



Shivaji University, Kolhapur.

2nd Year of Three Year Law (Sem. III & IV)

4th Year of Five Year Law (Sem. VII & VIII)

(Introduced from 2004 -2005 onwards)

| | | | |
|--------------|---|--------------|--|
| Paper - I | Jurisprudence | Paper - I | Jurisprudence |
| Paper – II | Family Law – II | Paper – II | Family Law – II |
| Paper – III | Property Law including Transfer of Property Act and Easement Act | Paper – III | Property Law including Transfer of Property Act and Easement Act |
| Paper – IV | Company Law | Paper – IV | Company Law |
| Paper – V | Human Right and International Law | Paper – V | Human Right and International Law |
| Paper – VI | Environmental Law including Laws for the protection of wild life etc. | Paper – VI | Environmental Law including Laws for the protection of wild life etc. |
| Paper – VII | Interpretation of Statutes | Paper – VII | Interpretation of Statutes |
| Paper – VIII | OPTIONAL PAPERS A) Insurance Law B) Criminology and Penology C) Banking Law including Negotiable Instrument Act | Paper – VIII | OPTIONAL PAPERS A) Insurance Law B) Criminology and Penology C) Banking Law including Negotiable Instrument Act |

PRACTICAL TRAINING

| | | | |
|------------|---|------------|---|
| Paper – IX | Professional Ethics, Accountancy for Lawyers and Bar bench relations | Paper – IX | Professional Ethics, Accountancy for Lawyers and Bar bench relations |
| Paper - X | Public interest lawyering, legal aid and Para legal service | Paper - X | Public interest lawyering, legal aid and Para legal services |

PAPER – I : JURISPRUDENCE

Objective of the course

At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases, procedure, practices and customs as a systematic body of knowledge nor is it able to show the inter-connection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to every students and that it should be the very foundation of law teaching needs little argument. A course in jurisprudence should, primarily, induct the students into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself.

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

SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE & SEMESTER – VII OF FIVE YEARS COURSE

- 1 **Introduction :**
 - 1.1 Meaning of the term ‘Jurisprudence’
 - 1.2 Norms and the normative system.
 - 1.2.1 Different types of normative systems, such as of games, language, religious orders, unions, clubs and customary practice.
 - 1.2.2 Legal system as a normative order : similarities and difference of the legal systems with other normative systems.
 - 1.2.3 Nature and definition of law.
- 2 **Schools of Jurisprudence**
 - 2.1 Analytical positivism
 - 2.2 Natural law

- 2.3 Historical School
- 2.4 Sociological School
- 2.5 Economic interpretation of law
- 2.6 The Bharat jurisprudence
 - 2.6.1 The Ancient : the concept of 'Dharma'
 - 2.6.2 The Modern : PIL, Social justice, compensatory jurisprudence
- 3 **Purpose of Law**
 - 3.1 Justice
 - 3.1.1 Meaning and kinds
 - 3.1.2 Justice and law : approaches of different schools
 - 3.1.3 Power of the Supreme Court of India to do complete justice in a case : Article 142
 - 3.1.4 Critical studies
 - 3.1.5 Feminist jurisprudence
- 4 **Sources of Law**
 - 4.1 Legislation
 - 4.2 Precedents : Concept of Stare decisis
 - 4.3 Customs
 - 4.4 Juristic writings.

**SYLLABUS OF SEMESTER – IV OF THE THREE YEARS COURSE
&
SEMESTER – VIII OF FIVE YEARS COURSE**

- 5 **Legal Rights : the concept**
 - 5.1 Rights : Kinds
 - 5.2 Right duty correlation
- 6 **Persons**
 - 6.1 Nature of personality
 - 6.2 Status of the unborn, minor, lunatic, drunken and dead persons
 - 6.3 Corporate personality
 - 6.4 Dimensions of the modern legal personality : Legal personality of non-human beings
- 7 **Possession : the concept**
 - 7.1 Kinds of possession
- 8 **Ownership : the concept**
 - 8.1 Kinds of ownership
 - 8.2 Difference between possession and ownership
- 9 **Title**
- 10 **Liability**
 - 10.1 Condition for imposing liability
 - 10.1.1 Wrongful act
 - 10.1.2 Damnum sine injuria
 - 10.1.3 Causation
 - 10.1.4 Mens rea
 - 10.1.5 Intention

- 10.1.6 Malice
- 10.1.7 Negligence and recklessness
- 10.1.8 Strict liability
- 10.1.9 Vicarious liability
- 11 **Obligation : Nature and Kinds**
 - 11.1 Sources of obligation
- 12 **Procedure**
 - 12.1 Substantive and procedural laws : difference
 - 12.2 Evidence : Nature and Kinds

Select Bibliography :

- 1) Bodenheimer Jurisprudence – The philosophy and Method of Law (1996), Universal, Delhi
- 2) Fitzgerald, (ed) Salmond on Jurisprudence (1999), Tripathi, Bombay
- 3) W. Friedman, Legal Theory (1999), Universal, Delhi
- 4) V. D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern, Lucknow
- 5) M. D. A. Freeman (ed.), Lloyd's Introduction Jurisprudence, (1994), Sweet and Maxwell
- 6) Paton G. W., Jurisprudence (1972), Oxford, ELBS
- 7) H. L. A. Hart, The Concepts of Law (1970), Oxford, ELBS
- 8) Rescoe Pond, Introduction to the Philosophy of Law (1998 re-print), Universal, Delhi
- 9) Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
- 10) Dhyani S. N. Jurisprudence : A study of Indian Legal Theory (1985), Metropolitan, New Delhi.

PAPER – II :
FAMILY LAW - II

**SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE
&
SEMESTER – VII OF FIVE YEARS COURSE**

- 1 **Alimony and maintenance**
 - 1.1 Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves : provisions under the code of Criminal Procedure 1973
 - 1.2 Alimony and maintenance as an independent remedy : a review under different personal laws- need for reforming the law
 - 1.3 Maintenance of divorced Muslim women under the Muslim Women (protection of Rights on Divorce) Act 1986 : a critical review.
- 2 **Child and the Family**
 - 2.1 Legitimacy
 - 2.2 Adoption
 - 2.3 Custody, maintenance and education
 - 2.4 Guardianship and parental rights – welfare of the child principle.

**SYLLABUS OF SEMESTER – IV OF THE THREE YEARS COURSE
&
SEMESTER – VIII OF FIVE YEARS COURSE**

- 3 **Family and its changing patterns**
 - 3.1 New emerging trends
 - 3.1.1 Attenuation of family ties
 - 3.1.2 Working women and their impact on spousal relationship : composition of family, status and role of women
 - 3.1.3 Processes of social changes in India : westernization, secularization, universalization, modernization, industrialization and urbanization.
- 4 **Establishment of Family Courts**
 - 4.1 Constitution, Power and function
 - 4.2 Administration of gender justice
- 5 **Uniform Civil Code – need for**
 - 5.1 Religious pluralism and its implications
 - 5.2 Connotations of the directive contained in Article 44 of the Constitution
 - 5.3 Impediments to the formulation of the Uniform Civil code
 - 5.4 The idea of Optional Uniform Civil Code.

Select Bibliography :

- 1) Paras Diwan : Law of Intestate and Testamentary Succession (1998), Universal
- 2) Basu, N. D., Law of Succession (2000), Universal
- 3) Kusem, Marriage and Divorce Law Manual (2000), Universal
- 4) Machanda S. C. Law and Practice of Divorce in India (2000), Universal
- 5) P. V. Kane, History of Dharmasastras Vol. 2 pt.1 at 624-632(1974)
- 6) A. Kuppaswami (ed.), Mayne's Hindu Law and Usage Ch. 4 (1986)
- 7) A. Sivaramayys Inequalities and the Law, (1985)
- 8) K. C. Daiya, "Population control through family planning in India," Indian Journal of Legal Studies, 85(1979)
- 9) J. D. M. Derrett, Hindu Law : Past and Present
- 10) J. D. M. Derrett, Death of Marriage Law
- 11) A. A. Fyzee, Outline of Muhammadan Law, (1970)
- 12) Allabi Kuppaswami, (ed.) Mayne's Hindu Law and Usage (1986)
- 13) J. D. M. Derrett, A Critique of Modern Hindu Law (1970)
- 14) Paras Diwan, Hindu Law (1985)
- 15) S. T. Desai (ed.) Mulla's Principles of Hindu Law, (1998) – Butterworths India.
- 16) Paras Diwan, Family Law : Law – of marriage and Divorce in India (1984)
- 17) A. M. Bhattachargee, Muslim Law and the Constitution (1994), Eastern Law House, Calcutta.
- 18) A. M. Bhattachargee, Hindu Law and the Constitution (1994), Eastern Law House, Calcutta.
- 19) Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal

PAPER – III :
PROPERTY LAW INCLUDING TRANSFER OF
PROPERTY ACT AND EASEMENT ACT

Objective of the course

The course on property conventionally deals with the Transfer of Property Act. 1882 More than a century has elapsed since the passing of the Act and far reaching changes have occurred in the field in property laws owing to altered social conditions. The exiting syllabus does not touch upon aspects relating to intellectual property which are important in the context of development.

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

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

The proposed syllabus includes these additional topics.

**SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE
&
SEMESTER – VII OF FIVE YEARS COURSE**

- 1 **Jurisprudentially Controls of Property**
 - 1.1 Concept and meaning of property – new property – government largesse.
 - 1.2 Kinds of Property – movable and immovable property – tangible and intangible property – intellectual property – copyright – patents and designs – trademarks
 - 1.3 The concept of common property resources-
 - 1.4 Possession and Ownership as man – property relationship – finder of lost goods
- 2 **Law Relating to Transfer of Property**
 - 2.1 General Principles of Transfer of Property
 - 2.2 Sales

- 2.3 Mortgages
- 2.4 Under the provision of the Transfer Property Act, 1882
- 2.5 To a land mortgage bank, land development bank, powers and functions
- 2.6 Charges
- 2.7 Leases
- 2.8 Exchanges
- 2.9 Gifts
- 2.10 Actionable Claims
- 3 **Law Relating to certain Intangible Properties**
 - 3.1 Goodwill
 - 3.2 Trademarks
 - 3.3 Patents and designs
 - 3.4 Copyright
 - 3.5 Video piracy
 - 3.6 Software

**SYLLABUS OF SEMESTER – IV OF THE THREE YEARS COURSE
&
SEMESTER – VIII OF FIVE YEARS COURSE**

- 1 **Easements**
 - 1.1 Nature, Characteristics and extinction
 - 1.2 Creation of easements
 - 1.3 Riparian rights
 - 1.4 Licenses
- 2 **The Maharashtra Apartment Ownership Act, 1970**
 - 2.1 Status of Apartments
 - 2.2 Ownership of Apartments
 - 2.3 Common areas and facilities
 - 2.4 Prohibited Work in Apartments Property
 - 2.5 Encumbrances against Apartments
 - 2.6 Common Profits and Expenses
 - 2.7 Contents of Declaration
 - 2.8 Contents of Deeds of Apartments
 - 2.9 Registration of Declarations, Deeds of Apartments and copies of floor plants
 - 2.10 Removal of property from provisions of Act.
 - 2.11 Bye – Laws
 - 2.12 Separate Movements for Tax Purposes
 - 2.13 Joint and several liability of vendor etc, for unpaid common expenses
 - 2.14 Insurance
 - 2.15 Disposition of Property, destruction or damage
 - 2.16 Action

- 2.17 Stamp duty, registration fee and court –fees
2.18 The Maharashtra Apartment Ownership Rules, 1972

Select Bibliography :

- 1) Mulla, Transfer of property Act, (1999) Universal, Delhi Subbarao, Transfer of Property Act, (1994), C. Subbiah chetty, Madars
- 2) Sivaramayya, The equalities and the Law, (1997) Eastern Book Co., Lucknow
- 3) P. C. Sen, The General Principles of Hindu Jurisprudence (1984 reprint) Allahabad Law Agency
- 4) V. P. Sarathy, Transfer of Property (1995), Eastern Lucknow
- 5) S. D. Dighe, Law and Practice of Ownership Flats and Apartments in Maharashtra (1995), Hindu Law Publication, Pune
- 6) Amin, B. K. and Shashtri C. J. V. M. Shukla, The Law of Easements, Eastern Book Company, Lucknow
- 7) C. B. Upadhyaya, Law of Easements, Malhotra publishing House Allahabad.

PAPER – IV : COMPANY LAW

Objectives of the course

Industrialisation plays a very vital role in the economic development of India. In the Post Independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of markets risks.

Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE & SEMESTER – VII OF FIVE YEARS COURSE

- 1 **Meaning of Corporation**
 - 1.1 Theories of corporate personality
 - 1.2 Creation and extinction of corporations
- 2 **Forms of Corporate and Non – Corporate Organisations.**
 - 2.1 Corporations, partnerships and other associations of persons, state corporations, governments companies, small scale, co-operative, corporate and joint sectors.
- 3 **Law relating to companies – public and private – Companies Act, 1956**
 - 3.1 Need of company for development formation of a company registration and incorporation.
 - 3.2 Memorandum of association – various clauses – alteration therein – doctrine of ultra vires.
 - 3.3 Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
 - 3.3.1 Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus.
 - 3.4 promoters – position – duties and liabilities.
 - 3.4.1 Shares – general principles of allotment statutory restrictions – share certificate its objects and effects – transfer of share- restrictions on transfer – procedure for

- transfer – refusal of transfer – role of public finance institutions – relationship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialised shares (DEMAT)
- 3.4.2 Shareholder – who can be and who cannot be a shareholder modes of becoming a shareholder – calls on shares – forfeiture and surrender of shares – lien on shares.
- 3.4.3 Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital – duties of courts to protect the interests of creditors and share holders.
- 3.5 Directors – position – appointment – qualification – vacation of office – removal – resignation – powers and duties of directors – meeting, registration, loans – remuneration of directors – role of nominee directors – compensation for loss of office – managing directors – compensation for loss of office – managing directors and other managerial personnel.

**SYLLABUS OF SEMESTER – IV OF THE THREE YEARS COURSE
&
SEMESTER – VIII OF FIVE YEARS COURSE**

- 4.1 Meeting – Kinds – Procedure – Voting
- 4.2 Dividends – Payment – Capitalisation – Profit
- 4.3 Audit and accounts
- 4.4 Borrowing powers – powers effect of unauthorised borrowing – charges and mortgages – loans to other companies – investments – contracts by companies
- 4.5 Debentures- meaning – fixed and floating charge – kinds of debentures – shareholder and debenture holder – remedies of debenture holders
- 4.6 Protection of minority rights
- 4.7 protection of oppression and mismanagement – who can apply? – powers of the company, court and of the central government
- 4.8 Investigation - powers
- 4.9 Private companies – nature and advantages – government companies – holding and subsidiary companies
- 4.10 Regulation and amalgamation
- 4.11 private companies – nature and advantages – government companies – holding and subsidiary companies
- 4.12 Regulation and amalgamation
- 4.13 Winding up – types – by court – reasons – grounds – who can apply – procedure – powers of liquidator – powers of court – consequences of winding up order – voluntary winding up by members and creditors – winding up subject

to supervision of courts – liability of past members –
payment of liabilities – preferential payment, unclaimed
dividends – winding up of unregistered company

- 5 **Law and Multinational Companies**
 - 5.1 International norms for control
 - 5.2 National law FEMA (Foreign Exchange Management Act 1999) controls joint ventures – investment in India – repatriation of project
 - 5.3 Collaboration agreements for technology transfer
- 6 **Corporate Liability**
 - 6.1 Legal liability of companies – civil and criminal
 - 6.2 Remedies against them civil, criminal and tortuous – Specific Relief Act, writs, liability under special statutes

Select Bibliography :

- 1) Avtar Singh, Indian Company Law (1999), Eastern, Lucknow.
- 2) L.C. B. Gower, principles of Modern Company Law (1997) Sweet and Maxwell, London
- 3) Palmer, Plamer's Company Law (1987), Stevans, London.
- 4) R. R. Pennington, Company Law (1990), Butterworths
- 5) A. Ramaiya, Guide to the Companies Act, (1998), Wadha.
- 6) S. M. Shah, Lecture on Company Law (1998), Tripathi, Bombay.

PAPER – V :
HUMAN RIGHTS AND INTERNATIONAL LAW

Objective of the course

The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. This is because many areas of international law are taught in optional papers like international Economic Law (BCI O 01), Air and Space Law (BCI O 11), and Maritime Law (BCI O 15). The HR dimensions shall be discussed in other papers like Environmental Law (BCI C 18), Labour Law (BCI C 19) and Women and Law And Law Relating To Child (BCI C 13A). Needless to say that course is to be confined to deliberation of international law topics relevant to the growth of HRI law and how international norms and directions are applied in the municipal law of the country.

**SYLLABUS SEMESTER – III OF THE THREE YEARS COURSE
&
SEMESTER – VII OF THE FIVE YEAR LAW COURSE**

- 1 **Theoretical Foundations of Human Rights and International Law**
 - 1.1 Basic principles : sovereign equality of states – non – intervention - non use of force – international co-operation – peaceful settlement of disputes
 - 1.2 Individuals as subjects of international law
 - 1.3 State jurisdiction on terrorism, hijacking, narcotics, war crimes and against peace
 - 1.4 Treatment of aliens
- 2 **Historical development of the concept of human rights**
 - 2.1 Human rights in Indian tradition : ancient, medieval and modern
 - 2.2 Human rights in Western tradition
 - 2.2.1 Concept of natural law
 - 2.2.2 Concept of natural rights
 - 2.3 Human rights in legal tradition : International Law and National Law
- 3 **UN and Human Rights**
 - 3.1 Universal Declaration of Human Rights (1948) – individual and group rights
 - 3.2 Covenant on Political and Civil Rights (1996)
 - 3.3 Covenant on Economic, Social and Cultural Rights (1966)

- 3.4 I L O and other Conventions and protocols dealing with human rights
- 3.5 Solidarity rights
- 3.6 Disarmament : threat to human rights
- 3.7 International HR Commission
- 3.7.1 Mandates to States
- 3.8 Right to development

**SYLLABUS OF SEMESTER – IV OF THE THREE YEARS COURSE
&
SEMESTER – VIII OF FIVE YEARS COURSE**

- 4 **Role of Regional Organizations**
 - 4.1 European Convention on Human Rights
 - 4.2 American Convention on Human Rights
 - 4.3 African Convention on Human Rights
 - 4.4 SAARC
- 5 **Protection agencies and mechanisms**
 - 5.1 International Commission of Human Rights
 - 5.1.1 Amnesty International
 - 5.1.2 Non – Governmental Organization (NGOs)
 - 5.2 European Commission on Human Rights / Court of Human Rights
 - 5.3 U. N. Division of Human Rights
 - 5.4 International Labour Organization
 - 5.5 UNESCO
 - 5.6 UNICEF
- 6 **Impact and implementation of international human rights norms in India**
 - 6.1 Human rights norms reflected in fundamental rights in the Constitution
 - 6.2 Directive principles : legislative and administrative implementation of international human rights norms
 - 6.3 Implementation of international human rights norms through judicial process
- 7 **Enforcement of Human Rights in India**
 - 7.1 Role of courts : the Supreme Court, High Courts and other courts
 - 7.2 Statutory commissions – human rights, women’s minority and backward class

Select Bibliography :

- 1) S. K. Avesti and R. P. Kataria Law Relating to Human Rights, Chh IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi

- 2) S. K. Varma, Public International Law (1998), Prentice – Hall, New Delhi
- 3) Peter J. Van Krieken (ed.), The Exclusion on Clause (1999), Kluwer
- 4) Human Rights Watch Women's Project, The Human Rights Watch
- 5) Global Report on Women's Human Rights (2000), Oxford Ermacora
- 6) Nowake and Tretter, International Human Rights (1993), Sweet & Maxwell
- 7) Wallace, International Human Rights : Text & Materials (1996), Sweet & Maxwell
- 8) Muntarbhorm, The Status of Refugees in Asia (1992), Oxford
- 9) Human Rights and Global Diversity (2001), Frank Cass, London
- 10) Nirmal C. J. (ed.), Human Rights in Indian (2000), Oxford
- 11) Nirmal B. C. The Right to Self determination in International Law (1995), Deep & Deep
- 12) P. R. Gandhi, International Human Rights Documents (1999) Universal, Delhi.

**PAPER –VI :
ENVIRONMENTAL LAW
INCLUDING LAWS FOR THE PROTECTION OF THE
WILD LIFE ETC**

Objectives of the course

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues related to problematic about construction of a just, humane and healthy society. Secondly environmental law necessarily demands an inter – disciplinary approach, Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

**SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE
&
SEMESTER – VII OF FIVE YEARS COURSE**

- 1 **Concept of Environmental and Pollution**
 - 1.1 Environmental
 - 1.1.1 Meaning and contents
 - 1.2 Pollution
 - 1.2.1 Meaning
 - 1.2.2 Kinds of pollution
 - 1.2.3 Effects of pollution
- 2 **Indian control : historical perspectives**
 - 2.1 Indian tradition : dharma of environment
 - 2.2 British Raj – industrial development and exploitation of nature
 - 2.2.1 Nuisance : penal code and procedural codes
 - 2.3 Free India – continuance of British influence
 - 2.3.1 Old laws and new interpretations
- 3 **Constitutional Perspectives**
 - 3.1 Constitution making – development and property oriented approach
 - 3.2 Directive principles
 - 3.2.1 Status, role and interrelationship with fundamental rights

- and fundamental duties
- 3.3 Fundamental Duty
 - 3.3.1 Contents
 - 3.3.2 Judicial approach
- 3.4 Fundamental rights
 - 3.4.1 Right to clean and healthy environment
 - 3.4.2 Right to education
 - 3.4.3 Right to information
 - 3.4.4 Environments v. Development
- 3.5 Enforcing agencies and remedies
 - 3.5.1 Courts
 - 3.5.2 Tribunal
 - 3.5.3 Constitutional, statutory and judicial remedies
- 3.6 Emerging principles
 - 3.6.1 Polluter pays : public liability insurance
 - 3.6.2 Precautionary principle
 - 3.6.3 Public trust doctrine
 - 3.6.4 Sustainable development
- 4 **Water and Air Pollution**
 - 4.1 Meaning and standards
 - 4.2 Culprits and victims
 - 4.3 Offences and penalties
 - 4.4 Judicial approach
- 5 **Noise Pollution**
 - 5.1 Legal control
 - 5.2 Courts of balancing : permissible and impermissible noise

**SYLLABUS OF SEMESTER – IV OF THE THREE YEARS COURSE
&
SEMESTER – VIII OF FIVE YEARS COURSE**

- 1 **Environment Protection**
 - 1.1 Protection agencies : power and functions
 - 1.2 Protection: means and sanctions
 - 1.3 Emerging protection through delegated legislation
 - 1.3.1 Hazardous waste,
 - 1.3.2 Bio – medical waste
 - 1.3.3 Genetic engineering
 - 1.3.4 Disaster emergency preparedness
 - 1.3.5 Environment impact assessment
 - 1.3.6 Coastal zone management
 - 1.3.7 Environment audit and eco mark
 - 1.4 Judiciary : complex problems in administration of environmental justice

- 2 **Forest and greenery**
 - 2.1 Greenery conservation laws
 - 2.1.1 Forest conservation
 - 2.1.2 Conservation agencies
 - 2.1.3 Prior approval and non-forest purpose
 - 2.1.4 Symbiotic relationship and tribal people
 - 2.1.5 Denudation of forest : judicial approach
 - 2.2 Wild life Protection
 - 2.2.1 Sanctuaries and national parks.
 - 2.2.2 Licensing of zoos and parks.
 - 2.2.3 State monopoly in the sale of wild life and wild life articles
 - 2.2.4 Offences against wild life
- 3 **International regime**
 - 3.1 Stockholm conference
 - 3.2 Green house effect and ozone depletion
 - 3.3 Rio conference
 - 3.4 Bio – diversity
 - 3.5 U. N. declaration on right to development
 - 3.6 Wetlands
- 4 **Prevention of cruelty to animals**
 - 4.1 Animal welfare Board
 - 4.2 Cruelty to Animals Generally
 - 4.3 Experimentation on Animals
 - 4.4 Performing animals

Select Bibliography :

- 1) Aarmin Rosencranz, et al, (eds.), Environmental Law and Policy in Indian, (2000), Oxford
- 2) R. B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing, New Delhi.
- 3) Kailash Thakur, Environment Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi
- 4) Richard L. Riversz, et.al. (eds.), Environment Law, the economy and other Sustainable Development (2000), Cambridge
- 5) Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
- 6) Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 7) Leelakrishnan, P, The Environmental Law in India (1999), Butterworths – India
- 8) Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental protection (1980) (Tiwari Committee Report).

- 9) Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3, pp. 353 - 801
- 10) Center for Science and Environment, The State of Indian's Environment 1982, The State of India's Environment 1984 – 1985 and The State of Indian Environment 1999 – 2000
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.
- 12) Maneka Gandhi et. all Animal Laws of India (2001)

PAPER –VII :
INTERPRETATION OF STATUTES

Objectives of the course

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

SYLLABUS OF SEMESTER – III OF THE THREE YEARS LAW COURSE
&
SEMESTER – VII OF FIVE YEARS LAW COURSE

- 1 **Principles of Legislation**
 - 1.1 Law – making – the legislature, executive and the judiciary
 - 1.2 Principle of utility
 - 1.3 Relevance of John Rawls and Robert Nozick – individual interest to community interest
 - 1.4 Operation of these principles upon legislation
 - 1.5 Distinction between morals and legislation
- 2 **Interpretation of Statutes**
 - 2.1 Meaning of the term ‘statutes’
 - 2.2 Commencement, operation and repeal of statutes
 - 2.3 Purpose of the interpretation of statutes.
- 3 **Aids to Interpretation**
 - 3.1 Internal aids
 - 3.1.1 Title
 - 3.1.2 Preamble
 - 3.1.3 Headings and marginal notes
 - 3.1.4 Sections and sub sections
 - 3.1.5 Punctuation marks
 - 3.1.6 Illustrations, exception, provisions and saving clauses
 - 3.1.7 Schedules
 - 3.1.8 Non – obstante clause

- 3.2 External aids
 - 3.2.1 Dictionaries
 - 3.2.2 Translations
 - 3.2.3 Travaux preparatoires
 - 3.2.4 Statutes in pari materia
 - 3.2.5 Contemporanea Exposito
 - 3.2.6 Debates, inquiry commission reports and Law Commission reports
- 4 **Rules of Statutory Interpretation**
 - 4.1 Primary Rules
 - 4.1.1 Literal rule
 - 4.1.2 Golden rule
 - 4.1.3 Mischief rule (rule in the Heydon's case)
 - 4.1.4 Rule of harmonious construction
 - 4.2 Secondary rules
 - 4.2.1 Noscitur a sociis
 - 4.2.2 Eiusdem generis
 - 4.2.3 Reddendo singula singulis

SYLLABUS OF SEMESTER – IV OF THE THREE YEAR LAW COURSE
&
SEMESTER – VIII OF FIVE YEAR LAW COURSE

- 1 **Presumptions in statutory interpretation**
 - 1.1 Statutes are valid
 - 1.2 Statutes are territorial in operation
 - 1.3 Presumption as to jurisdiction
 - 1.4 Presumption against what is inconvenient or absurd
 - 1.5 Presumption against intending injustice
 - 1.6 Presumption against impairing obligations or permitting advantage from one's own wrong
 - 1.7 Prospective operation of statutes
- 2 **Maxims of Statutory Interpretation**
 - 2.1 Delegatus non potest delegare
 - 2.2 Expression unius exclusio alterius
 - 2.3 Generalia specialibus non derogant
 - 2.4 In pari delicto potior est condition possidentis
 - 2.5 Utres valet potior quam pareat
 - 2.6 Expressum facit cessare tacitum
 - 2.7 In bonam partem
- 3 **Interpretation with reference to the subject matter and purpose**
 - 3.1 Restrictive and beneficial construction
 - 3.1.1 Taxing statutes
 - 3.1.2 Penal statutes
 - 3.1.3 Welfare legislation

- 3.2 Interpretation of substantive and adjunctival statutes
- 3.3 Interpretation of directory and mandatory provisions
- 3.4 Interpretation of enabling statutes
- 3.5 Interpretation of codifying and consolidating statutes
- 3.6 Interpretation of Statutes conferring rights
- 3.7 Interpretation of statutes conferring powers
- 4 **Principles of Constitutional Interpretation**
 - 4.1 Harmonious construction
 - 4.2 Doctrine of pith and substance
 - 4.3 Colourable legislation
 - 4.4 Ancillary powers
 - 4.5 “Occupied field”
 - 4.6 Residuary power
 - 4.7 Doctrine of repugnancy

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- 1) G. P. Singh, Principles of Statutory Interpretation. (7th Edition) 1999, Wadhwa, Nagpur.
- 2) P. St. Langan (Ed.), Maxwell on the Interpretation of Statutes (1976), N. M. Tripathi, Bombay
- 3) K. Shanmukham, N. S. Bindras’s Interpretations of Statutes, (1997) The Law Book Co. Allahabad.
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- 5) M. P. Jain, Constitutional of Statutes, (1984) Wadhwa & Co.
- 6) M.P. Singh, (Ed.) V.N. Sukla’s Constitution of India, (1994) Eastern, Lucknow
- 7) U. Baxi, Introduction of Justice K. K. Mathew’s Democracy Equality and freedom (1978) Eastern, Lucknow

PAPER –VIII :
OPTIONAL ‘A’ INSURANCE LAW

Statement of Objectives

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

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

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

**SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE
&
SEMESTER – VII OF FIVE YEAR LAW COURSE**

- 1 **Introduction**
 - 1.1 Definition, nature and history of insurance
 - 1.2 Concept of Insurance and law of contract and law of torts
future of insurance in globalized economy
 - 1.3 History and development of insurance in India
 - 1.4 Insurance Regulation Authority – role and functions
- 2 **General principles of law of Insurance**
 - 2.1 Contract of Insurance – classification of contract of
insurance nature of various insurance contracts, parties
thereto
 - 2.2 Principle of good faith – non – disclosure –
misrepresentation in insurance contract
 - 2.3 Insurable interest
 - 2.4 The risk
 - 2.5 The policy, classification of policies – its form and
contents, its commencement, duration, cancellation,
alteration, rectification, renewal, assignment, construction
 - 2.6 Conditions of the policy
 - 2.7 Alteration of the risk
 - 2.8 Assignment of the subject matter
- 3 **Life Insurance**
 - 3.1 Nature and scope of life insurance, definition, kinds of
life insurance, the policy and formation of a life insurance
contract

- 3.2 Event insured against life insurance contract
- 3.3 Circumstances affecting the risk
- 3.4 Amounts recoverable under life policy
- 3.5 Persons entitled to payment
- 3.6 Settlement of claim and payment of money

SYLLABUS OF SEMESTER – IV OF THE THREE YEAR LAW COURSE

&

SEMESTER – VIII OF FIVE YEAR LAW COURSE

- 1 **Marine Insurance**
 - 1.1 Nature and scope
 - 1.2 Classification of marine policies
 - 1.2.1 The marine Insurance Act 1963
 - 1.2.2 Insurable interest, insurable value
 - 1.2.3 Marine insurance policy – condition – express warranties construction of terms policy
 - 1.2.4 Voyage – deviation
 - 1.2.5 Perils of the sea
 - 1.2.6 Partial loss of ship and of freight, salvage, general average, particular charges
 - 1.2.7 Measure of indemnity, total valuation, liability to third parties
- 2 **Insurance Against Third Party Risks**
 - 2.1 The Motor Vehicles Act, 1988 (Chapter VIII)
 - 2.1.1 Nature and scope, persons governed, definition of ‘use’, ‘drives’ ‘motor vehicle’, requirements of policy, statutory contract between insurer and driver rights of third parties, limitations on third party’s rights duty to inform third party
 - 2.1.2 Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance
 - 2.1.3 Condition to be satisfied
 - 2.1.4 Claims tribunal, constitution, functions, application for compensation – who can apply? – procedure and powers of claims tribunal – its award.
 - 2.1.5 Co-operative insurance (Motor Vehicle Rules)
- 3 **Social Insurance in India**
 - 3.1 Important elements in social insurance, its need
 - 3.2 Commercial Insurance and social insurance
 - 3.3 Workman’s compensation – scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule.
 - 3.4 Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered,

- 3.5 maturity and other benefits
Old age, premature death and invalidity insurance or pension insurance, public provident fund, jeevandhara policy
- 3.6 Unemployment insurance
- 3.7 Social insurance for people like seamen, circus workers and agricultural workers
- 4 **Public Liability Insurance**
 - 4.1 The scheme
 - 4.2 Authorities
- 5 **The emerging legislative trends**

Select Bibliography :

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

PAPER –VIII :
CRIMINOLOGY AND PENOLOGY (OPTIONAL ‘B’)

Objective of the course

The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behavior particularly, deviant behavior. In the past criminality was confined to acts of violence or unlawful acts of commission or omission.

Thus the purpose behind criminality in the past was to do acts of revenge or to it for personal gain. The concept of crime has changed considerable in recent years. Unscrupulous members of society to indulge in anti-social behavior with impunity have devised sophisticated methods. The perpetrators of crime include persons in high places, public officials, public and private enterprise against whom it is difficult to procure conviction under the traditional criminal law process due to abuse of power or power of the purpose. Criminal gangs have come on the scene and indulge in offence such as smuggling, illegal trafficking in drugs and bootlegging, communal and cast warfare has been a recurring phenomenon in recent times and the enormity of suffering of innocent persons has necessitated re-examination of our its prevention and control. In view of magnitude of the problem the existing machinery for control of crime, namely the police and courts have come under serve criticism.

Emphasis will be laid on understanding the weak and strong points of the existing system in order to determine whether it can meet the challenge and carry new burdens. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime. Nevertheless these continue to be the backbone of the system in India. Several alternatives such as conditional release, parole and commutation of sentences have been suggested in this regard. The course shall dwell on these themes with a view to develop among students a greater understanding of social costs of crime and the effective ways of lessening them.

Rehabilitation process is undoubtedly an important component of criminal justice system. The advances made in this respect in developed countries will be discussed to create awareness among the students of the problems in the context of Indian condition.

**SYLLABUS OF SEMESTER – III OF THE THREE YEAR LL.B
COURSE
&
SEMESTER – VII OF FIVE YEAR LL.B COURSE**

- 1 **The Field of Criminology**
 - 1.1 Definition of Criminology
 - 1.2 Nature and Scope of Criminology
 - 1.3 Criminology and Medical Science
 - 1.4 Clinical Criminology
 - 1.5 Criminology – Whether a Science

- 2 **The Concept of Crime**
 - 2.1 Definition of Crime
 - 2.2 Explanation of Crime
 - 2.3 Organized Crime
 - 2.4 White Collar Crimes in the Professions – Medical, Legal, Engineering
 - 2.5 Alcoholism, Drug Addiction and Crime
 - 2.6 Euthanasia
 - 2.7 Cyber – crime
- 3 **Causes of Criminal Behavior**
 - 3.1 Some unscientific theories
 - 3.2 Classical School of Criminology
 - 3.3 Neo – Classical School
 - 3.4 Lombroso’s Anthropologic Theory of Crime – Causation
 - 3.5 Neo – Lombrosian Theories of Criminal Behavior
 - 3.6 Enrico Ferri’s School of Criminal Sociology
 - 3.7 The Ecology of Crime – Types of Delinquency Areas
 - 3.8 Sutherland’s Differential Association Theory
 - 3.9 Bonger’s Theory of Crime Causation
 - 3.10 Relationship between economic condition and crimes
 - 3.11 Causes of White Collar Crime
 - 3.12 Multiple causation approach to crime
 - 3.13 Causes of Juvenile Delinquency
 - 3.14 Heredity and Crime
 - 3.15 Causes of Recidivism
 - 3.16 Anomie
 - 3.17 Other causes of Crime

**SYLLABUS OF SEMESTER – IV OF THE THREE YEAR LL.B COURSE
&**

SEMESTER – VIII OF FIVE YEAR LL.B COURSE

- 1 **General approaches to crime control**
- 2 **Punishment of Offenders**
 - 2.1 Definition of Punishment
 - 2.2 Theories of Punishment
 - 2.3 Some discarded modes of punishment
 - 2.4 Types of punishment
 - 2.5 Search for the substitutes of punishment
- 3 **Capital Punishment**
 - 3.1 Constitutional validity of Capital Punishment
 - 3.2 Arguments in Favour of Capital Punishment
 - 3.3 Arguments in Favour of abolishing Capital Punishment
 - 3.4 Modes of Execution
 - 3.5 Delay in execution of Capital Punishment

- 4 **The Sentencing Process**
 - 4.1 Mitigating factors ; Aggravating factors
 - 4.2 Hearing the accused on question of sentence
 - 4.3 Minimum sentence
 - 4.4 Externment – Whether a Sentence?
 - 4.5 Innovations in sentencing the offenders e.g. Indeterminate sentence etc.
- 5 **The Prison System**
 - 5.1 History of Prison System
 - 5.2 Indian Prison System
 - 5.3 Classification of Prisoners
 - 5.4 Constitutional imperatives and prison reforms
 - 5.5 Open Prisons
 - 5.6 Prison Labour
 - 5.7 Rights of the Prisoner
 - 5.8 Appraisal of Imprisonment as a mode of punishment
- 6 **Probation**
 - 6.1 The Origin, Development and Scope of Probation
 - 6.2 Principles of Probation
 - 6.3 The Place of Probation in the Penal Policy
- 7 **Parole**
 - 7.1 Nature of Parole
 - 7.2 Historical Background of Parole
 - 7.3 Principles of Parole
 - 7.4 Parole and Probation Compared
- 8 **Juvenile Justice**
 - 8.1 Meaning of Juvenile Delinquency
 - 8.2 Prevention of Juvenile Delinquency
 - 8.3 Treatment of Juvenile Delinquency
 - 8.4 Distinctive characteristics of Juvenile Delinquency
- 9 **Police and the Criminal Justice**
 - 9.1 The Police system in India
 - 9.2 Methods of Police Investigation
 - 9.3 Third degree method
 - 9.4 Corruption in police
 - 9.5 Liability of police for custodial violence
 - 9.6 Modernization and Reforms in police system

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- 1) Katherine S. Williams, Text Book of Criminology (1997), Blackstone, London
- 2) Loveland, The Frontiers of Criminality (1995), Sweet & Maxwell
- 3) Martin Wasik, Emmins on Sentencing (1998), Blackstone, London

- 4) Hall, J. Law Social Science & Criminal Theory (1982)
- 5) Manheim, H. Comparative Criminology : A Text Book (1965)
- 6) Ross H. (Lawrence Ed.), Law and Deviance (1981)
- 7) Sutherland, E and Cressay, principles of Criminology (1978)
- 8) Walker, N. Crime and Criminology : A Critical Introduction (1987)
- 9) S. Rao, Crime in our Society, (1983)
- 10) J. M. Sethna, Society and the Criminal (1980)
- 11) A. Siddique, Criminology : Problems and Perspectives (1997)
- 12) E. Sutherland, White Collar Crime (1949)
- 13) Kaldate, Society, Delinquent and Juvenile Courts (1982)
- 14) W. C. Reckless, The Prevention of Juvenile Delinquency (1972)
- 15) D. C. Pandey, Habitual Offenders and the law (1983)
- 16) D. Abrahansen, Daid : Crime and the Human Mind (1979)
- 17) Conard Jhon P. : Crime and its Correction : An international survey of Attitudes and Practices.
- 18) Krishna layer Report on Female Prisoners (1986)
- 19) Mulla Committee Report (1983)
- 20) P. Rajgopal, Violence and Response : A Critique of Indian Criminal Justice System (1983)
- 21) N. V. Paranjape – Criminology and penology (2000)
- 22) J. P. S. Sirohi – Criminology and Penology. (1999)

BCI 2007 BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT (OPTIONAL 'C')

Objective of the course

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

SYLLABUS OF SEMESTER – III OF THE THREE YEAR LAW COURSE & SEMESTER – VII OF FIVE YEAR LAW COURSE

- 1 **Introduction**
 - 1.1 Banking : definition – common law and statutory
 - 1.2 Commercial banks : functions
 - 1.2.1 Essential functions
 - 1.2.2 Agency services
 - 1.2.3 General utility services
 - 1.2.4 International trading services
 - 1.2.5 Information services
 - 1.2.6 Emergence of multi functional dimensions
 - 1.3 Systems of Banking : Unit banking, branch banking, group banking and chain banking.
 - 1.4 Banking companies in India
- 2 **Banks and Customers**
 - 2.1 Customer : meaning
 - 2.2 Legal character of banker : customer relationship
 - 2.3 Rights and obligation of banks
 - 2.3.1 Right of set – off
 - 2.3.2 Banker's lien
 - 2.3.3 Right to charge interest and commission
 - 2.3.4 Obligation to honour customers cheques
 - 2.3.5 Duty of confidentiality
 - 2.3.5.1.1 Nature and justification of the duty
 - 2.3.5.1.2 Exemptions to the duty
 - 2.3.6 Garnishree orders
 - 2.4 Accounts of customers

- 2.4.1 Current Accounts
- 2.4.2 Deposit Accounts
- 2.4.3 Joint Accounts
- 2.4.4 Trust Accounts
- 2.4.5 Special types of customers : Lunatic, minors, agents administrative and executors, partnership firms and companies
- 3 **Control over Banks**
 - 3.1 Contract by Government and its agencies
 - 3.1.1 Need for – elimination of systemic risk, avoidance money laundering, consumer protection, promotion of fair competition. On management
 - 3.1.2 Account and audit
 - 3.1.3 On money lending
 - 3.1.4 Reorganization and reconstruction
 - 3.1.5 On suspension and winding up
 - 3.2 Control by Ombudsman
 - 3.3 RBI
- 4 **Control Banking Theory and the RBI**
 - 4.1 Evolution of Central Banks
 - 4.2 Characteristic and functions of central banks
 - 4.3 Central bank as bankers and advisor of the state
 - 4.4 Central bank as banker's bank
 - 4.5 The Reserve Bank of India as Central bank in India
 - 4.3.1 Objectives and organizational structure
 - 4.3.2 Functions
 - 4.3.3 Regulations of the monetary system
 - 4.3.4 Monopoly of note issue
 - 4.3.5 Credit control
 - 4.3.6 Determination of bank rate policy
 - 4.3.7 Open market operations
 - 4.3.8 Banker to government
 - 4.3.9 Control over Non – banking financial institution
 - 4.3.10 Economic and statistical research
 - 4.3.11 Staff training
 - 4.3.12 Control and supervision of other banks

SYLLABUS OF SEMESTER – IV OF THE THREE YEAR LAW COURSE

&

SEMESTER – VIII OF FIVE YEAR LAW COURSE

- 1 **Leading by Banks**
 - 1.1 Principles of good lending
 - 1.2 Securities for bank advantages
 - 1.2.1 Pledge
 - 1.2.2 Mortgage

- 1.2.3 Charge
- 1.2.4 Goods of documents of title to goods
- 1.2.5 Life insurance policies as security
- 1.2.6 Debentures as security
- 1.2.7 Guarantees as security
 - 1.2.7.1 Contract of guarantee and contract of indemnity
 - 1.2.7.2 Kinds of guarantees : specific & continuing
 - 1.2.7.3 Surety's rights and liabilities.
- 1.3 Repayment
 - 1.3.1 Interest : Rule against penalties
- 1.4 Default and Recovery
 - 1.4.1 Recovery of Debts Due to Banks and Financial Institutions Act, 1993
 - 1.4.2 Establishment of debt recovery tribunals – constitution and functioning
- 2 **Merchant Banking**
 - 2.1 Merchant Banking in India
 - 2.2 SEBI (Merchant Bankers) Regulation : 1992
- 3 **Letter of Credit and Demand Guarantee**
 - 3.1 Letter of Credit
 - 3.1.1 Basic features
 - 3.1.2 Parties to a letter of credit
 - 3.1.3 Fundamental principles
 - 3.2 Demand Guarantee
 - 3.2.1 Legal Character
 - 3.3 Distinction between irrevocable letter of credit and demand guarantees
- 4 **Law Relating to Negotiable Instruments**
 - 4.1 Negotiable instruments Kinds
 - 4.2 Holder and Holder in due course
 - 4.3 Parties
 - 4.4 Negotiation
 - 4.5 Presentment
 - 4.6 Discharge from liability
 - 4.7 Dishonour
 - 4.8 Civil liability
 - 4.9 Liability : procedure for prosecution : extent of penalty
 - 4.10 The Paying Banker
 - 4.11 Duty to honour customers cheques
 - 4.12 Condition
 - 4.13 Exceptions to the duty to honour cheques
 - 4.14 Money paid by mistake
 - 4.15 The Collection Banker
 - 4.15.1 Liability for conversation
 - 4.15.2 Duties
 - 4.15.3 Good faith and statutory protection to the collecting banker

Select Bibliography :

- 1) M.S. parthasarathy (Ed.), Kherganvala on the Negotiable Instruments Act (1998), Butterworth, New Delhi
- 2) M.L. Tannen, Tannen's Banking Law and Practice in India, (2000) India Law House, New Delhi
- 3) S.N. Gupta, The Banking Law in Theory and Practice, (1999) Universal, New Delhi
- 4) G.S.N. Tripathi (Ed.), Sethi's Commentaries on Banking Regulation Act 1949 and Allied Banking Laws (2000) Law Publishers, Allahabad.
- 5) Bashyam and Adiga, The Negotiable Instruments Act (1997) Bharath Law House, New Delhi
- 6) S.N. Gupta, Banks and the Consumer Protection Law (2000) Universal, Delhi
- 7) Mukherjee T. K., Banking Law and Practice (1973), Universal, Delhi

**SEMESTER – III OF THREE YEAR LAW COURSE AND SEMIESTER
VII FIVE YEAR LAW COURSE**

**PAPER –IX :
PROFESSIONAL ETHICS ACCOUNTANCY FOR
LAWYER AND BAR BENCH RELATIONS**

**SYLLABUS OF SEMESTER – III OF THE THREE YEARS COURSE
&
SEMESTER – VII OF FIVE YEARS COURSE**

- A Nature of Legal Profession salient and features of Advocates Act.**
- B Lawyers Duties to :**
- a) His Client
 - b) The Court
 - c) The Opponent Counsel
 - d) The Colleagues
 - e) The Public

**SYLLABUS OF SEMESTER – IV OF THE THREE YEAR LAW
COURSE
&**

SEMESTER – VIII OF FIVE YEAR LAW COURSE

- C) Contempt Law and Practice**
- D) Bar Council Code of Ethics**
- E) 10 Selected Opinions of Disciplinary Committee of B.C.I., New Delhi**

10 SELECTED OPINIONS

- 1) B.C.I. TR Case No. 27/1988, Vol. 16(3&4) 1989, I.B.R. Y.V.R. (Complainant) V/s M.K.N. (Respondent).
- 2) B.C.I. TR Case No. 24/1986, Vol. 16(3&4) 1989, I.B.R.C.L. (Complainant) V/s N.T.S. (Respondent).
- 3) D.C. Appeal No. 6/1988, Vol. 16(3&4) 1989, I.B.R.J.E. (Appellant) V/s Smt. A (Respondent).
- 4) D.C. Appeal No. 28/1986, Vol. 15(3&4) 1988, I.B.R.J. (Appellant) V/s Smt. A (Respondent).
- 5) D.C. Appeal No. 35/1987, Vol. 16(3&4) 1989, I.B.R.N.M. (Appellant) V/s V. D. (Respondent).
- 6) D.C. Appeal No. 131975 (Mah.) Vol. 5 (1-3) 1976, Journal of Bar

- Council of India, A. (Appellant) V/s Bar Council of Maharashtra,
(Respondent)
- 7) B.C.I. , TR. Case No. 17/86. Vol. 15(3&4), 1988, I.B.R. M.
(petitioner/complainant) V/s Bar Council of Maharashtra,
(Respondent)
 - 8) B.C.I. , TR. Case No. 63/1983. Vol. 15(3&4), 1988, I.B.R. B.
(Complainant) V/s R. (Respondent)
 - 9) D.C. Appeal No. 21 of 1985. Vol. 15(3 and 4), 1988, I.B.R.G.
(Applicant) V/s T. (Respondent)
 - 10) B.C.I. , TR. Case No. 61/1983. Vol. 14(2), 1987, I.B.R. D.
(Complainant) V/s B. (Respondent)

F. Major Judgements of Supermen Court on the subject :

MAJOR JUDGEMENTS

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

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

The paper will comprise of -

1. Written Examination : 80 Marks (40 marks Sem. – III &
Semester VII) (40 marks Sem. – IV &
Semester VIII)
2. Viva – Voce : 20 Marks (Sem. – IV for Three year
Course & Sem. VIII for Five Year
Course Law Course)

A students should maintain a record book in this regard this proficiency in the subject will be evaluated in the viva – voce examination. Viva – voce examination will be conducted by university by appointing panel of examiners.

Bibliography :

- 1) Professional Ethics of the Bar by C.L. Anand
- 2) General Principles of Legal Ethics by C. L. Anand
- 3) Law of contempt by Narayana P.S. Asia Law House Hyd.

PAPER – X :
PUBLIC INTEREST LAWYERING LEGAL – AID AND
PARA- LEGAL SERVICES

This paper consists of two Parts A and B Each part will carry 50 marks and each part will be treated as separate head of passing. A student must obtain minimum required marks under each head under the prevailing rules.

SYLLABUS OF SEMESTER – III OF THE THREE YEAR LAW
COURSE

&

SEMESTER – VII OF FIVE YEAR LAW COURSE

THEORY (WRITTIN EXAMINATION)

50 MARKS

PART - A

- 1 **Public Interest Litigation :**
 - a) Meaning and object
 - b) Locus standing
 - c) Merits and demerits of Public Interest Lawyering
 - d) Public Interest Litigation and Writ Jurisdiction
- 2 **Social Revolution Through P.I.L. with reference to the following cases**
 - i) Shivaji Nilangekar V/s Mahesh Goasvi , A.I.R. 1987, AC, SC 294
 - ii) R.S. nayak V/s A. R. Antulay, A.I.R. 1984, SC 684
 - iii) Sub Committee of Judicial Accountability V/s Union of India (Justice V. Ramswami, A.I.R. 1992, SC 320)
 - iv) Anil yadav V/s State of Bihar, A.I.R. 1982, SC 1008 (Blinding of prisoners in Bhagalpur Case)
 - v) Bandhua Mukti Morcha V/s Union of India, A.I.R. 1984, SC 802
 - vi) People Union for Democratic Rights V/s Union of India, A.I.R. 1982, SC 1502
 - vii) Indian Council for Enviro – Legal Action V/s Union of India, A.I.R. 1999, SC 1502
 - viii) Gourav Jain V/s Union of India, A.I.R. 1997, SC 3021
 - ix) Paramanand Katara V/s Union of India, A.I.R. 1990, SC 2039
 - x) D.K. Basu V/s State of West Bengal, A.I.R. 1997, SC 610
 - xi) Vishakha V/s State of Rajasthan, A.I.R. 1997, SC 3011
- 3 **Legal – Aid and Lok Adalat**
 - a) Meaning, object and importance
 - b) Constitutional provisions
 - c) The Legal Services Authorities Act of 1987
 - d) Legal – Aid and Legal Profession

**SYLLABUS OF SEMESTER – IV OF THE THREE YEAR LAW
COURSE
&
SEMESTER – VIII OF FIVE YEAR LAW COURSE**

PART - A

- a) **Lok Adalat :**
Each student has to attend atleast one Lok Adalat arranged by District or Taluka Legal Services Committee and should maintain record of the same in the prescribed form.
- b) **Legal Aid Camp and Legal Literacy Programme:**
A Collage should arrange a Legal Aid Camp and Legal Literacy programme in association with students. Students should maintain record of their participation in the prescribed form.
- c) **Lessons On :**
- 1) Negotiations and counseling
 - 2) Use of Computer in legal work
 - 3) Writing of case comments.
 - 4) Editing and use of law journals and reports.

The Students should maintain record of the lesson and participation in negotiation and counseling

Note :

A team of two external examiners shall verify the record maintained by each students in this regard and also conduct viva-voce and allot the marks out of 25 for the written record and out of 25 for the viva-voce.

BOOKS RECOMMENDED :

- 1) Public Interest Lawyering Legal – Aid and Para – Legal Services by Prof. Kailash Raj
- 2) Public Interest Litigation by J. Gulab Gupta
- 3) Legal – Aid to the Poor by S.S. Sharma.