry.

3. COURSE OUTCOMES

By the end of this course, students will be able to:

1. Comprehend the structure and regulation of the medical profession in India, including statutory and institutional frameworks.
2. Apply legal principles to issues of medical negligence, professional misconduct, and ethical dilemmas in medical practice.
3. Critically analyze judicial decisions and legal provisions related to healthcare rights and public health policies.
4. Demonstrate knowledge of emerging issues such as organ transplantation, reproductive rights, and drug laws.
5. Evaluate the legal protections available to special groups such as children, mentally ill persons, and prisoners.



6. Understand the role of medical insurance in healthcare and the legal mechanisms governing it.

4. COURSE STRUCTURE AND RECOMMENDED READINGS

SEMESTER-V

I. Notion of Profession.

- ◆ Types of Medical Profession in India
- ◆ Para Professionals

Case Laws:

- *Poonam Verma v. Ashwin Patel*, (1996) 4 SCC 332 – Differentiated between medical negligence and criminal liability of professionals.
- *Vinod Jain v. Santokba Durlabhji Memorial Hospital*, (2019) 19 SCC 785 – Clarified the legal status of para-professionals and their duties.

II. Self-regulation through codes of conduct and disciplinary Proceedings

- ◆ Self-regulation through education-Institutional discipline viz. hospitals and research centers
- ◆ The Role of law in sustaining and monitoring self-regulation

Case Laws:

- *Indian Medical Association v. V.P. Shantha*, (1995) 6 SCC 651 – Established that medical services are covered under the Consumer Protection Act.
- *Martin F. D'Souza v. Mohd. Ishfaq*, (2009) 3 SCC 1 – Laid down guidelines for medical negligence cases under the Consumer Protection Act.

III. The Regulation and Organization of Medical Education and Profession in India

- ◆ Pharmacy Act, 1948.
- ◆ National Medical Commission, 2019
- ◆ National Nursing and Midwifery Commission Act, 2023
- ◆ *State of Punjab v. Shiv Ram*, (2005) 7 SCC 1 – Held that medical education requires strict regulation to maintain professional ethics
- ◆ *Dr. Preeti Srivastava v. State of M.P.*, (1999) 7 SCC 120 – Defined the scope of admission and regulation of medical education.

IV. Emerging Issues

- ◆ The Transplantation of Human organs and tissues Act, 1994
- ◆ *Samira Kohli v. Dr. Prabha Manchanda*, (2008) 2 SCC 1 – Defined the principle of informed consent in medical procedures

V. Important Medico – Legal Cases

- ◆ *Ratlam Municipality v. Vardhichand*. (AIR 1980 SC 1622)
- ◆ *Rakesh Chandra Narayan v. State of Bihar* (AIR 1995 SC 208)
- ◆ *Indian Medical Association v. V. P. Shantha & ors.* (1995) 6 SCC. 651)



- ♦ **Dr. Laxman Balakrishna Joshi v. Dr. Trimbal Babu Godbole and another. (AIR 1969 SC 123)**

SEMESTER-VI

I. Public Health

- ♦ **Health as a fundamental human right – role of medical professionals and courts in its realization**
- ♦ **Constitution of India, Articles 21, 39, 47, 48A, 51A**
- ♦ **Bhartiya Nyay Sanhita 2023; Sec. 270,271,272 to 280; Sec. 286-288 d. Epidemic Diseases (Amendment) Act, 2020**
- ♦ **The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003**

Case Laws:

- *Paschim Banga Khet Mazdoor Samity v. State of West Bengal, (1996) 4 SCC 37 – Held that the right to health is part of the right to life under Article 21.*
- *Vincent Panikurlangara v. Union of India, (1987) 2 SCC 165 – Stressed the duty of the state to provide proper healthcare services.*

II. Health and Drug Laws

- ♦ **International Convention for the Protection of Human Rights and Dignity of Human Beings with regard to the Application of Biology and Medicine, Convention on Human Rights and Bio-Medicine, 1997**
- ♦ **Important Legislation**
- ♦ **Narcotic Drugs and Psychotropic Substances Act, 1985**
- ♦ **Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954**

Case Laws:

- *Union of India v. K.A. Najeed, (2021) 3 SCC 713 – Addressed the constitutional validity of stringent provisions under the NDPS Act.*
- *State of Punjab v. Baldev Singh, (1999) 6 SCC 172 – Emphasized procedural safeguards in narcotics-related arrests.*

III. Experimental Abuse Special group

- ♦ **Children, Mentally-ill, Women, Prisoners.**
- ♦ **Important legislation attached to the Special Group**
- ♦ **Mental Health Act, 1987. (Sec. 1 to 6, 15,16,19 and 81)**
- ♦ **Medical Termination of Pregnancy Act 1971**
- ♦ **Prisoners Act, 1894 (Sec. 13, 14, 15, 24, 37, 38, 39, and 39A)**

Case Laws:

- *Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1 – Upheld the right of mentally ill women to make reproductive choices.*



- *Meera Santosh Pal and Ors. v. Union of India and Ors.*, AIR 2017 SC 461. (legal principles related to reproductive rights, the right to privacy, and the right to bodily integrity, as well as medical considerations regarding the health and safety of the mother)
- *X v. The Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi & Anr.*, Civil Appeal No. 5802 of 2022

IV. Medical Insurance – Necessity

Case Law:

- *New India Assurance Co. Ltd. v. Abhilash Jewellery*, (2009) 2 SCC 756 – Established liability of insurance companies in medical negligence cases.
- *United India Insurance Co. Ltd. v. Manubhai Dharmasinhbhai Gajera*, (2008) 10 SCC 404 – Discussed the scope of medical insurance policies in India.

Recommended Readings:

Research Articles

- Anirudh Pratap Singh, *Medical Negligence and the Role of Indian Judiciary*, 3 Indian J. L. & Just. 45 (2012).
- N. R. Madhava Menon, *Right to Health as a Fundamental Right in India*, 42 J. Indian L. Inst. 72 (2000).
- Aparna Chandra, *Health Law in India: A Need for Reform*, 6 Indian J. Med. Ethics 89 (2019).
- Dr. Usha Ramanathan, *Human Rights & Mental Health: A Legal Perspective*, 27 Nat'l L. Sch. India Rev. 311 (2015).
- Shubha Ghosh, *Medical Malpractice & Liability in India: Legal Challenges & Reforms*, 12 J. Health Ethics & L. 98 (2021).

Books

- K. K. Dutta, *Medical Law & Ethics in India* (3rd ed., Eastern Book Co. 2020).
- S. V. Joga Rao, *Current Issues in Medical Law and Ethics* (LexisNexis 2018).
- R. K. Nayak, *Medical Negligence & Law* (Universal Law Publishing 2015).
- P. K. Sarkar, *Law Relating to Medical Profession & Negligence* (LexisNexis 2019).
- Herring, Jonathan, *Medical Law and Ethics* (8th ed., Oxford University Press 2022).
- B. M. Gandhi, *Law & Medicine: Legal Aspects of Healthcare* (Eastern Law House 2021).



OPTIONAL PAPER

PAPER-IV

INTELLECTUAL PROPERTY LAWS

Full Marks: 50 (*Theory Paper – 40 Marks, Internal Assessment – 10 Marks*)

Required Lecture Hours: 48 per semester

1. INTRODUCTION

Intellectual Property Law plays a vital role in fostering innovation, creativity, and economic growth by providing legal protection to various forms of intellectual property. This course covers the conceptual framework of intellectual property rights (IPR), their historical evolution, and their impact on social and economic development. It also explores different categories of IPR, including copyright, trademarks, patents, geographical indications, industrial designs, and plant variety protection. The course further examines the role of international institutions such as WIPO and WTO in shaping global intellectual property policies.

2. COURSE OBJECTIVES

1. To introduce students to the concept of property and theories of intellectual property.
2. To analyze the national and international legal frameworks governing intellectual property rights.
3. To examine the role of international institutions like WIPO and WTO in IPR protection.
4. To explore various types of intellectual property, including copyrights, trademarks, patents, and designs.
5. To assess the legal procedures for registration, enforcement, and remedies for infringement of IPR.
6. To understand emerging issues in intellectual property, including geographical indications, plant varieties, and biodiversity protection.

3. COURSE OUTCOMES

By the end of this course, students will be able to:

1. Explain the fundamental concepts and theories of intellectual property.
2. Evaluate the significance of intellectual property in economic and social development.
3. Analyze the legal framework governing different types of intellectual property rights in India and internationally.
4. Understand the registration process, enforcement mechanisms, and remedies for IPR infringement.
5. Assess the role of international treaties and agreements in shaping IP law and policy.



6. Critically examine contemporary issues related to indigenous knowledge, folklore, and biodiversity protection.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

I. Concept of Property vis a vis Intellectual Property

- ◆ Concept of Property and Theories of Property – An Overview
- ◆ Theories of Intellectual Property Rights
- ◆ Social and Economic Development and Role of Intellectual Property System
- ◆ Need for Protecting Intellectual Property, Policy Consideration, National Perspectives and International Demands

II. Types of Intellectual Property

- ◆ Origin and Development - Overview
- ◆ Intellectual Property Rights as Human Right

III. Role of International Institutions

- ◆ World Intellectual Property Organization (WIPO)
- ◆ Function of WIPO
- ◆ Membership of WIPO
- ◆ Agreement between the WIPO and the WTO
- ◆ Dispute Settlement – New Treaties

Case Law:

- *Novartis AG v. Union of India*, (2013) 6 SCC 1 – Indian patent law's approach to pharmaceutical patents in compliance with TRIPS.

IV. Copyright: National Perspective

- ◆ Copyright: What and Why
- ◆ Term of Copyright, Assignments and Licensing
- ◆ Registration and Regulatory Authority
- ◆ Procedure
- ◆ Infringements and Remedies- Contractual, Civil, Criminal and Administrative
- ◆ An Overview of International Perspective

Case Laws:

- *R.G. Anand v. Delux Films*, (1978) 4 SCC 118 – Differentiation between copyright protection and idea-expression dichotomy.
- *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1 – Copyright protection for compilations and original work.
- *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*, (2008) 13 SCC 30 – Royalty and licensing in the entertainment industry.



- *Amarnath Sehgal v. Union of India, (2005) 30 PTC 253 (Del) – Moral rights under copyright law.*

V. Trademarks

- ◆ **Need and Emergence of Trade Marks Law**
- ◆ **The Register and Conditions for Registration**
- ◆ **Procedure for and Duration of Registration**
- ◆ **Effect of Registration**
- ◆ **Passing Off and Infringement of Trade Mark**
- ◆ **Assignment and Transmission**
- ◆ **Use of Trade Marks and Registered Users**
- ◆ **Rectification, Correction of the Register and Certification of Trademarks. (i) Appellate Board Offences, Penalties and Procedure**

Case Laws:

- *Cadila Healthcare Ltd. v. Cadila Pharmaceuticals Ltd., (2001) 5 SCC 73 – Trademark infringement and consumer confusion.*
- *Yahoo Inc. v. Akash Arora & Anr., (1999) 78 DLT 285 – Protection of domain names under trademark law.*

SEMESTER-VI

I. Geographical Indication

- ◆ **The Geographical Indications of Goods Act, 1999**
- ◆ **The Semiconductor Integrated Circuits Layout Design Act, 2000**
- ◆ **The Protection of Plant varieties and Farmer's Right Act, 2001**

Case Law:

- *Darjeeling Tea Case, 2004 – Recognition of Darjeeling Tea as a geographical indication.*

II. Patent

- ◆ **Meaning of Patent, Inventions – Concept of Novelty**
- ◆ **Inventive Step and Utility – Inventions not Patentable – Process and Product Patents- TRIPS Agreement (Article 27) Implications to Indian Patent System**
- ◆ **Acquisition of Patent**
- ◆ **Rights of Parentees and Others Term**
- ◆ **Exclusive Marketing Rights**
- ◆ **Surrender License Revocation**
- ◆ **Functionaries under the Patent Act**
- ◆ **Infringement of Patens and Remedies**



Case Laws:

- *Bajaj Auto Ltd. v. TVS Motor Co. Ltd.*, (2010) 2 SCC 728 – Patent infringement and injunctions in industrial designs.
- *F. Hoffmann-La Roche Ltd. v. Cipla Ltd.*, (2012) 52 PTC 1 (Del) – Patent protection and compulsory licensing.

III. The Designs Act, 2000

- ◆ Introduction to Designs Law.
- ◆ Brief Introduction to related International Treaties and Conventions
- ◆ Definitions (s2), Registration of Designs and Procedure (ss3-9,s16, s21)
- ◆ Cancellation of Registration of Design (s19)
- ◆ Piracy of Registered Design (s22) and Remedies
- ◆ Overlapping Between Designs Copyrights and Trademark

Case Law:

- *Micolube India Ltd. v. Rakesh Kumar Trading*, (2013) SCC OnLine Del 586 – Overlapping rights between design and trademark law.

IV. Topography & Folklore:

- ◆ Semiconductor, Integrated Circuits Layout Design Act
- ◆ Folklore, Indigenous, Knowledge, Know how

V. Plant Variety and Bio Diversity:

- ◆ Protection of plant varieties and Farmer's Right Act, 2001: Aims and Objects, Farmer's Rights
- ◆ Compulsory License, Registration, Infringement and Remedies
- ◆ Biological Diversity Act, 2002: An Overview, Salient Features of the Act, 2002- Brief Introduction

Case Laws:

- *Divya Pharmacy v. Union of India*, (2019) SCC OnLine Utt 675 – Protection of traditional knowledge under the Biological Diversity Act.
- *Colgate-Palmolive v. Rameshwar Dass*, (2003) PTC 90 (Del) – Patent claims based on traditional knowledge.

Recommended Readings

Research Articles

- Madhavi Sunder, *The Role of Intellectual Property in Economic Growth and Development*, 59 Stan. L. Rev. 257 (2006).
- Rochelle C. Dreyfuss, *TRIPS and the Global Intellectual Property Order: A More Detailed Analysis*, 10 J. Intell. Prop. L. 33 (2003).
- Arul George Scaria, *Innovation, Intellectual Property and Development: Strategies for India*, 14 Indian J. L. & Tech. 41 (2018).



- Shamnad Basheer, *India's Tryst with TRIPS: The Patents (Amendment) Act 2005*, 1 Indian J. L. & Tech. 15 (2005).

Books:

- B.L. Wadhera, *Intellectual Property Rights: Law & Practice* (5th ed., Universal Law Publishing, 2018).
- P. Narayanan, *Intellectual Property Law* (4th ed., Eastern Law House, 2017).
- V.K. Ahuja, *Law Relating to Intellectual Property Rights* (LexisNexis, 2021).
- N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (Oxford University Press, 2015).
- W.R. Cornish, *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights* (Sweet & Maxwell, 2019).





PAPER-IX

SEMESTER-V

Compulsory Practical Training Paper Moot Court, Pre-Trial Preparations and Participation in Trial (Pro ceedings)

Required lectures hours: 48 per semester

Introduction

The Practical Training on Moot Court, Pre-Trial Preparations, and Trial Participation is designed to equip law students with essential advocacy skills, trial procedures, legal drafting, and client counseling. The course bridges theoretical legal knowledge with practical courtroom experience by engaging students in moot court exercises, trial observation, pre-trial procedures, and drafting legal documents. It fosters critical thinking, legal research, argumentation, and professional ethics, preparing students for real-world legal practice.

Course Objectives

The primary objectives of this course are:

1. Moot Court & Advocacy Skills – To develop the ability to research legal issues, draft written submissions, and present oral arguments effectively.
2. Trial Observation & Analysis – To understand the different stages of civil and criminal trials by observing real courtroom proceedings.
3. Pre-Trial Preparation & Client Counseling – To enhance client interviewing techniques, case analysis, and preparation of legal documents before trial.
4. Drafting, Pleading & Conveyancing – To provide hands-on training in legal drafting, pleadings, and conveyancing for both civil and criminal cases.
5. Ethical & Professional Conduct – To instill professional responsibility and legal ethics in advocacy, drafting, and litigation.
6. Application of Legal Knowledge – To bridge the gap between academic learning and practical legal application through experiential learning.

Course Outcomes

Upon successful completion of this course, students will be able to:

1. Demonstrate Moot Court Skills – Effectively prepare and argue moot cases by applying legal reasoning, case law, and advocacy techniques.
2. Analyze Court Proceedings – Gain firsthand experience in trial proceedings, recognizing procedural and substantive aspects of civil and criminal litigation.
3. Develop Pre-Trial & Case Preparation Skills – Conduct client interviews, draft legal petitions, and prepare court documents with professional accuracy.
4. Draft Legal Documents & Pleadings – Prepare complaints, written statements, bail applications, affidavits, appeals, and contracts as per legal norms.
5. Understand Legal Ethics & Professionalism – Adhere to legal ethics and professional conduct while engaging in litigation and legal practice.



6. Enhance Research & Argumentation Skills – Conduct legal research, draft pleadings, and present arguments in a persuasive and structured manner.
7. Apply Practical Legal Knowledge in Real-Life Cases – Utilize the knowledge gained to work efficiently in law firms, courts, and legal advisory roles.

Course Structure & Recommended Readings

1. Moot Court (15-marks)

The students have prepared the following five cases for the Moot Court with a written arguments of both side.

- (a) Pakla Narain Swami v. Emperor. AIR 1939 P.C. 47
- (b) P. Kottayya v. Emperor. AIR 1947 P.C. 67
- (c) Mahboob Shah v. Emperor. 1945, BLR 941
- (d) Bangalore Water Supply Sevarage Board v. A. Ragappa 1978 AIR 548
- (e) Vellore Citizen Welfare Form v. Union of India 1996 (5) S.C.C 647

2. Observance of Trial (15-marks)

- (a) Civil Trial. (b) Criminal Trial.

Students are expected to know the different stages of Civil and Criminal Trial.

3. Interviewing Techniques & Pre-Trial Preparation (15-marks)

Students are expected to know interviewing sessions of client at the lawyers office Legal Aid office. Students are also expected to know the preparation of documents and court papers by the Advocate and the procedures for filling of the Suits/Petition.

NB : The above referred cases for moot court are subject to change.

Semester VI

Drafting, Pleading & Conveyancing :

(a) Drafting :

General principles of drafting and relevant substantive rules shall be taught.

(b) Pleadings :

1. **Civil:** (i) Plaint (ii) Written Statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Execution petition and (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.

2. **Criminal:** (i) Complaints (ii) Criminal Miscellaneous Petition (iii) Bail Application and (iv) Memorandum of Appeal and revision.

3. Drafting of Mediation Agreement under Mediation Law.

(c) Conveyancing :

- (i) Sale Deed
- (ii) Mortgage Deeds
- (iii) Lease Deed
- (iv) Gift Deed



- (v) Promissory Note
- (vi) Power of Attorney and
- (vii) Will

The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

Recommended Readings:

Research Articles:

- Paul Keane, *Mooting and Advocacy Skills: Developing Practical Legal Training*, 3 Legal Educ. Rev. 210 (2005).
- Julian Webb, *The Role of Moot Courts in Legal Education*, 5 Ind. J. Legal Educ. 47 (2012).
- Mark Thomas, *Legal Argumentation and Persuasion in Moot Courts*, 8 J. Law & Educ. 99 (2015).
- Upendra Baxi, *The Pedagogy of Mooting: Indian and Global Perspectives*, 12 J. Indian L. Inst. 233 (2018).
- A.V. Dicey, *The Role of Pre-Trial Preparation in Fair Trials*, 4 Ind. J. Crim. L. 88 (1999).
- Amit Bindal, *Practical Aspects of Civil and Criminal Trials in India: A Guide for Law Students*, 6 Ind. J. Trial L. 67 (2013).
- P.K. Majumdar, *Pre-Trial Procedures and Case Management in Indian Courts*, 5 SCC J. 156 (2004).
- Geoffrey Hazard Jr., *Comparative Analysis of Civil and Criminal Trial Procedures*, 9 Am. J. Comp. L. 221 (2007).
- David McQuoid-Mason, *Client Counseling and Interviewing Skills for Law Students*, 10 J. Legal Prof. 123 (2009).
- Rakesh Kumar, *Legal Aid and Access to Justice: The Role of Law Clinics*, 7 Ind. L. Rev. 55 (2015).
- Richard Lewis, *Lawyer-Client Relationships: Interviewing and Advising Techniques*, 4 NUJS L. Rev. 88 (2012).
- J.N. Pandey, *Principles of Legal Drafting: Theory and Practice*, 6 Ind. J. Leg. Stud. 99 (2014).
- S.P. Sathe, *Legal Language and Drafting: Analyzing Substantive Rules*, 2 J. Ind. Law Inst. 215 (2001).
- M.P. Jain, *Pleading and Practice in Indian Courts: A Historical Perspective*, 9 Ind. J. Legal Res. 45 (2010).
- H.L. Kumar, *The Importance of Pleadings in Civil and Criminal Litigation*, 5 SCC J. 134 (2008).
- R.V. Kelkar, *Pleadings Under Article 32 and 226 of the Indian Constitution*, 12 NUJS L. Rev. 210 (2015).
- D.D. Basu, *Conveyancing in Indian Law: Forms and Precedents*, 4 Ind. J. Property L. 78 (2003).
- S.R. Myneni, *Legal Documentation and Drafting of Deeds in India*, 7 Ind. J. Legal Stud. 122 (2017).
- N.R. Madhava Menon, *The Art of Conveyancing: Legal and Practical Aspects*, 3 J. Ind. Law Inst. 65 (2005).



Books:

- Black, Henry Campbell – *Handbook on Moot Court Practice and Advocacy* (West Publishing Co., 2010).
- Saxena, R.K. – *Moot Court Practice & Mock Trials: Art of Advocacy* (Central Law Publications, 2021).
- McPeck, John E. – *Critical Thinking and Legal Argumentation* (Routledge, 2018).
- Sharma, P.K. – *Moot Court: Art of Legal Persuasion and Argumentation* (Universal Law Publishing, 2019).
- Friedland, Steven I. – *Understanding Moot Court: A Student Guide* (LexisNexis, 2017).
- Krishnamurthy, K. – *Lawyer's Guide to Civil and Criminal Trials* (Eastern Book Company, 2015).
- Li, Xiaobing – *Trial Advocacy in Criminal Law* (Springer, 2019).
- Kumar, Rakesh – *Pre-Trial Procedures and Case Management* (Oxford University Press, 2022).
- Kishore, Ravi – *The Indian Judiciary: A Guide to Trial Observation* (LexisNexis, 2018).
- Madhava Menon, N.R. – *Clinical Legal Education: Trial Advocacy & Pre-Trial Skills* (LexisNexis, 2021).
- McQuoid-Mason, David – *Lawyers and Clients: Interviewing and Counseling Techniques* (Cambridge University Press, 2016).
- Menon, N.R. Madhava – *Legal Aid and Clinical Legal Education in India* (Universal Law Publishing, 2019).
- Lewis, Richard – *Client Counseling and Interviewing: A Practical Approach* (Oxford University Press, 2018).
- Sharma, Ujjwal K. – *Legal Aid and the Role of Law Clinics* (Satyam Law International, 2020).
- Choudhury, S.K. – *Access to Justice and Legal Aid in India* (Eastern Law House, 2015).
- Chaturvedi, R.N. – *Legal Drafting and Conveyancing* (Central Law Agency, 2021).
- Pandey, J.N. – *Legal Language, Legal Writing & General English* (Central Law Publications, 2022).
- Mogha, G.C. – *The Law of Pleadings in India* (Eastern Book Company, 2019).
- Sopinka, John – *The Art of Persuasion: Legal Drafting & Advocacy* (LexisNexis, 2017).
- Kelkar, R.V. – *Criminal Procedure: Principles and Precedents* (Eastern Book Company, 2021).
- Singh, M.P. – *Constitutional Law and Legal Drafting* (Eastern Book Company, 2018).
- Kumar, H.L. – *The Art of Drafting Legal Pleadings & Petitions* (Universal Law Publishing, 2020).
- Shukla, V.N. – *Constitutional Pleadings and Writ Petitions* (Eastern Book Company, 2019).
- Basu, D.D. – *Legal Documents and Conveyancing* (LexisNexis, 2022).
- Menon, N.R. Madhava – *Fundamentals of Conveyancing and Drafting* (LexisNexis, 2018).



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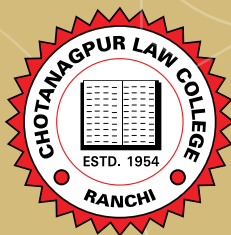
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