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Object: Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic method of mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS

Unit -1

1.1 History and nature of contractual obligations
1.2 Agreement and contract : definition, elements and kinds.
1.3 Proposal and acceptance – their various forms, essential elements. Communication and revocation- proposal and invitations for proposal-floating offers-tenders-dumping of goods
1.4 Consideration – its need, meaning, kinds, essential element-nudum pactum- privity of contract and of consideration – its exceptions – adequacy of consideration-present, past and adequate consideration-evolution of the doctrine of consideration.
1.5 Capacity of contract- meaning- incapacity arising out of status and mental defect- minor’s agreements- definition of ‘minor’-necessaries supplied to a minor- agreements beneficial and detrimental to a minor- affirmation- restitution in cases minor’s agreements- fraud by a minor- agreements made on behalf of a minor-minor’s agreements and estoppels- evolution of the law relating to minor’s agreements-other illustrations of incapacity to contract.

Unit -2 Free consent- Its need and definition- factors vitiating free consent.

2.1 Coercion- definition- essential elements- duress and coercion- various illustrations of coercion ,doctrine of economic duress- effect of coercion
2.2 Undue influence- definition-essential elements-between which parties can it exit? Who is to prove it? Illustrations of undue influence- Independent advice-pardahanashin Women- unconscionable bargains-effect of undue influence.
2.3 Misrepresentation- definition- misrepresentation of law and of fact-their effects and illustration.
2.4 Fraud- definition- essential elements – suggestion falsi – suppression veri- when does silence amounts to fraud? Active concealment of truth importance of intention.
2.5 Mistake- definition- Kinds- fundamental error-mistake of law and of fact- their effects- when does a mistake vitiate free consent and when it does not vitiate free consent?
Unit -3  Legality of objects:

3.1 Void agreements- lawful and unlawful considerations, and objects- void, voidable, illegal and unlawful agreements and their effects.

3.2 Unlawful considerations and objects:
3.2.1 Forbidden by law
3.2.2 Defeating the provision of any law
3.2.3 Fraudulent
3.2.4 Injurious to person or property
3.2.5 Immoral
3.2.6 Against public policy

3.3 Void Agreements
3.3.1 Agreement without consideration
3.3.2 Agreement in restraint of marriage
3.3.3 Agreements in restraint of trade- its exceptions- sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.
3.3.4 Agreements in restraint of legal proceedings- its exceptions.
3.3.5 Uncertain agreements
3.3.6 Wagering agreement- its exception.

Unit -4  Discharge of a contract and its various modes.

4.1.2 By breach- anticipatory breach and present breach.
4.1.3 Impossibility of performance- specific grounds of frustration- application to leases- theories of frustration- effect of frustration and restitution.
4.1.4 By period of limitation
4.1.5 By agreement- rescission and alteration- their effect- remission and waiver of performance-extension of time- accord and satisfaction.

Unit -5 Quasi Contracts or certain relations resembling those created by contract

Unit -6 Remedies in contractual relations:

6.1 Damages- kinds- remoteness of damages- ascertainment of damages
6.1.2 Injection- When granted and when refused- why?
6.1.3 Refund and restitution
Section 6.1.4 Specific performance - When? why?

Unit 7

Government as a Contracting Party

Constitutional provision - government power to contract - procedural requirements - kinds of government contracts - their usual clauses - performance of such contracts - settlements of disputes and remedies.

Standard Form Contract

Nature advantages - unilateral character, principles of protection against the possibility of exploitation - judicial approach to such contracts - exemption classes - class between two standard form contracts - Law commission of India's views.

Unit 8

Specific Relief

8.1 Specific performance of contract
8.1.1 Contract that can be specifically enforced
8.1.2 Persons against whom specific enforcement can be ordered
8.2 Recession and cancellation
8.3 Injunction
   8.3.1 Temporary
   8.3.2 Perpetual
8.4 Declaratory orders
8.5 Discretion and powers of court

Book references
List of Cases
1. Carlill v. Carbolic Smoke Ball Company, (1830) 1 Q.B 265.;
2. Harris v. Nickerson, (1875) LR SQB, 286.;
4. Entores v. Miles Far East Corporation, (1955) 2 All ER 493;
5. Bank of India Ltd v. Swarubar, AIR 2003 SC 858.;
7. Lalmun Shukla v. Gauri Dutta, II ALJ 489;
8. Felth House v. Bindley (1862) 11, CB (NS) 86;
10. Derry v. Peek, (1889) 14 AC 337.
11. Mithoo Lal Nayak v. LIC of India,
12. AIR 1962 SC 814; Subhas Chandra Das
20. Bashir Ahmad and others v. Govt. of AP AIR 1970 SC 1089;
22. Taylor v. cadwell (1863) 3 B&S 826.
23. Krell v.Henry (1903 ) 2 KB 740.
26. Oil and Natural Gas Corp. Ltd. SAW Pipes Ltd. AIR 2003 SC 2629

CC-102: CONSTITUTIONAL LAW- I

Object: India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law.

Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning: Lecture and Case-study method shall be the main method
of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS:

Unit -1 Historical Perspective-
1.1 Constitutional Development since 1858 to 1947
1.2 Making of Indian Constitution.
1.3 Nature of Indian Constitution.
1.4 Salient features of Indian Constitution.

Unit -2 Preamble and Citizenship-
2.1 purpose, and status.
2.2 Citizenship- Meaning
2.3 Citizenship at the commencement of Constitution.
2.4 Citizenship under the Citizenship Act. 1955.

Unit -3 Fundamental Rights (Art. 12 and 13)-
3.1 Origin and development of Fundamental Rights.
3.2 Nature of Fundamental Rights.
3.3 New Judicial Trend
3.4 Doctrine of Severability.
3.5 Doctrine of Eclipse.

Unit -4 Right to Equality (Art.14 to 18)-
4.1 Equality before law and Equal Protection of Law.
4.2 Classification of differential treatment : constitutional validity.
4.3 Gender Justice and Protective Discrimination.
4.4 Justice to the weaker sections of society- Social Justice.
4.5 Abolition of untouchability.
4.6 Abolition of Title.

Unit –5 Freedoms and Social Control units-(Art-19 to 22) 5.1
Freedom of Speech and Expression.
5.2 Freedom of Assembly.
5.3 Freedom of form Association.
5.4 Freedom to Reside and Settle.
5.5 Freedom of Profession, occupation, Trade of Business.
5.6 Right to Property- from Fundamental Right to Constitutional Right. 5. 7
Right to Personal Liberty---- Art 20 & 21
   Rights of accused- Double Jeopardy, Self-Incrimination and
   Retroactive Punishments.
   Right to Life and Personal Liberty- meaning, scope and
   limitations.
   Preventative Detention and constitutional policy, Art 22

Unit –6 Secularism---
   6.1 Concept of Secularism- Historical perspective.
   6.2 Freedom of Religion-nature, scope and limitations.
   6.3 Right to Freedom of Religion- use and misuse- Indian scenario.
   6.4 Minority Rights.

Unit –7 Right to Constitutional Remedies— Art 32
   7.1 A dynamic approach- Public Interest Litigation- Nature, scope, merits
   and demerits.
   7.2 Judicial Activism.

Unit –8 Directive Principles of State Policy and Fundamental Duties—
   8.2 Classification of Directives.
   8.3 Fundamental Right and Directive principles- Interrelationship and
   Judicial balancing.
   8.4 Fundamental Duties---
      8.4.1 Need
      8.4.2 Source and enforcement of fundamental duties.
   8.5 Relation of Fundamental Duties with Directive Principles and
   Fundamental Right

List of cases (For reference)
   2. Excel Wear v. Union of India AIR 1979 SC 25;
   6. Minerva Mills Ltd. V. Union of India AIR 1980 SC 1789,
   8. State of West Bengal v. Anwar Ali AIR 1951 SC 75,
10. BALCO Employees’ Union v. Union of India AIR 2002 SC 350
12. Indian Express Newspapers v. Union of India, AIR 1986 SC 515
15. Shiv Charan v. State of Mysore AIR 1965 SC 280,
19. Express Newspapers v. Union of India AIR 1986 SC 872
20. Khare v. State of Delhi AIR 1950 SC 211,
22. Francis Coralie Mullin v. Administration of Delhi AIR 1981 SC 746,
23. M.C. Mehta v. Union of India AIR 1987 SC 1086,
24. Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802,
25. Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446,
27. State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225,
29. Air India Statutory Corporation v. United Labour Union AIR 1997 SC 645,
30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
32. People’s Union of Civil Liberty v. Union of India AIR 1997 SC 568,
33. Hussainara v. Home Secretary, State of Bihar AIR 1979 SC 1819
34. J.P. Unnikrishnan v. State of Andhra Pradesh AIR 1993 SC 2178
35. Mr. X v. Hospital Z AIR 1999 SC 495
36. Gopalan v. State of Madras, AIR 1950 SC 27,
37. M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699,
38. Gaurav Jain v. Union of India AIR 1990 SC 1412,
39. Acharya Jagadiswarananda v. Commissioner of Police, Calcutta AIR 1984 SC 51,
40. Ratlam Municipality v. Vardichan, AIR 1980 SC 1622,
41. M.C. Mehta v. Union of India AIR 1987 SC 1086, and AIR 1999 SC 2583,
42. Pramod v. Medical Council, (1991) 2 SCC 179,
43. Ahmedabad Women Action Group v. Union of India AIR 1997 SC 3614
44. Vishakha v. State of Rajasthan, AIR 1997 SC 3011

Reference Books
1. T.K, Tope : Constitutional of India.
5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy,
7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
12. P.M. Bakshi, Constitution of India, Universal
13. M.P. Jain Indian Constitutional Law, Wadhwa

CC-103: LAW OF TORT INCLUDING MV ACCIDENT & CONSUMER PROTECTION LAWS

OBJECT: Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life from physical injury, to property damage, to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort and this has resulted in vital changes the thinking of the tortuous liability. The object of the course is to familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of law on some of the contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc. Presently the emphasis is on extending the principles not only to harmful acts but also to failure to comply with standards that are continuously changing due to advancement in science and technology. In the modern era of consumer, concern of goods and services, the law of torts has added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

Methods of teaching-learning: Lecture method shall be the main method of learning to be followed. Dialectic method of case study, mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as
bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS:

Unit 1- Definition, Nature and Scope.
  1.1 Definition of Tort, Distinction between Tort and Crime.
  1.2 Concept of unliquidated damages.
  1.3 Relevance of Mental Elements in determining tortuous liability-
       1.3.1 Intention, Motive, Malice, Knowledge, Negligence.
  1.4 General principles of tortuous liability-
       1.4.1 A wrongful act
       1.4.2 Legal damage- a) Damnum Sine Injuria
                          b) Injuria Sine Damno
       1.4.3 Legal remedy- Ubi jus ibi remedium
  1.5 Who may sue?- Aggrieved individual, Class action and social action groups.
  1.6 Who may not be sued?

Unit –2 - Justifications or Defenses in tort-
  2.1 Volenti non fit injuria
  2.2 Necessity
  2.3 Act of God
  2.4 Inevitable accident
  2.5 Private defense
  2.6 Statutory Authority
  2.7 Judicial and Quasi-Judicial Acts

Unit –3 - Discharge of tortious liability-
  3.1 By death of parties- actio personalis moritor cum persona exceptions
  3.2 Waiver and acquiescence
  3.3 Release
3.4 Accord and satisfaction
3.5 Limitation

Unit – 4 - -- Vicarious Liability
4.1 Basis and scope 4.1.1
Express authorization 4.1.2
Ratification 4.1.3 Abetment
4.2 Master and servant- relationship arising out of and in the course of employment-who is master?- The control test- who is servant?
Distinction between independent contractor and servant.
Strict and Absolute Liability
4.3 The rule in Rylands Vs Flectcher along with exceptions.
4.4 Application of the rule in India.

Unit – 5 - - Negligence
5.1 Definition and concept of Negligence
5.2 Standard of care
5.3 Doctrine of contributory negligence
5.4 Res ipsa loquitur and its importance in compensatory laws.

Unit – 6 - The Consumer Protection the Act, 1986
Definitions under the Act.
6.1 Consumer, complaint, complainant, manufacturer, consumer dispute, unfair trade practices, restrictive trade practices
6.2 Rights of the consumer, who is not consumer?
Consumer of goods
6.3 Meaning of defects in goods, standards of purity, quality, quantity and potency of goods.
Consumer of Service
6.4 Service and deficiency in service
6.5 Medical, Housing, Electricity, Telecommunication and postal services, Public Transportation, Educational services.

Unit – 7 - Consumer Dispute Redressal Agencies

Remedies under Consumer Protection Act. Motor Vehicles Act, 1988 Liability without fault in certain cases-
7.2 Liability to pay compensation in certain cases on the principle of no fault [Sec.140]

7.3 Provision as to other right to claim compensation for death or permanent disablement. Motor Vehicles Act,1988
a. Chapter-X Liability without Fault (Ss.140-144)
b. Chapter-XI Insurance of Motor Vehicles (Ss.145-164)
c. Chapter- XII Claims Tribunal (Ss. 165-173)

Unit – 8 - - Insurance of Motor vehicles against third party risks-
8.1 Necessity for insurance against third party risk [Sec.146]
8.2 Requirements of policies and limits of liability [Sec.147]
8.3 Duty of insurers to satisfy judgments and awards against persons insured in respects of third party risks [Sec. 149]
8.4 Special provisions as to compensation in case of hit and run motor accident [Sec.161]
8.5 Refund in certain cases of compensation [Sec.162]
8.6 Special provisions as to payment of compensation on structured formula basis [Sec. 163-A along with Second Schedule] Claims Tribunals- Sec.165 to Sec. 176

List of Cases: (For reference)
1. Ashby v. White (1703)2 LR 938;
4. Gloucester Grammer School case (14190 V.B. Hill 11.);
5. Mayor of Broadford Corporation v. Pickles (1895) AC 587;
10. Donoghue v. Stevenson, 1932,AC 562;
12. Nicholes v. Marshland (1876)2 Ex.D. 1;
13. Smith v. London and South Western Railway Co. (1870) LR 6;
15. Jay Laxmi Salt Works (P) Ltd. V. State of Gujarat 1994(4) SCC 1;
16. Dr.Laxman V. Dr. Trimbak AIR 1969 SC 128;
17. Davis v. Redcliffe, (1990)2 AER 536;
18. F V. Birkshire Health Authority (1989) 2 All ER 545 (HL);
19. Maynard V. Midlands Health Authority ( 1985) 1 All ER 635 (HL);
20. Achutrao Haribhau Khodwa V. State of Maharashtra AIR 1996 SC 2377 ;
21. M.P. State Road Transport Corp. v. Basanti bai (1971) MPLJ 706 (DB);
22. Indian Air Lines v. Madhuri Chaudhri AIR 1964 Cal. 252;
23. Glasgow Corporation v. Muir (1943) AC 448;
28. Stanley v. Powell (1891) 11 Q.B. 86;
29. Heynes v. Harwood (1935) 1 KB 146
32. Hayward v. Thompson (1981) 3 All E R 450;
33. M.C. Verhese v. T.J. Poonam, AIR 1970 SC1876;
34. T.S. Bhatt v. A. K. Bhatt AIR 1978 Ker 111;
35. Girija Prasad Sharma v. Uma Shankar Pathak AIR 1973 MP 79;
36. Quinn v. Leathem,( 1901)AC 495;
37. Municipal Board of Kanauj v. Mohanlal AIR 1951 All 867
38. State v. Gangadhar AIR 1967 Raj 199;
39. Rajalingam v. Lingaiah (1964) 1 ALT 391;
40. Sobha Ram v. Tika Ram(1936) ILR 58 All 903
41. Reyland v. Fletcher (1868) L.R. 3 H.L. 30;
42. M.C. Mehta v. Union of India (1987)1 SCC395
43. In Re Polemise Case (1921)3 KB 560 CA;
44. Wagaon Mound Case (1961) AC 388
45. Leisbosch Dredger v. Edison, (1933) AC 449 HL.

Books
4. Ratan Lal and Dhiraj Lal on Law of Torts,
CC-104: - LAW OF CRIMES I- (Indian Penal Code)

Object of the Course
Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal behaviors, methods of controlling them has now became extremely important in the larger context of Indians development & to build a just and humane society. The curriculum outlined here attempts to seek these objectives.

Methods of teaching-learning: Lecture method shall be the main method of learning to be followed. Dialectic method of mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment can also be a method of research writing in this paper.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS

Unit- 1 – Concept of crime.

1.1 Concept of crime & distinction between Crime, Ethical wrongs, sin & Moral wrongs.
1.2 Applicability of Indian Penal Code, 1860
   - Territorial applicability- Extra Territorial & Intra- Territorial.
   - Personal applicability.
1.3 Salient features of Indian Penal Code, 1860
1.4 General Concepts under IPC 1860.
Unit- 2 - Foundation of Criminal Liability.

2.1 Stages of Crime- Intention, Preparation, Attempt & commission.
2.2 Elements of Crimes Liability.
   - Actus Reus
   - Mens Rea.
   - Various concepts depicting Mens Rea under I.P.C. Dishonestly, fraudulently, voluntarily, Good faith, Knowingly, Negligently,
2.3 Recent trends in fixing criminal liability without mens rea
2.4 & Group liability in crimes- common intention & common
   Factors Negativating quilly Intention.

2.5 Need for providing defenses /exception.

Unit- 3 - General exceptions under sec. 76 to 106

Unit- 4 - Of Punishment.
4.1 Concept & object of Punishment.
4.2 Various types of punishment under IPC.
4.3 Discretion in awarding punishments.

Unit- 5 – Inchoate Offences.

5.1 Concept of Inchoate offences.
5.2 Various types of inchoate offences.
   Attempt, Abetment & Conspiracy.
5.3 Group liability offences-
   Unlawful Assembly, Rioting.

Unit- 6- Offences affecting Life.

6.1 Culpable homicide. Murder
6.2 Hurt & Grievous Hurt.
6.3 Wrongful Restraint & wrongful Confinement.
6.4 Criminal force & assault.
6.5 Kidnapping & Abduction.
Unit-7 Offences against Property.

7.1 Theft.
7.2 Extortion.
7.3 Robbery & Dacoity.
7.4 Criminal misappropriation of property.
7.5 Criminal Breach of Trust.
7.6 Receiving stolen property.
7.7 Cheating & Mischief.
7.8 Criminal Trespass
7.8.1 House Trespass & lurking house trespass.
7.8.2 House breaking & housebreaking by night.

Unit-8 Offences of False Evidence & Offences Relating To Documents.
8.1 Giving false evidence & fabricating false evidence.(sec.493)
8.2 Forgery & making false document
8.3 Forged document.

Unit-9 Of Defamation.

-Defamation under sections 499 to 502.

Unit-10 Offences affecting the public Health, Safety, Convenience, Decency and Morals (Sec 268-294A)
10.1 Offences affecting the Public Health (Section 268-278)
   (i) Public Nuisance (S.268)
   (ii) Acts likely to spread infection (section 269-271)
   (iii) Pollution of food or drink (section 272-273)
   (iv) Adullalia of drugs (section 274-276)
   (v) Fouling water and relating atmosphere (section 277-278)
10.2 Offences affecting the public safety and Convenience (Section 277-278)
   (i) Rash Driving or riding on a public way. (Section 279)
   (ii) Rash or negligent navigation. (Section 280)
   (iii) Exposing false light, mark or being mislead navigator
   (iv) Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
   (v) Causing danger or obstruction to any person in public way. (Section 283)
   (vi) Negligent conduct with respect to poisonous substance.(Section 284)
   (vii) Negligent conduct with respect to fire, combustible substances. (section 285-289)
(viii) Continuance of Nuisance. (Section 291)

10.3. Public Decency and Morals (ss 292-294A)
   A. Prevention of obscenely (ss 292-294)
   B. Keeping Lottery Office (S 294A)
   C. Cases related to spreading of infectious diseases

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- Williams Glanville- The Text Book of Criminal Law
- Jerom Hall – Studies in Jurisprudence and Criminal Theory
- Jw Cecil Turner (edt.) – Kenny’s Outlines of Criminal Law
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- Smith and Hogan – Criminal Law
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- Asia Publishing House, Lucknow.
- Prof. K.N. Chndranshekhar Pillai – Essay’s on Indian Penal Code
- R. C. Srivastava – Law Relating to Crime
- Punishment Andrew Ashworth – Principles of Criminal Law
- Prof K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India.
- Dr. Hari Singh Gaur – Penal Law of India (4 volumes)
- R. A Nelson – Indian Penal Code
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- B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur

CC-105: FAMILY LAW - I

Object : The course structure is designed mainly with three objectives in view. One is to provide adequate sociology perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

To evaluate the strength of family system in India and the extent of legal support provided to the same and also to examine when and how and to what extent a Uniform Civil Code to regulate a religious part of family life, if any, may emerge!
Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS

Unit-1 Marriage and Kinship
1.1 Evolution of the institution of marriage and family
1.2 Role of religious rituals and practices in moulding the rules regulating to marital relations
1.3 Types of family based upon
1.3.1 Lineage- patrilineal matrilineal
1.3.2 Authority structure- patriarchal and matriarchal
1.3.3 Location- patrilocal and matrilocal
1.3.4 Number of conjugal units- nuclear, extended, joint and composite
1.4 Emerging concepts: maitri sambandh and divided home

Unit-2 Customary practices and State regulation
2.1 Polygamy
2.2 Concubinage
2.3 Child marriage
2.4 Sati
2.5 Dowry

Unit-3 Conversion and its effect on family
3.1 Marriage
3.2 Adoption
3.3 Guardianship
3.4 Succession
(In view of the conflict of inter-personal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code needs to be examined.)

Unit-4

Joint Family

4.1 Mitakshara joint family
4.2 Mitakshara coparcenary- formation and incidents
4.3 Property under Mitakshara law-separate property and coparcenary property
4.4 Dayabhaga coparcenary- formation and incidents
4.5 Property under Dayabhaga law
4.6 Karta of the joint family-his position, powers, privileges and obligations
4.7 Alienation of property-separate and coparcenary.
4.8 Partition and re-union
4.9 Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
4.10 Matrilineal joint family

Unit-5  5.1 Inheritance- Hindus

5.1.1 Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956
5.1.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu succession Act 1956
5.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provision of Hindu Succession Act 1956
5.1.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956
5.1.5 Disqualification relating to succession
5.1.6 General rules of succession
5.1.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore- cochin and the districts of Malabar and South Kanara.

Unit-6  6.1 Inheritance- Muslims

6.2.1 General rules of succession and exclusion from succession.
6.2.2 Classification of heirs under Hanafi and Ithna Ashria Schools and their shares and distribution of property
6.3 Christianity, Parsis and Jews
6.3.1 Heirs and their shares and distribution of property under the Indian Succession Act of 1925

Unit-7

Matrimonial Remedies
7.1 Non-judicial resolution of marital conflicts.
Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution
Divorce under Muslim personal law-talaq and talaq-e-tafweez
7.2 Judicial resolution of marital conflicts: the family court
7.3 Nullity of marriage
7.4 Option of puberty
7.5 Restitution of conjugal rights
7.6 Judicial separation
7.7 Desertion: a ground for matrimonial relief
7.8 Cruelty: a ground for matrimonial relief
7.9 Adultery: a ground for matrimonial relief
7.10 Other grounds for matrimonial relief
7.11 Divorce by mutual consent under:
Special Marriage Act 1954;
Hindu Marriage Act 1955;
Muslim law (Khula and Mubaraat)

Unit-8

8.1 Bar to matrimonial relief
8.2.1 Doctrine of strict proof
8.2.2 Taking advantage of one’s own wrong or disability
8.3 Accessory
8.4 Connivance
8.5 Collusion
8.6 Condonation
8.7 Improper or unnecessary delay
8.8 Residuary clause-no other legal ground exists for refusing the matrimonial relief.

Books:
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) Malchandu, 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)
Unit - I

Historical Perspective on Right to Information
1.1 Freedom of Speech and Expression
1.2 Freedom of Secrecy
1.3 Official Secrecy Act, 1923
1.4 Impact of the Act on Administration
1.5 Confidentiality

Unit - II

Social Movement on Right to Information
2.1 MKSS Movement
2.2 Movement by Anna Hazare
2.3 Impact on the Society
2.4 Introduction of Right to Information Bill

Unit - III

Right to Information Act, 2005
3.1 Purpose and Background of the Act
3.2 Salient Features of the Act
   Right to Information and obligations of Public Authorities
3.3 Exemption from Disclosure of Information
3.5 Third Party Information

Unit - IV

Commissions
4.1 Constitution of Central Information Commission

Right to Information - Central and State Information Commissions
4.2 Terms of the Officer and Condition of Service
4.3 Constitution of State Information Commission
4.4 Removal of Information Commissioner
4.5 Removal of State Information Commissioner

Powers and Functions of the information commission, appeal and penalties

Unit - V

5.1 Powers and Functions of information commissions.
5.2 Role of Public Information Officers (PIO)
5.3 1st Appellate and 2nd Appellate Authority
5.4 Penalties to the Authorities
5.5 Effect of Right to Information

* Books Recommended

1) Right to Information Act, 2005 - Chakraborty's, Kamal Publication, New Delhi
2) Right to Information Act, 2005 - An Analysis - Dr. Abhe Singh Yadav,
   Central Law Publication, Allahabad
3) Right to Information - Yashada
LL.B. SEMESTER – II

CC-201: SPECIAL CONTRACT

Object: The course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contract should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

We are witnessing a paradigm shift in every walk of life, especially commercial sector, due to computer technology. Internet has transformed traditional markets into global markets by facilitating online execution of commercial transactions including electronic transfer of goods and services through online advertising, online ordering, publishing, banking, investment, auction, travel, entertainment and professional and financial services.

Existing legal provisions have to be re-interpreted and applied to provide solutions to issues generated by new technology till the new legal provisions arrive. Students are expected to study the provisions that govern E-Contract including relevant provisions from Indian Contract act, Information technology Act and relevant amendments to Indian Penal code, Indian Evidence act, Negotiable Instruments act etc.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS

Unit -1. Indemnity
1.1 The Concept
1.2 Need for indemnity to facilitate commercial transactions.
1.3 Methods of creating indemnity obligations.
1.4 Definition of Indemnity
1.5 Nature and extent of liability of the indemnifier
1.6 Commencement of liability of the indemnifier
1.7 Situations of Various types of indemnity creations.
1.8 Documents / agreements of indemnity
1.9 Nature of indemnity clauses.
1.10 Indemnity in cases of International transactions
1.11 Indemnity by governments during interstate transactions.

Unit 2 Guarantee
2.1 The concept
2.2 Definition of guarantee : as distinguished from, indemnity.
2.3 Basic essentials for a valid guarantee contract.
2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.

2.5 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.

2.6 Continuing guarantee

2.6.1 Nature of surety’s liability.

2.6.2 Duration and terminations of such liability.

2.7 Illustrative situations of existence of continuing guarantee.

2.7.1 Creations and identifications of continuing guarantees.

2.8 Letters of credit and bank guarantees as instances of guarantee transactions.

2.9 Rights of surety.

2.9.1 Position of surety in the eye of law.

2.9.2 Various judicial interpretations to protect the surety.

2.10 Co-surety and manner of sharing liabilities and rights.

2.11 Extent of surety’s liability.

2.12 Discharge of surety’s liability.

Unit-3 Bailment and Pledge

3.1 Bailment

Identification of bailment contracts in day today life. and Manner of creation of such contracts.

Commercial utility of bailment contracts
Definition of bailment
Kinds of bailees
Duties of bailor and bailee towards each other
Rights of bailor and bailee
Finder of goods as a bailee
- Liability towards the true owner.
- Obligation to keep the goods safe.
- Right to dispose of the goods.

3.2 Pledge: Comparison with bailment

Commercial utility of pledge transactions
Definition of pledge under the Indian Contract Act.
Other statutory regulations (State & Center) regarding pledge reasons for the same. Rights of the pawner and pawnee. Pawnee’s right of sale as compared to that of an ordinary bailee Pledge by certain specified persons mentioned in the Indian Contract Act.

Unit-4 . Agency

4.1 Identification of different kinds of agency transactions in day to day life in the commercial world.
4.2 Kinds of agents and agencies
4.3 Essentials of an agency transaction.
4.4 Various methods of creation of agency
4.5 Delegation
4.6 Duties and rights of agents
4.7 Scope and extent of Agent’s authority
4.8 Liability of the principal for acts of the agents including misconduct and tort of the agent.
4.9 Liability of the agent towards the principal
4.10 Personal liability towards the parties.
4.11 Methods of termination of agency contract.
4.12 Liability of the principal and agent before and after such termination.

Unit-5 . Sale of Goods

5.1 Concept of sale as a contract.
5.2 Illustrative instances of sale of goods and the nature of such contracts.
5.3 Essentials of a contract of sale.
5.4 Essential conditions in every contract of sale.
5.5 Implied terms in contract of sale.
5.6 The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
5.7 Changing concept of caveat emptor
5.8 Effect and meaning of implied warranties in a sale.
5.9 Transfer of title and passing of risk.
5.10 Delivery of goods: various rules regarding delivery of goods.
5.11 Unpaid seller and his rights
5.12 Remedies for breach of contract.

Unit-6 Partnership

6.1 Nature of partnership: definition
6.2 Distinct advantages and disadvantages vis-a-vis partnership and private limited company.
6.3 Mutual relationship between partners
6.4 Authority of partners
6.5 Admission of partners
6.6 Outgoing of partners
6.7 Registration of Partnership
6.8 Dissolution of Partnership

Unit-7. Negotiable Instruments
7.1 The concept
7.2 Various kinds
7.3 Essential requirements to make an instrument negotiable.
7.4 Competent parties for making and negotiation
7.5 Acceptance of the instrument
7.6 Dishonor by non acceptance and remedies available to the holder.
    7.1 8.7 Holder and holder in due course: meaning, essential conditions, rights and privileges of holder in due course and endorsee from the holder in due course.
7.7 Negotiation of the instrument
7.8 Presentment of the instrument
7.9 Cheques: rules regarding payment of cheque.
    7.10.1 Liability of the collecting banker and paying banker.
    7.10.2 Dishonour of cheque and its effect.
    7.10.3 Discharge from liability.
7.11 Kinds of bills
7.12 Evidence
    7.12.1 Special rules of evidence regarding negotiable instruments

Unit-8. E-Contracts
8.1 The Concept: E-commerce, E-contract, Electronic record, Digital signature, General principles applicable on cyber contract, jurisdiction, taxation, and application of law, Certifying Authority, Cyber Appellate Tribunal, offences in cyber relation, authorities – role of various linking process in Cyber contract
8.2 Various Kinds
    a) Electronic Data Interchange
    b) Cyber Contracts / Mouse click contracts
8.3 Validity of Electronics Transactions.
    Under Information Technology Act.2000
    8.3.1 Application of information Technology Act under section 1 of IT Act 2000
    8.3.2 Authentication of Electronics records
    8.3.3 Legal recognition of Electronic record & Digital Signature
    8.3.4 Retention and Publication of electronic record
8.4 Communication & revocation of offer and acceptance.
8.3.5 Attribution of electronic records
8.3.6 Acknowledgement of receipt.
8.4.3 Time and Place of dispatch and receipt of electronic record.
8.5 Special Provisions as to Evidence relating to electronic record.
8.3.7 Admissibility of electronic records
8.3.8 Presumption as to electronic agreement
8.6 Other relevant Provisions .
8.6.1 Amendment to Indian Penal code in sections 463 ( Making false Electronic Records)
8.6.2 Amendment to the Negotiable Instruments Act,1881 in S.6

Books :

Reference Books
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell
12. Mulla, Negotiable Instrument Act, Tripathy
Case Law (by way of illustration)
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648
6. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
7. Canara Bank v Canara Sales Corporation & Others AIR 1987 SC 1603
8. Indian Airlines Corporation v Madhuri Choudhury AIR 1965 Cal 252

CC-202: - CONSTITUTIONAL LAW – II

Object : To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Method of study: Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation

Evaluation methods:
Theory Examination – 100 Marks
Syllabus

Unit-1 Parliament-
1.1 Composition
1.2 Election, qualifications and tenure of members.
1.3 Functions of Parliament.
1.4 Privileges of Members
1.5 Parliamentary Privileges and fundamental rights.

Unit-2 Parliamentary Government
2.1 Westminster Model- Choice of Parliamentary form of Government at the Centre and the State.
2.2 President of India- Election, qualification and Impeachment, powers and privileges.
2.3 Governor of the State- Appointment, tenure etc., position and status of Governor.
2.4 Council of Minister and Prime Minister Cabinet system, collective
responsibility- individual responsibility.

2.5 Co-alition Government- Anti Defection Law.

Federalism -----

2.6 Federalism Principles- comparative study.
2.7 Indian Federalism- Identification of federal features.
2.8 Challenges to Indian federalism- Sarkaria Commission.

Unit-3 Relations between Union and States-
3.1 Legislative Relations----
3.1.1 Distribution of Legislative Powers
3.1.2 Principles of interpretation of Lists.
3.1.3 Parliament’s power to legislate on State subjects.
3.2 Administrative Relations ---
3.2.1 All India Services
3.2.2 Grants in aid.
3.3 Financial Relations---
3.3.1 Distribution of Revenue between Centre and State.
3.3.2 Finance Commission.
3.3.3 Process of Law making- Ordinary Bill, Money Bill, procedure etc.

Unit-4 Freedom Trade-Commerce ---
4.1 Historical Perspective.
4.2 Object and significance of such provision in federal constitution.
4.3 Restrictions on Trade and Commerce.

Unit-5 Services under the State---
5.1 Doctrine of Pleasure.
5.2 Constitutional safeguards to Civil Servants.
5.3 Limitations on Doctrine of Pleasure.
5.4 Public Service Commission

Unit-6 Emergency Provisions---
6.1 Emergency---meaning.
6.2 Various kinds of Emergencies.
6.3 Effects of emergency.

Unit-7 Judiciary under Constitution---
7.1 Supreme Court---composition, appointment, Jurisdiction, removal etc.
7.2 High Court---Composition, Appointment, jurisdiction etc.
7.4 Independence of Judiciary.

Unit-8 Constitutional process of Adaptation and alteration--
8.1 Amendment- meaning
8.2 Methods of Constitutional amendment
8.3 Limitations upon constituent power.
8.4 Doctrine of Basic Structure.

Books:

1) T.K. Tope: Constitutional of India.
4) Constituent Assembly Debates Vol. 1 to 12 (1989)
7) G.Austin: Indian Constitution: Cornerstone of a Nation (1972)
8) M.Glanter: Competing Equalities- Law and the Backward Classes in India (1984)

CC-203: FAMILY LAW - II

Object: Succession is one every important way of transfer of property, of course after the life of the owner of the property. The study shall not only examine the law as it is and is interpreted by Courts in fact situation, it also shall aim at understanding the differences in the law of succession, both testamentary and intestate, amongst various religious groups.

Methodology of teaching-learning: Lecture method, Case study and presentation shall be dominant method. But research and paper-writing is also important. There shall be comparative studies in all presentations and lectures. Discussion and issue-based round table shall be emphasized instead of issue-based lecture.

Evaluation methods:
Theory Examination – 100 Marks

SYLLABUS

Unit 1: Family Relations - Hindus, Muslims, Christians and Parsis.
   1.1. Nature, Sources and Schools of
       a. Hindu Law
       b. Muslim Law
   1.2. Adoption
   1.3. Minority and Guardianship

Unit 2: Law of Maintenance (Hindu and Muslim law)
   2.1. Claim of spouses
   2.2. Claim of parents and children
   2.3. Alimony (pendente lite and permanent)
Unit 3: Women’s Property:

3.1 Stridhan – concepts and characteristics; Sources,
3.2 principle of succession,
3.3 Comparative analysis of right to property of women under different Religious and Statutory Law

Unit 4: Testamentary Succession :

4.1 Power of testamentary succession under various religious and statutory Law under Hindu, Islamic, Christian and Parsi Law; 4.2 Competence of the testator, limitation to testamentation,
4.3 Abetment of legacy; Will and Administration of will – Probate, Codicil, execution of privileged and unprivileged Will,
4.4 attestation, alteration and revival of Will

Unit 5: Right of Pre-emption :

5.1 Pre-emption, meaning, nature, constitutionality, classification;
5.2 who can claim the right, formalities and legal effect;
5.3 legal devices of evading right of pre-emption.; when is the right lost

Unit 6: Gift under Islamic Law :

6.1 Hiba – nature and characteristics Kinds of Hiba,
6.2 conditional and Future Gift, Types of Hiba; death-bed gift,
6.3 Revocation of gift

Unit 7: Wakf :

7.1 Meaning, character, formalities for creation,
7.2 Administration, Power of Mutawali; Muslim Religious Institutions and Offices

Unit 8: Hindu Religious Endowment :

8.1 Traditional religious principles of creation, administration and offices;
8.2 Statutory methods of creation of Trust;
8.3 Powers and functions of the Trustees

Books

1. Mulla, Hindu Law Vol I and II, Butterworth
2. Mayne, Hindu Law and Usage, Bharat
3. Diwan, Modern Hindu Law, Universal
4. Tyabji, Muslim Law, Tripathy
5. Mulla, Principles of Mohammedan Law, Tripathy
6. Amer Ali, Mohammedan Law, Vol I & II , EBS
7. Tahir Mahmmod, Family Law Reform in Muslim World, Tripathy
8. Tahir Mahmmod, Islamic Law in Modern India, Tripathy
9. Derrett Hindu Law Past and Present, Universal
10. Derrett, Introduction to Modern Hindu Law Universal
12. Row, Sanjiva, The Indian Succession Act, Law Book Co
Object: 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 environments law is essential.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods:
Theory Examination – 100 Marks

Syllabus

Unit 1- Concept of Environmental and Pollution
1.1 Meaning and definition of environment and pollution under different acts
1.2 Kinds of pollution
1.3 Effects of pollution
1.4 Causative factors of pollution

Unit 2 Historical perspectives of environment and pollution
2.1 Indian tradition : Dharma of environment
2.2 British Raj – Industrial development and exploitation of nature
   Nuisance : penal code and procedural codes
2.3 Free India – continuance of British influence
   Old laws and new interpretations

Unit 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

Unit 4- Water and Air Pollution
   4.1 Meaning and standards
   4.2 Culprits and victims
   4.3 Offences and penalties
   4.4 Judicial approach

Unit 5- Noise Pollution
   5.1 Legal control
   5.2 Courts of balancing : permissible and impermissible noise

Unit 6- Environment Protection
   6.1 Protection agencies : power and functions
   6.2 Protection: means and sanctions
   6.3 Emerging protection through delegated legislation
      6.3.1 Hazardous waste,
      6.3.2 Bio – medical waste
      6.3.3 Genetic engineering
      6.3.4 Disaster emergency preparedness
      6.3.5 Environment impact assessment
      6.3.6 Coastal zone management
      6.3.7 Environment audit and eco mark
   6.4 Judiciary : complex problems in administration of environmental justice

Unit 7- Forest and greenery
   7.1 Greenery conservation laws
      7.1.1 Forest conservation
      7.1.2 Conservation agencies
      7.1.3 Prior approval and non-forest purpose
7.1.4 Symbiotic relationship and tribal people
7.1.5 Denudation of forest : judicial approach

7.2 Wild life Protection
7.2.1 Sanctuaries and national parks.
7.2.2 Licensing of zoos and parks.
7.2.3 State monopoly in the sale of wild life and wild life articles
7.2.4 Offences against wild life

Unit 8 - International regime
8.1 Stockholm conference
8.2 Green house effect and ozone depletion
8.3 Rio conference
8.4 Bio – diversity
8.5 U. N. declaration on right to development
8.6 Wetlands

Unit 9 - Prevention of cruelty to animals
9.1 Animal welfare Board
9.2 Cruelty to Animals Generally
9.3 Experimentation on Animals
9.4 Performing animals

Books
1. Ball and Bell, Environmental Law
2. Shyam Divan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materialis and Statutes
3. Baxi Upendra, The Bhopal Case
4. Aggarwal Anil, The State of India’s Environment
5. Lal’s Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, ed 1999

8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law in India 1986

Select Bibliography :
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
12) Maneka Gandhi et. all Animal Laws of India (2001)
13) Iyer V R Krishna, Environment Pollution and the Law
14) Lal’s Commentaries on Water and Air Pollution and Environment Protection Laws
15) Pal Chandra, Environmental Pollution and Development, ed 1999
16) Malaviya, Environment Pollution and its Control under International Law

CC-205: - PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Object: Advocates have the dual responsibility of upholding the interests of the client fearlessly while conducting themselves as officers of the court. Accordingly, they are expected to adhere to the highest standards of probity and honour. An advocate’s conduct should reflect their privileged position in society which derives from the nobility of this profession. The service of an advocate to the common man should be compassionate, moral and lawful. Indian Legal System can write up the next big success story in professional legal education and consequently higher efficiency in Justice Delivery System if it succeeds in facilitating high professional skills, building up of human resource with proper integration of knowledge to match the growing world standard.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation. The course will be taught in association with practicing lawyers on the basis of the following materials.

(i) Mr. Krishnamurthy Iyer’s book on “Advocacy” (ii) The Contempt Law and Practice
(iii) The Bar Council Code of Ethics
(iv) 10 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject
(v) Other reading materials prescribed by the University

EVALUATION 60 MARKS
INTERNAL = 20 MARKS
VIVA VOCE = 20 MARKS
The examination consists of three parts

A Written examination: Theory examination of 60 marks at the end of the semester (minimum marks for passing 21)

B Journal Work: Preparation of journal relating to case studies, periodical problems, hypothetical problems relating to law. Marks allotted to this part is 20 (Minimum pass marks 7)

C. Viva Voce: The Viva Voce examination will be conducted by the University by appointing panel of examiners for seeing the performance, written work of students.

Syllabus:

Unit 1. Professional Ethics. (20 marks)

1.1 Development of Legal Profession in India.
1.2 Concept, need and importance of Professional Ethics.
1.3 Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy
1.4 Duties and Obligations of Advocate (Norms of Professional Ethics)
   Section I - Duty to the Court.
   Section II - Duty to Client. Section
   II - Duty to Opponent. Section IV - Duty to Colleagues - Duty to Profession
   - Duty to Render Legal Aid.
1.5 Restrictions on other employments.
1.7 Form of Dresses or Robes to be worn by Advocate.
1.8 Vakalatnama.

Unit 2. Advocates Act, 1961: (20 marks)

2.1 Chapter I (Sections 1 and 2) Definitions - Advocate, Legal Practitioner, Law Graduate.
2.2 Chapter II (Sections 3 to 15) - Bar Councils Functions.
2.3 Chapter III (Sections 16 to 28) - Admission and Enrolment of Advocates.
2.4 Chapter IV (Sections 29 to 34) - Right to Practice.
2.5 Chapter V (Sections 35 to 44) - Conduct of Advocates. Punishment of Advocates for misconduct.
2.6 Chapter VI (Sections 45 - Miscellaneous.)

Unit 3. Bar-Bench Relations and Contempt of Court. (10 marks)

3.1 Concept and Role of Bar-Bench Relation with reference to administration of Justice.
3.2 The Contempt of Courts Act, 1971 Sections 1 to 24.

Unit 4. Accountancy for Lawyers. (10 marks)

4.1 Definition, object, Importance and Utility of Book Keeping.
4.2 Principles of Book-keeping and Accountancy, Accounting concepts and
Accounting conventions.
4.3 Meaning and Advantages of Double Entry Bookkeeping.
4.4 Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.
4.5 Types of Cash Book.
   (a) Simple Cash Book.
   (b) Cash Book with Cash and Discount columns.
   (c) Cash Book with Cash, Bank and discount columns.
4.6 Bank Reconciliation statement.
4.7 Rectification of Errors.
4.8 Preparation of Trial Balance.
4.9 Preparation of Trading, Profit and Loss Account and Balance Sheet.
4.10 Preparation of Income and Expenditure Account.
4.11 Assessment of income and expenditure and payment of taxes by Advocates.

Unit 5. Cases & Selected Opinions Prescribed for Study.

5.1 Major Judgements of Supreme Court on the subject:
1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338
3) V. P. Kumaravelu V/s B.C.L., AIR, 1997, SC 1014
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.
10) Mr. Roma Baneriji V/s Ushapati Banerji, AIR, 1958, CRLJ 1478.

5.2 Selected Opinions Of The Disciplinary Committee Of Bar Council Of India


Recommended Books
5. Dr. Kailash Rai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
12. S. N. Maheshwari-Introduction to Accountancy.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
22. Jha Shriram Chandra-Selected Judgments on Professional Ethics.

CC - 206 Public interest lawyering and Para Legal Services

Unit - I
Public Interest Litigation
1.1 Meaning and object
1.2 Locus standy
1.3 Merits and demerits of Public Interest Lawyering
1.4 Public Interest Litigation and Writ Jurisdiction
1.5 Social Revolution Through P.I.L. with cases

Unit - II
Legal - Aid and Legal Literacy Programme
2.1 Meaning, Object and Importance
2.2 Constitutional Provisions
2.3 Legal Services Authorities Act, 1987
2.4 Legal - Aid and Legal Profession
2.5 Statutory Provisions of Legal Aid

Unit - III
Lok Adalat
3.1 Meaning of Lok Adalat
3.2 Organisation of Lok Adalat
3.3 Permanent Lok Adalat
3.4 Composition of Lok Adalat
3.5 Functioning of Lok Adalats

Unit - IV
Para - Legal Training and Importance
4.1 Meaning, Objects and Importance
4.2 Role of DALSA, TALSA
4.3 Legal Literacy Campus
4.4 Negotiation
4.5 Counselling

**Unit - V**
Lok Nayalaya and Gram Nyayalaya
5.1 Meaning, Objects and Importance
5.2 Features of the Gram Nayalaya Act, 2008
5.3 Jurisdiction of Gram Nyayalaya
5.4 Appellate Provisions
5.5 Mobile Court

* Books Recommended
1) Public Interest Lawyering, Legal-Aid and Para Legal Services by Prof. Kaliash Rai
2) Public Interest Litigation by J. Gulab Gupta
3) Legal - Aid to the poor by S. S. Sharma

**Nature of Question Paper (CBCS) for 100 marks (3 HRS)**

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# Nature of Question Paper (CBCS) for 60 marks (3 HRS)

Total –60 Marks

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