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## **Syllabus For**

(Three Years Law Degree Course)  
To be Implemented from the  
Academic Year 2012-13  
**(i.e. June- 2012)**

## SECOND YEAR OF THREE YEAR LAW COURSE- SEMESTER-III

Sr. No.	Paper No.	Subject (Semester-III)	Total Marks	
11.	I	Jurisprudence	80 + 20	100
12.	II	Property Law	80 + 20	100
13.	III	Company Law	80 + 20	100
14.	IV	Public International Law	80 + 20	100
15.	V	Criminology, Penology and Victimology	80 + 20	100

### **PAPER – I: JURISPRUDENCE (SEMESTER – III)**

**Objectives of Study:-** Jurisprudence may be considered to be the study and systematic arrangement of the general principles of law. Jurisprudence is mother of all. 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 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 skills and equip the student with the basic problems concerning law and the types of solutions sought.

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. The main objects of the course is-

- Most prevalent form of Jurisprudence seeks to analyse, explain and classify the law.
- It compares and contrasts law with other field of knowledge such as literature, religion and social sciences.
- It seeks to reveal the conceptual and theoretical part.
- It focuses on finding the answer to such abstract questions and answers.

**Teaching Learning Method:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-theses are the good forms of teaching and learning.

**Evaluation Methods:-** a) Theory examination – 80 Marks  
b) Internal Assessment – 20 Marks  
c) Weightage of marks each unit 10 Marks

**SYLLABUS:** -

**Unit- I: Jurisprudence- Its Meaning, Nature and Scope:**

- 1.1 Evolution of Jurisprudence
- 1.2 Meaning and Scope of Jurisprudence.
- 1.3 Significance and Utility of Jurisprudence.
- 1.4 Relation of Jurisprudence with other Social Sciences.
- 1.5 Norms and Normative System.

**Unit-II: Schools of Jurisprudence:**

- 2.1 Analytical school
- 2.2 Historical School
- 2.3 Sociological School
- 2.4 Economic Jurisprudence
- 2.5 The Bharat Jurisprudence, the Concept of ‘Dharma’
- 2.6. Social Justice Compensatory Jurisprudence

**Unit – III: Nature of law and Administration of Justice:**

- 3.1 Definition and Kinds of Law
- 3.2 Various Sources of law
- 3.3 Nature of Law - Natural Law
- 3.4 Law and Morals - Law and Justice
- 3.5 Administration of Justice

**Unit – IV: The Concept of Legal Rights and Duties:**

- 4.1 Meaning of Legal Rights, Duties, Scope
- 4.2 Classification of Legal Rights and Duties

4.3 Theories of Legal Rights and Duties

4.4 Correlation of Rights and Duties

**Unit – V: Legal Status of Persons:**

5.1 Definition and Nature of Personality

5.2 Legal Status of Unborn Children, Minor, Lunatic, Drunken and Dead Persons

5.3 Legal Status of Animals

5.4 Legal Personality of State

5.6 Status of Corporate Personality

5.7 Dimensions of the Modern Legal Personality: Legal Personality on Non-human beings.

**Unit – VI: The Concept of Possession and Ownership:**

6.1 Concept of Possession and Ownership.

6.2 Theories of Possession Ownership.

6.3 Kinds of Possession and Ownership.

6.4 Modes of Acquiring Possession and Ownership.

**Unit – VII: Liability:**

7.1 The Definition and Nature of Liability.

7.2 Kinds of Liability

7.3 Theories of Liability

7.4 General Conditions of Liability

**Unit – VIII: The Law of Obligations:**

8.1 Definition and Nature of Obligation.

8.2 Sources of Obligation.

8.3 Kinds of Obligation.

**Recommended Reading:-**

1. Bodenheimer Jurisprudence – The philosophy and Methods of Law (1996), Universal Publication, Delhi.

2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999).
3. Tripathi, Bombay W. Friedman, Legal Theory (1999) Universal Pub., Delhi.
4. V. D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern Books, Lucknow.
5. M.D.A. Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet and Maxwell.
6. Paton G. W. Jurisprudence (1972), Oxford, ELBS.
7. H.L.A. Hart, The Concept of Law (1970), Oxford, ELBS.
8. Rescoe Pound, Introduction to the Philosophy of Law (1998 Re-print), Universal Pub., Delhi.
9. Dias, Jurisprudence (1994), Adithya Books, New Delhi.
10. Dhyani S. N. Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.
11. M.P. Tondon, Jurisprudence Legal Theory, Allahabad Law Agency.
12. Dr. Vijay Ghormade, Jurisprudence and Legal Theory, Hind Law House.
13. N.V. Pranjape, Studies in Jurisprudence and legal theory, Central Law Agency.
14. N.V. Jayakumar, Lectures in Jurisprudence, 2<sup>nd</sup> Ed., Lexis-Nexis.
15. Dr. B.N. Mani Tripathi, Jurisprudence Legal Theory, Allahabad Law Agency.
16. P.S. Atchthew Pillai, Jurisprudence and Legal Theory, Eastern Book Company.
17. Prof. G.C. Venkata Subba Rao, Jurisprudence and Legal Theory, Eastern Book Comp.

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## **PAPER – II: PROPERTY LAW (SEMESTER – III):**

**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 existing 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 – stored 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 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 the additional topics: Transfer of Property Act, 1882, Indian Easement Act, 1882 and Maharashtra Ownership of Apartment Act, 1970.

**Teaching Learning Methods:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-theses are the good forms of teaching and learning.

**Evaluation Methods:-**

- a) Theory examination – 80 Marks
- b) Internal Assessment – 20 Marks
- c) Weightage of marks each unit 10 Marks

### **SYLLABUS:-**

#### **Unit – I: Concept of Property:**

1.1 Jurisprudential Concept of Property

- 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 Ownership and Possession of Property- Joint Ownership, Concurrent Ownership
- 1.4 Modes of Acquisition of Property.
- 1.5 Distinction between Transfer by Operation of Law and by Act of Parties

**Unit – II: The Transfer of Property Act, 1882:**

- 2.1 Salient features of the Act
- 2.2 Definition of ‘Transfer of Property (S.5) – Test of Transfer- Whether family settlement, compromise, partition, surrender, release, relinquishment and charge amount to transfer.
- 2.3 Definition of ‘Immovable Property Sec.3- Importance of nature of property

**Unit – III: General and Equitable Principles of Transfer of Property:**

- 3.1 General principles of Transfer of Property (Ss. 6-18) (S.19)
- 3.2 Kinds of Interest – Vested Interest and Contingent Interest (s.21) Distinction between Vested and Contingent Interest, Conditional Transfer (S.25) – Condition Precedent (S.26) and Condition Subsequent (S.29).
- 3.3 Equitable Principles of Transfer of Property
  - Doctrine of Election (S.35)
  - Doctrine of Lis Pendense (S.52)
  - Doctrine of Part-Performance (S.53A)
- 3.4 Transfer by Ostensible Owner (S.41) and Fraudulent Transfers (S.53)
- 3.5 Transfer by Co-owner (S.44)- Joint Transfer (S.45) and Transfer by Co-owners of share in common property (S.47).

**Unit – IV: Modes of Transfer of Absolute Ownership:**

- 4.1 Of sale of Immovable Property (S.54)-Essentials of Valid Sale- Rights and liabilities of buyer and seller (S.55).
- 4.2 Of exchange of property (S.118)
- 4.3 Of Gift of property (S.122) – Essentials of valid gift – Revocation of gift (S.126) – Onerous gift (S.127) and Universal Donee (S.128)

**Unit – V: Modes of Transfer of Possession:**

- 5.1 Mortgage of Immovable Property (Sec.58)
- 5.2 Rights and Liabilities of Mortgagor and Mortgagee – Marshalling of Securities

(S.81) and contribution (S.82) – Doctrine of Redemption (S.91) and Subrogation (S.92).

5.3 Of Lease of Immovable Property (S.105) – Rights and Liabilities of Lessor and Lessee (S.108) – Determination of Lease (S.111).

5.4 Actionable Claim – Definition u/s 3 of T.P. Act, 1982 – Transfer of Actionable Claim (S.130) and Liability of Transferee of Actionable Claim (S.132).

**Unit – VI: Of Easement:**

6.1 Concept and Definition of Easement – Characteristics of Easement – Easement under Indian Law and English Law – Easement and Profit a Prendre – Classification of Easement.

6.2 Imposition of Easement – Meaning of. - who may impose Easement (S.8-11)

6.3 Acquisition of Easement – Meaning of-

- Acquisition of Easement by Necessity and Quasi-Necessity (S.13)
- Acquisition of Easement by Prescription (S.15)
- Acquisition of Easement by Custom (S.18)

6.4 Effect of Transfer of Dominant Heritage of Easement. (S.19)

6.5 Remedies for Disturbance of Easement (S.33 & 35)

6.6 Extinction of Easement (Ss.37-48)

**Unit – VII: Of Licence:**

7.1 Definition of ‘Licence’ (S.52) – Characteristics of Licence

7.2 Difference between Licence, Easement and Lease

7.3 Transfer of Licence (Ss. 56-59)

7.4 Revocability of Licence (S.60) – Deemed revocation of Licence (S.62)

**Unit – VIII: Of Apartment:**

8.1 Definition of Apartment u/s3 (a) of the Maharashtra Ownership of Apartment Act, 1970.

- Difference between Apartment and Flat with Reference to its Ownership.
- Status of Apartment (S.4)
- Ownership of Apartment (S.5)

8.2 Meaning and Definition of Common Areas and Facilities u/s 3(c)

- Nature and Status of Ownership of Common Areas and Facilities.
- Constituents of Common Areas and Facilities (S.6)

- 8.3 Contents of Deed of Apartment (S.11) – Contents of Deed or Declaration (S.13)
- 8.4 Bye-Laws and its content (S.6)

**Books Recommended:**

- 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.

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## **PAPER – III: COMPANY LAW (SEMESTER-III):**

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

**Teaching Learning Methods:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-these are the good forms of teaching and learning.

**Evaluation Methods:-** a) Theory examination – 80 Marks  
b) Internal Assessment – 20 Marks  
c) Weightage of marks each unit 10 Marks

### **SYLLABUS:-**

#### **Unit – I: Company and Its Nature and Scope:**

- 1.1 Meaning of Company
- 1.2 Evolution of Company
- 1.3 Special Features of Company
- 1.4 Kinds of Companies: Advantages and Disadvantages of Company
- 1.5 Lifting of Corporate Veil: Demerits of Incorporation

#### **Unit – II: Registration and Incorporation of Company:**

- 2.1 Procedure for Registration
- 2.2 Memorandum of Association, Various Clauses Doctrine of Ultravires.
- 2.3 Articles of Association, Constructive Notice Indoor Meaningful.
- 2.4 Certificate of Incorporation
- 2.5 Commencement of Business
- 2.6 Information Technology Act and its Relation with Company Law.

#### **Unit – III: Prospectus of the Company and Role of Promoters:**

- 3.1 Definition, Meaning and Types Prospectus, Contents of Prospectus

- 3.2 Statement is Lien of Prospectus
- 3.3 Misrepresentation of Prospectus and Liability
- 3.4 Interpretation of Prospectus, Golden Rule.
- 3.5 Promoters – Position – Duties and Liabilities.

**Unit – IV: Shares and Share Capital:**

- 4.1 Shares, General Principles of Allotment, Statutory Restrictions on Allotment, Restriction on Transfer, Procedure for Transfer, Share Warrants.
- 4.2 Share Holders and Members who can be and who Can not be a Share Holder? Modes of becoming Share Holder.
- 4.3 Share Capital, Kinds of Share Capital Alteration and Reduction of Share Capital, Conversion of Loans and Debenture into Capital.

**Unit – V: Directors:**

- 5.1 Role of Directors – Directions as Agent, Trustee, Corporate Body.
- 5.2 Appointment of Directors, Types of Directors, Qualifications and Disqualifications.
- 5.3 Powers and Functions of Directors, Duties of Directors.
- 5.4 Liabilities of Directors.

**Unit – VI: Dividend, Debentures and Meetings:**

- 6.1 Categories of Meetings, Procedure
- 6.2 Kinds of Dividends, Declaration of Dividends – Statutory Requirement.
- 6.3 Debentures – Classification of Debentures, Debenture Trustee.
- 6.4 Kinds of Meetings – Statutory Meeting, Annual General Meeting, Extra-Ordinary Meeting.
- 6.5 Role of Company Secretary to Conduct Meetings.

**Unit – 7: Oppression and Mismanagement- Winding up of Company:**

- 7.1 Oppression and Mismanagement- Majority, Posers and Minority Rights- Rule in Foss vs. Harbottle.
- 7.2 Prevention of Oppression and Mismanagement.
- 7.3 Amalgamation of Company and Reconstruction.

- 7.4 Modes of Winding up of Company
- 7.5 Consequences of Winding up of Company.

**Unit- VIII: Special Legislations in Relation to Company:**

- 8.1 Security Exchange Board of India, 1992 (SEBI)
- 8.2 Securities Contract Regulations Act, 1956.
- 8.3 Foreign Exchange Management Act.
- 8.4 Limited Liability Partnership. Main Features and Relations with Company Law.

**Recommended Books:**

1. J.M. Thomson: Palmer's Company Law.
2. Gower: Principles o Modern Company Law.
3. Dr. Avtar Singh: Company Law.
4. A. Ramaiya: Guide to the Companies Act.
5. J.C. Verma: Corporate Mergers, Amalgations and Take Over.
6. K.R. Chandratre: Company Directors.
7. A.M. Chakraborti: Company Notices, Meetings and Resolutions.
8. BHARAT'S: Takeover Code.
9. L.V.V. Iyer: Guide to Company Directors.
10. K.S. Ravichandran: Prosecution of Directors and Officers Under Company Law.

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## **PAPER – IV: PUBLIC INTERNATIONAL LAW (SEMESTER-III)**

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

**Teaching Learning Methods:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-theses are the good forms of teaching and learning.

**Evaluation Methods:-** a) Theory examination – 80 Marks  
b) Internal Assessment – 20 Marks  
c) Weightage of marks each unit 10 Marks

### **SYLLABUS:-**

#### **Unit-I: The Concept, Nature, History, Essence and Sources of International Law:**

- 1.1 Definitions
- 1.2 Nature of International Law
- 1.3 Necessity of International Law
- 1.4 Objectives of International Law
- 1.5 Sources of International Law
- 1.6 Basis of International Law
- 1.7 Relationship between International Law and Municipal Law.

#### **Unit – II: The Subjects of Modern International Law:**

- 2.1 The Concept of State,  
The Concept of Individual-The Concept of Subject,  
International Legal Personality-Types of Subjects.
- 2.2 State as the Basic Subject of INL or Individual as a Subject of INL  
The difference of opinion on subjects has led to the emergence of three popular  
Theories- Functional Theory, Realist Theory and Functional Theory.
- 2.3 The International Legal Personality of Nations and People Struggling for  
Independence.
- 2.4 The Recognition of States- The Concept of Recognition- The Legal  
Significance of Recognition Kinds of Recognition. The Recognition of New  
Government as State- Theories of Recognition.

- 2.5 The Legal Succession States:-  
The Concept and its Foundations,  
Kinds of State Succession,  
Theories of State Succession,  
Consequences of State Succession.

**Unit – III: The Basic Principles of International Law:**

- 3.1 The Concept of Basic Principles and their Classification
- 3.2 The Principles of peaceful Co-existence
- 3.3 The Principles of that Bear directly on the maintenance of International peace and Security- the Principle of Non-use of force or threat of force- Principle of Territorial Integrity of State- the Principle of peaceful settlement of International Disputes.
- 3.4 General Principles of International Co-operation-  
The Principle of Sovereign Equality of State  
The Principle of Non-Interference-The Principle of Equal Rights and Self Determination of Nations and People- the Principle of Co-operation of State- the Principle for Respect of Human Rights.
- 3.5 The Principles of Stare Jurisdiction on Terrorism, Hijacking, Narcotics, War Crimes and Crimes against Peace.

**Unit – IV: The Law of Treaties:**

- 4.1 The Law of Treaties and its codification
- 4.2 Parties to Treaties and the Right to Participate in Treaties
- 4.3 The conclusion of Treaties- Stages in the conclusion of Treaties, The Power to Negotiate and Sign Treaties Signing, Ratification, Approval and Accession- Reservations-Depositing- The Publication and Reservation of Treaties.
- 4.4 The form and Structure of Treaties-
- The Form of Treaties,
  - The Language of Treaties,
  - The Structure of Treaties,
  - Names of Treaties.

- 4.5 The Operation and Interpretation of Treaties-  
Procedure for executing Treaties and Changes,  
Principles and Rules of Interpretation.
- 4.6 Termination and Suspension of Treaties.

**Unit – V: International Maritime law, Air Law and other Space law:**

- 5.1 Concept of Maritime, Air and Space Laws.
- 5.2 The Basic Principles of Maritime Law  
The continental Shelf- Indian Position,  
Exclusive Economic Zone (EEZ), Territorial Waters,  
Contiguous Zone, High Seas Piracy,  
The International Legal Regime of the Sea.
- 5.3 The Basic Principles of Air Law.  
The Principle of Exclusive and Total Sovereignty of State over Their Air Space,  
The Principle of the Freedom of the Fighters in International Air Space,  
The Principle of Ensuring the Security of International Civil Aviation Organisation (ICAO),  
The Legal Regulation of International Air Communications,  
International Conventions.
- 5.4 The Basic Principles of Outer Space Law.  
Outer space, Moon and Antarctica, Outer space treaty, 1966, Moon Treaty – Uni-space,  
The Legal Regime of Outer Space and Celestial Bodies,  
The Legal Status of Astronauts and Space Objects,  
Responsibility for activities in Outer Space,  
The Legal Problems of Applied Use of Outer Space,  
The Principle of Co-operations in International Space Law,  
International Conventions.

**Unit – VI: Individual and State**

- 6.1 Nationality
- 6.2 Acquisition of Nationality
- 6.3 Nationality - Aliens
- 6.4 Extradition
- 6.5 Asylum

**Unit – VII: Responsibility of State Under International Law:**

- 7.1 The Concept of International Legal Responsibility
- 7.2 The Basis of State Responsibility
- 7.3 Kinds of State Responsibility
- 7.4 Consequences and Exceptions to State Responsibility
- 7.5 The International Criminal Responsibility of Individuals
- 7.6 The Responsibility of International Organisations.

**Unit – VIII: War and Armed Conflict- Role of International Organisations:**

- 8.1 War and Armed Conflict- Definition of War
- 8.2 Aggression, Self Defense, Intervention
- 8.3 War- League of Nations
- 8.4 War United Nations, UN Charter, ICJ, ICC
- 8.5 Legal Effects of Outbreak of War and of Armed Conflict

**Recommended Books:-**

- 1) Public International Law - By Bhattacharya, K. K.
- 2) International Law – By Dr. S. K. Kapoor.
- 3) Public International Law – By M. P. Tondon.
- 4) Public International Law (1998), - By S. K. Varma: Prentice-Hall Pub., New Delhi.
- 5) Introduction to International Law (1989), - By J. G. Starke: Aditya Books, 10<sup>th</sup> Ed.
- 6) The Law of Nations – By J. B. Brierly: Oxford Publications, London.

- 7) Principles of Public International Law – By Ian Brownlie: Oxford Publications, London.
- 8) Public International Law – By S. K. Kapoor: Central Law Agency, Allahabad.
- 9) International Law and Human Rights – By H. O. Agarwal: Central Law Agency, Allahabad.
- 10) World Trade Organization – By Bhagirathlal Das.

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## **PAPER – V: CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY (SEMESTER - III)**

### **Objective of the Course:-**

The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behaviors particularly, deviant behavior and also with a view to develop among students a greater understanding of social costs of crime and the effective ways of lessening them. Penology offers a specialist understanding of criminal policies including theories of punishment, and prison reform.

The victim has traditionally been ignored as component of the crime. Hopefully victimology will provide the student with an insight into not only how important the victim is to an investigation, but why they are important in the overall scheme of the crime, which will shift the study from accused centric approach to much needed victim centric approach.

**Teaching Learning Method:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-theses are the good forms of teaching and learning.

**Evaluation Methods:-** a) Theory examination – 80 Marks  
b) Internal Assessment – 20 Marks  
c) Weightage of marks each unit 10 Marks

### **SYLLABUS:**

#### **CRIMINOLOGY:-**

##### **Unit – I: Introduction:**

- 1.1 Concept of Crime Definition of Criminology
- 1.2 Cause of Crime, Causation of Crime
- 1.3 Nature, Importance Scope of Criminology
- 1.4 Perspectives and methods in Criminology
- 1.5 Dimensions of Crime in India

##### **Unit – II: School of Criminology:**

- 2.1 Pre-classical school
- 2.2 The classical School

- 2.3 Neo-Classical school
- 2.4 Positive School
- 2.5 Clinical School
- 2.6 Sociological School

**Unit – III: Specific Crimes and Criminals:**

- 3.1 White collar Crime and Blue collar crime
- 3.2 Corruption
- 3.3 Female Criminal
- 3.4 Juvenile delinquent
- 3.5 Organized Crime
- 3.6 Sexual Crime
- 3.7 Cyber Crime
- 3.8 Domestic Violence
- 3.9 Recidivist – Criminal Psychology
- 3.10 Habitual Offender
- 3.11 Alcoholism, Drug Addiction

**PENOLOGY:**

**Unit – IV: Theories of Punishment:**

- 4.1 Concept of Punishment
- 4.2 Theories of Punishment
- 4.3 Penal Policy of in India

**Unit – V: Forms of Punishment and Judicial Sentencing:**

- 5.1 Concept of Punishment
- 5.2 Forms of Punishment
- 5.3 Capital Punishment
- 5.4 Judicial Sentencing
- 5.5 Fine- Victims Compensation

**Unit – VI: Prison System:**

- 6.1 History
- 6.2 Classification of Prisoner
- 6.3 Administrative Organisation of Prisons
- 6.4 Open Prisons
- 6.5 Constitutional Imperatives and Prisons Reforms
- 6.6 Violation Prison Code and Its Consequences

**Unit – VII: Probation and Parole:**

- 7.1 Concept and Definition of Probation, Parole
- 7.2 Origin of Probation System
- 7.3 Probation of Offenders Act, 1958
- 7.4 Parole, Nature of Parole Authority for Granting Parole
- 7.5 Parole and Conditional Release
- 7.6 Problems of the Released Offender
- 7.7 Attitude of the Community towards Release of Offenders

**VICTIMOLOGY:**

**Unit – VIII: Victimology, Nature and Scope:**

- 8.1 Introduction
- 8.2 Concept of Victimology
- 8.3 History and philosophy
- 8.4 Indian experience
- 8.5 Legal framework
- 8.6 Role of court
- 8.7 Role of NHRC
- 8.8 Victim and Criminal Justice, Emerging Trends and Policies.

**Recommended Books:-**

- 1) Edwon H. Sutherland – Criminology
- 2) Ahmad Siddique – Criminology and Penology,.
- 3) V. N. Rajan – Victimology in India.
- 4) Prof. N. V. Paranjape – Criminology and Penology, Central Law Agency, Allhabad.

**Reference Books:-**

- 1) Krishna Pal Malik – Penology-Sentencing process and treatment of offenders.
- 2) Rohinton Mehta – Crime and Penology
- 3) R. Taft, Donald – Criminology
- 4) S. Rao – Crime in our Society
- 5) J. M. Sethana – Society and Criminal
- 6) Mrs. Vasundhara A. Patil BVNLC, Sangli.
- 7) HLA Hart – Punishment and Responsibility.
- 8) S. Chabra – Quantum of Punishment in Criminal Law.
- 9) Herbert L. Packer – The Limits of Criminal Sanctions.
- 10) Iyer – Prospective in Criminology, Law and Social Change.

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## SECOND YEAR OF THREE YEAR LAW COURSE- SEMESTER-IV

Sr. No.	Paper No.	Subject (Semester-IV)	Total Marks	
16.	I	Interpretation of Statutes	80 + 20	100
17.	II	International Human Rights	80 + 20	100
18.	III	Administrative Law	80 + 20	100
19.	IV	Banking and Insurance Law	80 + 20	100
20.	V	Alternative Dispute Resolution System	80 + 20	100

### **PAPER – I: INTERPRETATION OF STATUTES (SEMESTER – IV)**

**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 expressions. 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? With the above problems and perspectives in view, this paper has been modeled.

**Teaching and learning methods:** lectures, tutorials, project methods are appropriate to impart the course

#### **Evaluation method:**

- a. Theory examination ---- 80 marks
- b. Internal assessment ---- 20 marks
- c. Weighing of marks each unit 10 Marks

## **SYLLABUS:**

### **Unit- I: Principles of Legislation and Interpretation of Statutes:**

- 1.1. Law-making - the Legislature, executive and the Judiciary
- 1.2. Process of law making- Relevancy of each step- draft- bill- Act-assent- Operation
- 1.3 Meaning of the term 'Statutes' - Its Commencement
- 1.4. Interpretation- Meaning and Process
- 1.5. Legislative gap and Judicial Patchwork
- 1.6. Distinction between Morals and Legislation
- 1.7. Purpose of Interpretation of Statutes.
- 1.8 Judicial law making- Judicial Activism- Judicial Restraint

### **Unit- II: Aids to Interpretation -internal and external aids:**

- 2.1. Internal aids
  - 2.1.1. Title
  - 2.1.2. Preamble
  - 2.1.3. Headings and marginal notes.
  - 2.1.4. Sections and sub-sections
  - 2.1.5. Punctuation marks.
  - 2.1.6. Illustrations, exceptions, provisos and saving clauses
  - 2.1.7. Schedules
  - 2.1.8. Non-obstante clause.
- 2.2. External aids
  - 2.2.1. Dictionaries
  - 2.2.2. Translations

- 2.2.3. Travaux Preparatoires
- 2.2.4. Statutes in pari materia
- 2.2.5. Contemporanea Exposito
- 2.2.6. Debates, inquiry commission reports and Law Commission reports

**Unit- III: Rules of Statutory Interpretation:**

3.1 Primary Rules

- 3.1.1. Literal rule
- 3.1.2. Golden rule
- 3.1.3. Mischief rule (rule in the Heydon's case)
- 3.1.4. Rule of harmonious construction

3.2. Secondary Rules

- 3.2.1. Noscitur a sociis
- 3.2.2. Ejusdem generis
- 3.2.3. Reddendo singula singulis

**Unit- IV: Presumptions in statutory interpretation:**

- 4.1. Statutes are valid
- 4.2. Statutes are territorial in operation
- 4.3. Presumption as to jurisdiction
- 4.4. Presumption against violation of international law
- 4.5. Presumption whether statutes affect the state
- 4.6. Presumption against impairing obligations or permitting advantage from one's own wrong
- 4.7. Prospective operation of statutes

**Unit- V: Maxims of Statutory Interpretation and statutes in Pari Materia:**

5.1 Maxims of Statutory Interpretation

- 5.1.1. Delegatus non potest delegare
- 5.1.2. Expressio unius exclusio alterius
- 5.1.3. Generalia specialibus non derogant
- 5.1.4. In pari delicto potior est conditio possidentis
- 5.1.5. Utres valet potior quam pareat
- 5.1.6 Expressum facit cessare tacitum
- 5.1.7 In bonam partem

5.2 statutes in pari materia

- 5.2.1. Statutes in pari materia- meaning –need and relevancy
- 5.2.2. How to interpret statutes in pari material
- 5.2.3. Incorporation of earlier statutes into later and interpretation thereof
- 5.2.4. Subsequent statutes which are parliamentary exposition of prior statutes

**Unit- VI: Interpretation with reference to the subject matter and purpose:**

6.1. Restrictive and beneficial construction

- 6.1.1. Taxing statutes
- 6.1.2. Penal statutes
- 6.1.3. Welfare legislation

6.2. Interpretation of substantive and adjunctival statutes

6.3. Interpretation of directory and mandatory provisions

6.4. Interpretation of enabling statutes

6.5. Interpretation of codifying and consolidating statutes

6.6. Interpretation of statutes conferring rights

6.7. Interpretation of statutes conferring powers.

**Unit- VII: Principles of Constitutional Interpretation:**

7.1. Harmonious construction

7.2. Doctrine of pith and substance

7.3. Colourable legislation

7.4. Ancillary powers

7.5. "Occupied field"

7.6. Residuary power

7.7. Doctrine of repugnancy

**Unit- VIII: General Clauses Act, 1897:**

8.1. Important definitions- abet, act, immovable property, India, oath, person, rule, son, state, will, etc

8.2. Coming into operation of enactment

8.3. repeal- effect of repeal of Act making textual amendment in Act or Regulation

8.4. Revival of repealed enactments

8.5. Powers and functionaries

8.6. Provisions as orders rules, made under enactments

**Recommended Books:**

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 Interpretation of Statutes, (1997) The Law Book Co. Allahabad.
4. V.Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow
5. M.P.Jain, Constitutional Law of India, (1994) Wadhwa & Co.
6. M.P.Singh, (Ed.) V.N.Sukla's Constitution of India, (1994) Eastern, Lucknow.
7. U.Baxi, Introduction to Justice K.K.Mathew's, Democracy Equality and Freedom (1978) Eastern, Lucknow

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## **PAPER – II: INTERNATIONAL HUMAN RIGHTS (SEMESTER – IV)**

**Objectives of the Course:** Human Rights has become a thought provoking challenge all over the world. The study of Human Rights is contemporary relevant. The main thrust of this course is to explore human rights law, Policy & Practice. This course will examine Human Rights Law at International & National as well as regional levels. An attempt is made to introduce important norms of Human Rights at International Level Such as Civil, Political & Economic, Social & Cultural Rights, Protection Mechanism of Human Rights, regional contribution for protection of Human Rights, Role of Specialized agencies of U.N. & NGO'S an attempt is also made to introduce rights of vulnerable groups.

This course is to be confined to deliberation of international law, to the growth of Human Rights law & how international norms & dissections are applied in municipal law of the country.

**Teaching Learning Methods:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-theses are the good forms of teaching and learning.

**Evaluation Methods:-** a) Theory examination – 80 Marks  
b) Internal Assessment – 20 Marks  
c) Weightage of marks each unit 10 Marks

### **SYLLABUS:**

#### **Unit – I: Concept and Development of Human Rights:**

- 1.1 Meaning, Definition, Importance and Scope of Human Rights
- 1.2 Kinds and Sources of Human Rights
- 1.3 Evolution of the Concept of Human Rights  
Human Rights Ancient Times [5<sup>th</sup> Century B.C., Ancient Greece]  
Human Rights in Middle Ages [12<sup>th</sup> Century to 19<sup>th</sup> Century]  
New Attitude to the concept of Human Rights- 20<sup>th</sup> Century
- 1.4 Theories of Human Rights
- 1.5 Historical development of Human Rights in India (Ancient, Medieval & Modern)

**Unit – II: Role of International Institutions on Human Rights:**

- 2.1 First World War, Its Consequences and Human Rights
- 2.2 Role of League of Nations
- 2.3 Second World War Its impact on Peace and Culture of Human Rights
- 2.4 Role of United Organization on Human Rights
- 2.5 United Nations Charter
- 2.6 Role of UN Specialized Agencies

**Unit - III: International Bill of Rights:**

- 3.1 Universal Declaration of Human Rights, 1948
- 3.2 The International Covenant on Civil and Political Rights, 1966
- 3.3 The International Covenant on Economic, Social and Cultural Rights, 1966
- 3.4 Optional protocol to the covenant on civil and political Rights, 1966
- 3.5 The Optional Protocol (1966) Providing for the right of Individual to Petition on International

**Unit – IV: International Conventions on Human Rights:**

- 4.1 Conventions on In-Human Acts- Genocide, Apartheid, Slavery, Cruel and Inhuman Degrading Treatment, Slavery and Slave Trade, Torced and Compulsory, Labour, Traffic in Persons and Prostitutions, Racial Discrimination, Death Penalty.
- 4.2 Regional Conventions on Human Rights- European Convention on Human Rights- American Convention on Human Rights- African Convention on Human Rights.
- 4.3 Role of Hague Convention and Geneva- Convention on International Humanitarian Law.

**Unit – V: Human Rights Commissions:**

- 5.1 The UN Commission on Human Rights
- 5.2 Human Rights Council, Human Rights Committee.
- 5.3 African Commission on Human Rights
- 5.4 European Commission on Human Rights
- 5.5 National Human Rights Commission in India

5.6 Commissions for Minorities, Backward Class.

**Unit – VI: Human Rights and Vulnerable Groups:**

- 6.1 Women and Human Rights
- 6.2 Children and Human Rights
- 6.3 Migrant Workers and Human Rights
- 6.4 Indigenous People and Human Rights
- 6.5 Aged, Disabled Persons and Human Rights
- 6.6 Refugees and Human Rights

**Unit – VII: Human Rights in Global and Regional Perspectives:**

- 7.1 International Relations, International Law and Human Rights
- 7.2 Human Rights in Contemporary World
- 7.3 A Third World Perspectives on Human Rights
- 7.4 Human Rights in South Asia
- 7.5 SAARC and Human Rights

**Unit – VIII: Implementation of Human Rights:**

- 8.1 Implementation through the United Nation Charter
- 8.2 Implementation through International Covenants
- 8.3 Implementation through ICJ and International Criminal Court
- 8.4 Implementation through Judicial Approach
- 8.5 Implementation through Non-voluntary Organisations, Amnesty International.

**Recommended Reading:**

1. K. L. Joshi, International Law & Human Rights, Eastern Book Company.
2. Dr. V. K. Anand, Human Rights, Allahabad Law Publication.
3. Dr. H. O. Agarwal – Human Rights, Central Law Publication.
4. Human Rights & Humanitarian Law, Developments in Indva & Int. Law, South Asia Human Rights documentation centre (Oxford)
5. Dr. U. Chandra Human Rights All Law Agency.

**Reference Books:-**

1. N. K. Jaykumar, International Law & Human Rights, Lexis Nexis.
2. Paras Diwan, Human Rights & the law, Universal & India, Deep & Deep Publications.
3. M. P. Tondon, International Law & Human Rights.
4. S. K. Kapoor, International Law & Human Rights (Nutshell) 15<sup>th</sup> Ed.
5. Human Rights in Int. Law, Collected Texts – 2<sup>nd</sup> ed Universal Law Publication
6. Human Rights in the world, An introduction to the study of the International
7. Protection of Human Rights – 4<sup>th</sup> ed. A. H. Robertson & J. G. Merrills.
8. Ross Mallick, Development, Ethnicity & Human Rights in South Asia.

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## **PAPER – III: ADMINISTRATIVE LAW (SEMESTER – IV)**

**Objectives of Study:** To understand the evolution, nature and scope of Administrative Law. Its relation with Constitutional Law. To study different Constitutional principles, powers of administration, the control mechanism. Further to assess the liability of the government in torts and contract, corporation and public undertakings and their control mechanism. In addition to aforesaid, to study the informal methods of settlement of disputes and grievance redressal procedures. Lastly, to trace out understand the importance of Right to Information Act in administration in the present context.

### **Method of the 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:**

- a) Theory Examination of 80 marks
  - b) Internal assessment of 20 marks
- Weightge of Marks each unit 10

## **SYLLABUS:**

### **Unit – I: Evaluation, Nature and scope of Administrative Law:**

- 1.1 Evolution of Administrative Law
- 1.2 Definitions and scope of Administrative Law
- 1.3 Relationship between Constitutional Law and Administrative Law
- 1.4 Reasons for growth of Administrative Law
- 1.5 Conseil d’Etat
- 1.6 Separation of Powers
- 1.7 Rule of Law

**Unit – II: Legislative Powers of Administration:**

- 2.1 Meaning of Delegated Legislation
- 2.2 Necessity for delegation of legislative powers
- 2.3 Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
- 2.4 Requirements for the validity of delegated legislation
- 2.5 Legislative control of delegated legislation
- 2.6 Judicial control of delegated legislation

**Unit – III: Judicial Powers of Administration:**

- 3.1 Need for devolution of adjudicatory authority on Administration
- 3.2 Administrative tribunals and other adjudicating authorities
- 3.3 Tribunals – Meaning, Nature, constitution, jurisdiction and procedure
- 3.4 The right to Hearing, - essentials of Hearing process
- 3.5 No man shall be condemned unheard
- 3.5 No man shall be judge in his own cause
- 3.6 Rules of evidence
- 3.7 Reasoned decisions
- 3.8 The right to counsel
- 3.9 Institutional Decision
- 3.10 Administrative appeals

**Unit – IV: Judicial Control of Administrative Action:**

- 4.1 Exhaustion of administrative remedies
- 4.2 Public Interest Litigation (Social Action Litigation) – Meaning

- 4.3 Laches
- 4.4 Res Judicata
- 4.5 Grounds
  - 4.5.1 Jurisdictional error / ultravires
  - 4.5.2 Abuse and non exercise of jurisdiction
  - 4.5.3 Error apparent on the face of the record
  - 4.5.4 Violation of principles of Natural Justice
  - 4.5.5 Violation of Public Policy
  - 4.5.6 Unreasonableness
  - 4.5.7 Legitimate Expectation
- 4.6 Remedies in Judicial Review
  - 4.6.1 Statutory appeals
  - 4.6.2 Writs
  - 4.6.3 Declaratory Judgment
  - 4.6.4 Specific performance and Civil Suits for compensation

**Unit – V: Administrative Discretion and Liability for wrongs of Government**

- 5.1 Need for administrative discretion
- 5.2 Administrative discretion and Rule of Law
- 5.3 Limitations on exercise of discretion
- 5.4 Judicial Review of Administrative discretion
- 5.5 Sovereign and Non-Sovereign Function
- 5.6 Statutory Immunity-Act of State-Liabilities

5.7 Government privilege in legal proceedings

5.8 Estoppel and waiver

**Unit – VI: Corporations and Public Undertakings:**

6.1 State monopoly – remedies against arbitrary action or for acting against public Policy

6.2 Liability of public and private corporations - departmental undertakings

6.3 Legislative Control over Corporations and public undertakings

6.4 Governmental Control over Corporations and public undertakings

Legal remedies

**Unit – VII: Informal Methods of Settlement of Disputes and Grievance Redressal Procedures:**

7.1 Conciliation and mediation through social action groups

7.2 Use of media, lobbying and Public participation

7.3 Public Enquiries and Commissions of Inquiry

7.4 Ombudsman: Lok Pal, Lok Ayukta

7.5 Vigilance Commission

7.6 Congressional and Parliamentary Committees

**Unit – VIII: Right to Information Act, 2005.**

8.1 Object of the Act

8.2 Salient features of the Act

8.3 Transparency and right to information

8.4 Right to Information and obligations of Public Authorities

8.5 Hurdles in the implementation of the Act

### **Recommended Books:-**

- 1) C. K. Allen, Law and Orders (1985).
- 2) D.D. Basu, Comparative Administrative Law (1998).
- 3) M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworth – India.
- 4) Franks, Report of the Committee on Administrative Tribunals and Inquiries HMSO, 1959.
- 5) Peter Cane, an Introduction of Administrative Law (1996) Oxford.
- 6) Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi.
- 7) J. C. Garner, Administrative Law (1998) Butterworth (ed.B.L. Jones).
- 8) M. P. Jain Cases and Materials on Indian Administrative Law Vol. I and II (1996), Universal, Delhi.
- 9) Jain and Jain, Principles of Administrative Law (1997), Universal Delhi.
- 10) S. P. Sathe, Administrative Law (1998), Butterworth – India, Delhi.
- 11) De Smith, Judicial Review of Administrative Action (1995), Swest and Maxwell with supplement.
- 12) Indian Law Institute, Cases and Materials on Administrative Law in India Vol I (1996), Delhi.
- 13) C. K. Takwani, Lectures on Administrative Law, Eastern Law Pub. Co. Luuknow.
- 14) N. K. Archarya, Commentry on Right to Information Act 2005, Asia Law House, Hydrabad.
- 15) P. K. Das, Universal's Handbook on The Right to Information Act, 2005, Universal Law Publishing Co. Pvt. Ltd., New Delhi.

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## **PAPER – IV: BANKING & INSURANCE LAW (SEMESTER – IV)**

### **Objectives of the Study:**

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The Course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students.

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

### **Method of the 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:**

- c) Theory Examination of 80 marks
  - d) Internal assessment of 20 marks
- Weightge of Marks each unit 10

## **SYLLABUS:**

### **Unit – I: Introduction to Banking:**

- 1.1 Nature of Indian Banking Business
- 1.2 Banker and Customer Relationship
- 1.3 Banker's duty of secrecy,
- 1.4 Banker's duty to honour cheques,
- 1.5 Banker's lien, and banker's right to set off

### **Unit – II: Law Relating to Negotiable Instruments:**

- 2.1 Negotiable Instruments, 1881 Act R/w amended Act of 2002 – Salient features
- 2.2 Negotiable Instruments – Kinds
- 2.3 Penal provisions under NI Act.
- 2.3 Banker's Book Evidence Act 1891 Salient features

### **Unit – III: Banking Regulation:**

- 3.1 RBI – Constitution, Management and Functions
- 3.2 Banking Regulation Act, 1949 – Salient features.
- 3.3 Securitization and reconstruction of financial assets and enforcement of Security Act 2002. – Salient features.
- 3.4 Recovery of Debts due to Banks & financial institutions in India Act 1993 – Salient features.

### **Unit – IV: Introduction to Insurance Law:**

- 4.1 Nature of Contract of Insurance
- 4.2 Insurable Interest
- 4.3 Principles of good faith
- 4.4 Effect of Misrepresentation in Insurance Contract

**Unit – V: Regulation of Insurance Business:**

- 5.1 Insurance Regulatory & Development Authority Act 1999-Salient features
- 5.2 Life Insurance Act, 1956 – Salient features
- 5.3 General Insurance Act, 1972 – Salient features

**Unit – VI: Life Insurance Contracts:**

- 6.1 Nature and scope of Life Insurance-
- 6.2 Circumstance affecting the risk-
- 6.3 Amount recoverable under the Life Policy-
- 6.4 Persons entitles to payment-
- 6.5 Settlement of claim and payment of money-
- 6.6 Insurance against third party rights-

**Unit – VII: General Insurance Contracts:**

- 7.1 The Motor Vehicles Act, 1988 – Sec. (140-176)
- 7.2 Absolute or no fault liabilities
- 7.3 Third party or compulsory insurance of motors vehicles
- 7.4 Claims Tribunal – Public Liability Insurance
- 7.5 Legal aspects of Motor Insurance – Claims
- 7.6 Own Damages Claims
- 7.7 Third Party Liability Claims

**Unit – VIII Grievance Redressal Mechanism:**

- 8.1 Reserve Bank of India,
- 8.2 Banking ombudsman, Powers & functions.
- 8.3 Insurance Regulatory & Development Authority

8.4 Insurance Ombudsman-Powers & functions.

8.5 Consumer Forums

**Prescribed Books:**

- 1) M. L. Tannan – Law of Banking.
- 2) M. S. Parthasarathy (Ed.) Khergamvala-Negotiable Instruments Act.
- 3) Justice Bhaghabati Prasad Banerjee – Guide to Securitisation and Reconstruction. of Financial Assets and Enforcements of Security Interest Act, 2002.
- 4) Avtar Singh – Negotiable Instruments Act.
- 5) Basu – Review of Current Banking: Theory and Practice.
- 6) Paget – Law of Banking.
- 7) L. C. Goyle – The Law of Banking and Bankers.
- 8) Relevant provisions of Information Technology Act, 2000.
- 9) K.S.N. Murthy and K.V.S. Sharma – Modern Law of Insurance in India.
- 10) M. H. Srinivasan – Principles of Insurance Law.
- 11) E. R. Hardy Ivamy – General Principles of Insurance Law, relevant Chapters, Insurance Act, 1938.
- 12) The Marine Insurance Act, 1963.
- 13) General Insurance (Business) (Nationalization) Act, 1972.
- 14) The Life Insurance Corporation Act, 1956.
- 15) Motor Vehicle Act, 1988.

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## **PAPER – V: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

### **(SEMESTER – IV)**

**Objectives of the Study:** The major concern of law is conflict resolution. Familiarization with modalities and techniques of resolution of conflict is a necessary component in the endeavours of developing expertise in juridical exercise. The traditional justice delivery system through adjudicatory by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its sway in the past and in the new areas of conflicts that demand resolution by alternative methods. No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essentials awareness other national and international systems emerging at the present context.

**Teaching Learning Methods:** - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-these are the good forms of teaching and learning.

**Evaluation Methods:-** a) Theory examination – 80 Marks  
b) Internal Assessment – 20 Marks  
c) Weightage of marks each unit 10 Marks

### **SYLLABUS:**

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

- 1.1. Alternative Dispute Resolution (ADR) Meaning and Philosophy
- 1.2. Different methods of Dispute Resolution; Inquisitorial method; Adversarial method;
- 1.3. Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.;
- 1.4. Advantages and disadvantages of above methods;
- 1.5. Need for ADRs;
- 1.6. International Commitments:- Various Conventions, Domestic needs

1.7. Suitability of ADRs to particular types of disputes.

**UNIT-II: Arbitration: Meaning of arbitration; Attributes of Arbitration;**

2.1 Different kinds of Arbitration;

2.2 Arbitration under Arbitration and Conciliation Act, 1996.-

2.3 Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; relevant provisions

2.4 Arbitration agreement-Essentials-

2.5 Reference to arbitration-

2.6 Interim measures by court-

2.7 Arbitration Tribunal-Appointment-Challenge- Jurisdiction of arbitral tribunal

2.8 Powers- Grounds of challenge-Procedure- Hearing and written proceedings

2.9 Court assistance- Arbitral award -Appeal and revision-Enforcement of foreign awards

**UNIT-III:**

3.1 Conciliation: Meaning;

3.2 Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory;

3.3 Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure;

3.3.1.1 Conciliation under statutes-

3.3.1.2 Industrial Disputes Act, 1947;

3.3.1.3 Family Courts Act, 1984;

3.3.1.4 Hindu Marriage Act, 1955;

3.3.1.5 Arbitration and Conciliation Act, 1996.

**UNIT-IV:**

4.1 Negotiation: Meaning;

4.2 Different styles of negotiation;

4.3 Different approaches to negotiation;

4.4 Phases of negotiation;

4.5 Qualities of a negotiator; Power to negotiate.

4.6 Difference between negotiation, arbitration conciliation and mediation

**UNIT-V:**

5.1 Mediation: Meaning;

5.2 Qualities of mediator; Role of mediator;

5.3 Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible;

5.4 Different models of mediation;

5.5 Code of conduct for mediators.

**UNIT-VI:**

6.1 Traces of alternative disputes resolution in civil procedure code;

6.2 129<sup>th</sup> Report of the Law Commission of India as well as Justice Malimath Committee Report.

6.3 C P C 1908 -Amendment of 1999- object of Section 89- Civil Procedure

6.4 Alternative Dispute Resolution and Civil Procedure Mediation Rules, 2005

**UNIT-VII:**

7.1 Criminal law and alternative disputes resolution-

7.2 section 320 of Cr.P.C.- compoundable offences- with the consent of the parties- with the consent of the court-

7.3 Non- Compoundable-

7.4 revision of list – 2010 amendments- rationale

7.5 plea Bargaining – use and utility- Indian scenario

**UNIT VIII:**

8.1 New dimensions of ADR- some specific areas

8.2 Lok adalat, Nyaya Panchayat

8.3 Co-operative matters

8.4 Consumer matters

8.5 Accidental claims

8.6 Banking matters etc

**Prescribed Books:**

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

**Reference Books:**

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

**Select Bibliography:**

1. B.P. Saraf and M. Jhunjhunuwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai.
2. Gerald R. Williams (ed.), The New Arbitration and Conciliation Law of India.
3. Indian Council of Arbitration (1998), New Delhi.
4. A.K. Bansal, law of International Commercial Arbitration (1999), Universal, Delhi.
5. P.C. Rao & William sheffield, Alternative Disputes Resolution-what it is and How it works? (1997) Universal Delhi.
6. G.K. Kwatra, The Arbitration and Conciliation Law of India 2000 Universal, Delhi.
7. Basu N.D. Law of Arbitration and Conciliation (9th edition reprint 2000) Universal Delhi.
8. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi.

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### Nature of Question Paper

**3 year Law Course III Semester and IVth Semester and 5 Year Law Course III Semester and IVth Semester**

<b>Question - 1</b>		<b>16 Marks</b>
<b>Question -2</b>		<b>16 Marks</b>
<b>Question -3</b>		<b>16 Marks</b>
<b>Question -4</b>		<b>16 Marks</b>
<b>Question - 5</b>	<b>Write short notes on any two 8 x 2 = 16</b>	<b>16 Marks</b>
<b>Total Marks</b>		<b>80 marks</b>