

Shivaji University, Kolhapur



Faculty of Humanities

(LL.B. - Three Year)

Bachelor of Laws Degree Program

Choice Based Credit System (CBCS)

Revised Structure and Syllabus

To be implemented from Academic
Year 2020-2021

**SECOND YEAR OF THREE YEAR LAW COURSE
(SEMESTER – III)**

DSC-301 - JURISPRUDENCE (Paper I)

Objective:

Jurisprudence implies the study and systematic arrangement of the general principles of law. Jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. A course in jurisprudence should, primarily, introduce the students about questions concerning nature and concepts of law so that he will be able to understand the complexities of Law and develop critical thinking about the law, legal system and legal processes. The undergraduate course should impart the analytical skills and equip the student with the basic problems concerning nature of law and the types of solutions sought. It should also help students to appreciate how diverse approaches to law influence decision-making in judicial process. 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 objectives of the course is-

- To equip students of Jurisprudence to understand, analyze, explain and classify the law.
- To reveal the conceptual and theoretical part of various theories of jurisprudence.
- To compare and contrast law with other fields of knowledge such as literature, religion and social sciences.
- To understand the abstract nature of jurisprudence and complexities of law.

Teaching Learning Method:

Lectures, including special lectures by 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: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS: -**UNIT- I -- JURISPRUDENCE- ITS MEANING, NATURE AND SCOPE:**

- 1.1 Evolution of Jurisprudence
- 1.2 Nature, scope and utility of jurisprudence.
- 1.3 Relation of Jurisprudence with other Social Sciences.
- 1.4 Definition of Law- Natural Law School
- 1.5 The Bharat Jurisprudence, the Concept of 'Dharma'

UNIT-II -- SCHOOLS OF JURISPRUDENCE:

- 2.1 Analytical school
- 2.2 Historical School
- 2.3 Sociological School
- 2.4 American Realism

UNIT – III -- LAW AND ADMINISTRATION OF JUSTICE:

- 3.1 Kinds of Law
- 3.2 Sources of law - *Custom, Legislation, Judicial Precedent, Conventional law*
- 3.3 Law and Morality
- 3.4 Law and Administration of Justice
- 3.5 Social Justice - Compensatory Jurisprudence

UNIT – IV -- THE CONCEPT OF LEGAL RIGHTS AND DUTIES:

- 4.1 Meaning of Legal Rights, Duties
- 4.2 Classification of Legal Rights and Duties
- 4.3 Correlation of Rights and Duties – *Hohfield's Analysis*

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 and non-state entity

UNIT – VI -- THE CONCEPT OF POSSESSION AND OWNERSHIP:

- 6.1 Concept of Possession
- 6.2 Elements of Possession
- 6.3 Kinds of Possession
- 6.4 Modes of Acquiring Possession
- 6.5 Concept of Ownership
- 6.6 Kinds of Ownership
- 6.7 Modes of Acquiring Ownership

UNIT – VII -- LIABILITY:

- 7.1 The Definition and Nature of Liability.
- 7.2 Kinds of Liability
- 7.3 General Conditions of Civil and Criminal 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. Roscoe 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, 2nd Ed., Lexis-Nexis.
15. Dr. B.N. Mani Tripathi, Jurisprudence Legal Theory, Allahabad Law Agency.
16. P.S. Atchthen Pillai, Jurisprudence and Legal Theory, Eastern Book Company.
17. Prof. G.C. Venkata Subba Rao, Jurisprudence and Legal Theory, Eastern Book Comp.

DSC-302 - PROPERTY LAW (Paper - II)

Objectives:

The course on Property Law primarily deals with the Transfer of Property Act, 1882, including specific modes of transfer of property, especially immovable property transferred by act of parties. It also covers rules relating to Easement and License for better enjoyment of property rights.

Growing urbanization, industrialization and technological advancements have made far reaching changes in the field in property laws. Due to scarcity of land in urban areas, peoples may not afford houses on individual basis. This led to growing tendency to construct multi-storied buildings, apartments on ownership basis. Therefore, The Maharashtra Apartment Ownership Act, 1970 has been passed by the state of Maharashtra to constitute each apartment, a heritable and transferable immovable property for all purposes.

Further, to avoid malpractices in construction industry, to protect interest of consumers and to provide speedy and effective dispute redressal mechanism The Real Estate (Regulation and Development) Act 2016 is passed by the Central Govt.

Learning Outcomes:

1. Understanding various principles of Transfer of Property Act 1882
2. Understanding fundamental concepts and essential rules of Easement and License.
3. Acquisition of knowledge of the basic concepts of The Maharashtra Apartment Ownership Act, 1970
4. Understanding the mechanism of The Real Estate (Regulation and Development) Act 2016

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

Evaluation methods:

| | |
|---|-----------------|
| Theory Examination – | 70 Marks |
| Internal Assessment: | |
| Assignment / Project Work / Presentation: | 20 Marks |
| Viva Voce College Level: | 10 Marks |
| | ----- |
| | 30 Marks |
| | ----- |

SYLLABUS:-

UNIT – I -- THE TRANSFER OF PROPERTY ACT, 1882:

- 1.1 Concept and Kinds of Property
- 1.2 Concept of Immovable Property under T.P. Act, General Clauses Act, and Registration Act.
- 1.3 Definition of Transfer of Property (sec. 5)
- 1.4 Test of Transfer- Whether family settlement, compromise, partition, surrender, release, relinquishment and charge amount to transfer.
- 1.5 Definition of Actionable Claims

UNIT – II -- GENERAL PRINCIPLES OF TRANSFER OF PROPERTY:

- 2.1 General rules of Transferability of Property (Sec. 6)
- 2.2 Competency of Parties to transfer and Effect of transfer (Sec. 7-8)
- 2.3 Restrictive Conditions about the alienation of Property (Sec. 10-12)
- 2.4 Transfer for the benefit of Unborn Person and Rule against Perpetuity (Sec. 13-14)
- 2.5 Directions for Accumulation (Sec. 17)

UNIT – III -- EQUITABLE PRINCIPLES OF TRANSFER OF PROPERTY:

- 3.1 Kinds of Interest – Vested Interest and Contingent Interest (Sec.19-21)
- 3.2 Conditional Transfer (Sec.25- 29)
- 3.3 Doctrine of Election (Sec.35)
- 3.4 Doctrine of Lis Pendense (Sec.52)
- 3.5 Doctrine of Part-Performance (Sec.53A)
- 3.6 Transfer by Ostensible Owner and Fraudulent Transfers (Sec.41 and 53)

UNIT – IV -- MODES OF TRANSFER OF OWNERSHIP:

- 4.1 Definition and Essentials of Valid Sale (Sec.54)
Rights and liabilities of buyer and seller (Sec.55).
- 4.2 Exchange of property (Sec.118)
- 4.3 Definition and essentials of Gift (Sec.122)
Revocation of gift (Sec.126)
Onerous gift (Sec.127) and Universal Donee (Sec.128)

UNIT – V-- MODES OF TRANSFER OF POSSESSION:

- 5.1 Definition and Kinds of Mortgage (Sec.58)
- 5.2 Rights and Liabilities of Mortgagor and Mortgagee (Sec. 60-77)
Doctrine of Redemption (Sec.91)
- 5.3 Definition and Essentials of Lease (Sec.105)
Rights and Liabilities of Lessor and Lessee (Sec.108)
Determination of Lease (Sec.111)
- 5.4 Transfer of Actionable Claim (Sec.130- 132)

UNIT – VI -- EASEMENT AND LICENSE:

- 6.1 Concept, Definition and Classification of Easements (Sec. 4-7)
- 6.2 Imposition and Acquisition of Easement (Sec.8-18)
- 6.3 Extinction of Easement (Sec.37-48)
- 6.4 Definition and Characteristics of License (Sec. 52)
- 6.5 Revocation and deemed revocation of License (Sec.60 to 62)

UNIT – VII -- THE MAHARASHTRA OWNERSHIP OF APARTMENT ACT, 1970:

- 7.1 Applicability of the Act.
- 7.2 Definition, Status and Ownership of Apartment (Sec.3-5)
7.3 Definition and Status of Common Areas and Facilities (Sec.3 and 6)
- 7.4 Contents of Deed of Apartment and Deed or Declaration (Sec.11 and 13)
- 7.5 Bye-Laws and its content (Sec.16)

UNIT – VIII -- THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016:

- 8.1 Provisions about registration of Real Estate Project (Sec. 3-7)
- 8.2 Functions and Duties of Promoter (Sec. 11-18)
- 8.3 Composition, Powers and Functions Real Estate Regulatory Authority (Sec. 20-21, 34-38)
- 8.4 Composition and powers of the Appellate Tribunal (Sec. 43, 45, 53-54)
- 8.5 Offences, Penalties (Sec. 59-68)

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.
- 8) The Real Estate (Regulation and Development) Act 2016 Bare Act.
- 9) S.N. Shukla, Transfer of Property Act, Allahabad Law Agency.
- 10) R.K. Agarawal, Indian Easement Act, Pioneer Printers, Agra.
- 11) The Maharashtra Ownership of Apartment Act, 1970, Bare Act
- 12) H.N. Tiwari, Transfer of Property Act, Allahabad Law Agency
- 13) Avtar Singh, Text Book on Transfer of Property Act, Universal Lexis Nexis.

DSC-303 - COMPANY LAW (Paper - III)

Objective :

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 knowledge relating to corporate management, control, possible abuse, the remedies and government regulation of corporate business and winding up of companies.

Method of Teaching:

Lecture method and interactive sessions of learning is the best method. Practicing Company Secretaries and other stakeholders may be invited to impart practical knowledge to the students on relevant topics. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation Methods:-

Theory Examination: 70 Marks

Internal Assessment: Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

Unit – I -- FORMATION OF A COMPANY

- 1.1 Meaning , features of company and Kinds of companies
- 1.2 Lifting of Corporate Veil
- 1.3 Legal Position of Promoters and status of Pre-incorporation contracts.
- 1.4 Procedure for Registration and Incorporation of Company
- 1.5 Legal effect of Certificate of Incorporation & Commencement of Business.

Unit – II -- MEMORANDUM AND ARTICLES OF ASSOCIATION

- 2.1 Memorandum of Association: Contents and procedure for alteration
- 2.2 Articles of Association: Contents and procedure for alteration
- 2.3 Doctrine of *Ultra Vires*: Meaning , Object , Consequences of ultra vires transactions,
- 2.4 Doctrine of Constructive Notice
- 2.5 Doctrine of Indoor Management and its exceptions.

Unit – III -- PROSPECTUS

- 3.1 Meaning and Definition of Prospectus
- 3.2 Contents of Prospectus
- 3.3 Golden Rule / Golden Legacy for issue of Prospectus
- 3.4 Remedies for misrepresentation
- 3.5 Liability for misstatement in Prospectus- Civil and criminal

UNIT – IV-- SHARES AND DEBENTURES

- 4.1 Shares, Types of Shares, General Principles of Allotment, Share Certificates and Share Warrants, Transfer and Transmission of Shares, Demat transfers
- 4.2 Modes of becoming Member- Collective membership rights
- 4.3 Share Capital, Kinds of Share Capital, Alteration and Reduction of Share Capital
- 4.4 Dividend, Kinds of Dividend, Declaration of Dividends – Statutory Requirement
- 4.5 Debentures – Kinds of Debentures, Types of Charge, Crystallization of Charge

UNIT – V -- DIRECTORS

- 5.1 Appointment of Directors, Types of Directors, Qualifications and Disqualifications.
- 5.2 Legal Position of Directors: Agents, Trustees, Organs
- 5.3 Powers, Functions and Duties of Directors.
- 5.4 Liabilities of Directors
- 5.5 Removal, Resignation and Vacation of the office of Director

UNIT – VI -- ACCOUNTS, AUDIT AND MEETINGS

- 6.1 Books of Accounts, Right to inspection of Books of Accounts
- 6.2 Appointment, Removal and resignation of Auditor
- 6.3 Legal position, Powers and Duties of Auditor
- 6.4 Types of Shareholders Meetings
- 6.5 Procedure and Requisites of Valid Meeting

UNIT – VII -- MINORITY RIGHTS AND WINDING UP OF COMPANY

- 7.1 Majority Powers and Minority Rights- Rule in *Foss vs. Harbottle*
- 7.2 Compromise, Arrangement and Amalgamation
- 7.3 Modes of Winding up of Company
- 7.4 Consequences of Winding Up
- 7.5 Role of Official Liquidator and National Company Law Tribunal

UNIT – VIII -- CORPORATE GOVERNANCE

- 8.1 Meaning and significance of Corporate Governance
- 8.2 Inspection, Inquiry and Investigation
- 8.3 Corporate Social Responsibility
- 8.4 Resolution of Corporate Insolvency under Insolvency & Bankruptcy Code 2016
- 8.5 Revival and Rehabilitation of Sick Companies.

Recommended Books :

1. Dr. Avtar Singh, Company Law, Eastern Book Company, Lucknow
2. Ramaiya, Guide to the Companies Act, Wadhawa Book Company, Nagpur
3. K.R. Chandratre, Company Directors, Bharat Law House, New Delhi
4. Dr.N.V.Paranjape , Company Law, Central Law Agency, Prayag Raj, UP
5. N.D.Kapoor , Elements of Company Law, S. Chand & Sons
6. Agarwal and Beby , SEBI Act, Taxmann
7. Kailash Rai, Company Law, Allahabad Law agency, Faridabad, Haryana
8. B.K.Goyal, Company Law, Singhal Law Publication, New Delhi

DSC – 304 - PUBLIC INTERNATIONAL LAW – (PAPER – IV)

Objectives:

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

The subject covers various aspects associated with International recognition of law. The Students have able to understand wide spread mechanism of International law. Students have to learn UNO and its Agencies, their operations with different legal perspectives. They have to learn recent trends in International Law. Moreover, they have to understand significance and applicability of International Law into domestic law.

Learning Outcomes:

1. To become well-acquainted with the historical and modern basic concepts & principles of International Law
2. To learn organizational structure, powers and functions of the UN system and it's various Organs and Agencies.
3. To study relationship between International Law and Municipal Law with reference to diplomatic relations, peace and security, respect for human rights, socio-economic issues, etc.

Teaching Learning Methods:

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

Evaluation methods:

| | |
|---|-----------------|
| Theory Examination – | 70 Marks |
| Internal Assessment: | |
| Assignment / Project Work / Presentation: | 20 Marks |
| Viva Voce College Level: | 10 Marks |
| | ----- |
| | 30 Marks |
| | ----- |

SYLLABUS

UNIT-I -- THE CONCEPT, NATURE, AND HISTORY OF INTERNATIONAL LAW

- 1.1 Definitions
- 1.2 Nature of International Law
- 1.3 Historical Development of International Law
- 1.4 Basis of International Law
- 1.5 Relationship between International Law and Municipal Law.

UNIT – II -- MODERN SUBJECTS OF INTERNATIONAL LAW

- 2.1 International Legal Personality and Concept of Subject
- 2.2 Theories as to Subjects of International Law
 - Realist, Fictional and Functional Theory
- 2.3 Types of Subjects
 - State as the basic Subject of International Law
 - Individual as a Subject of International Law
 - Non-State Entities
- 2.4 The United Nations and its Principal Organs

UNIT – III -- SOURCES OF INTERNATIONAL LAW

- 3.1 Customs and Usages
- 3.2 Treaties – In general
- 3.3 Judicial Decisions
- 3.4 Other Sources – Writings of Jurists, Equity, Resolutions of General Assembly, etc.
- 3.5 Law of the Treaties
 - 3.5.1 Formation of Treaties
 - 3.5.2 Termination of Treaties
 - 3.5.3 Reservation of Treaties

UNIT – IV -- STATES – TERRITORY, RECOGNITION AND SUCCESSION

- 4.1 Concept of State
- 4.2 Attributes of Statehood – Territory, Population, Government and Capacity to enter into relation with other states
- 4.3 State Territory – Land, National Waters and Air Space
- 4.4 The Recognition of States- Theories, Forms, Modes & Consequences
- 4.5 State Succession – Definition, Kinds, Theories & Consequences

UNIT – V -- PURPOSES AND PRINCIPLES OF INTERNATIONAL LAW:

- 5.1 Preamble and Purposes of United Nations – Art.1 of UN Charter
- 5.2 The Principles of United Nations – Art. 2 of UN Charter
- 5.3 The Principles of State Jurisdiction on Terrorism, Hijacking, Narcotics, War Crimes and Crimes against Peace.
- 5.4 State Responsibility – Concept, Kinds, etc.

UNIT – VI -- INTERNATIONAL MARITIME, AIR AND SPACE LAW:

- 6.1 Concept of Maritime, Air and Space Laws
- 6.2 The Basic Principles of Maritime Law
- 6.3 The Basic Principles of Air Law
- 6.4 The Basic Principles of Outer Space Law
- 6.5 Principle of Co-operations in International Space Law

UNIT – VII -- INDIVIDUAL AND STATE

- 6.1 Nationality - Acquisition & Termination of Nationality
- 6.2 Aliens
- 6.3 Extradition
- 6.4 Asylum

UNIT – VIII -- ROLE OF INTERNATIONAL ORGANISATIONS IN RESOLVING CONFLICTS:

- 8.1 War
- 8.2 Armed Conflicts
- 8.3 Aggression
- 8.4 Intervention
- 8.5 Self Defense

Recommended Books:-

- 1) International Law and Human Rights – By H. O. Agarwal: Central Law Agency, Allahabad.
- 2) Public International Law – By S. K. Kapoor: Central Law Agency, Allahabad.
- 3) International Law – By Dr. S. K. Kapoor.
- 4) Public International Law - By Bhattacharya, K. K.
- 5) Public International Law – By M. P. Tondon.
- 6) Public International Law (1998), - By S. K. Varma: Prentice-Hall Pub., New Delhi.
- 7) Introduction to International Law (1989), - By J. G. Starke: Aditya Books, 10th Ed.
- 8) The Law of Nations – By J. B. Brierly: Oxford Publications, London.
- 9) Principles of Public International Law – By Ian Brownlie: Oxford Publications, London.
- 10) World Trade Organization – By Bhagirathlal Das.

DCS 305 - CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY**(PAPER – V)****Objective :**

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 cost of crime and the effective ways of lessening them. Penology offers a specialist understanding of criminal policies including focus on theories of punishment, prison reforms and the focus on alternatives to existing punishments. The victim has traditionally been ignored as component of the crime. The development of Victimology as separate discipline will provide the student with insights into not only how important the victim is to an investigation, but why they are important in the overall scheme of the Criminal Justice System, which will shift the study from accused centric approach to much needed victim centric approach.

Teaching Learning Method: - Lectures, Seminars, Debates, Case Study, Project Method, including field visits and lectures of experts may be good processes of learning.

Evaluation methods:

| | |
|---|-----------------|
| Theory Examination – | 70 Marks |
| Internal Assessment: | |
| Assignment / Project Work / Presentation: | 20 Marks |
| Viva Voce College Level: | 10 Marks |
| | ----- |
| | 30 Marks |

SYLLABUS**UNIT – I -- INTRODUCTION**

- 1.1 Concept of Crime, Criminology
- 1.2 Nature, Scope and Significance of Criminology.
- 1.3 Theories and Schools of Criminology.
 - 1.3.1 Pre, Classical and Neo-Classical School
 - 1.3.2 Positive School – Lombroso, Enrico Ferri, Raffaele Garofello.
 - 1.3.3 Sociological School – Social disorganization, Differential Association and Anomie Theories.

UNIT – II -- SPECIFIC CRIMES- NATURE, CAUSES AND MEASURES TO CONTROL IN INDIA

- 2.1 White collar Crime
- 2.2 Organized Crime
- 2.3 Juvenile delinquency
- 2.4 Cyber Crime
- 2.5 Immoral Trafficking

UNIT – III -- THEORIES AND FORMS OF PUNISHMENT

- 3.1 Penology – Meaning, Nature and Scope
- 3.2 Punishment – Definitions, Forms and Theories.
- 3.3 Penal Policy in India
- 3.4 Sentencing policy and process

UNIT – IV -- PRISON SYSTEM AND ADMINISTRATION

- 4.1 Imprisonment- Meaning, types and Significance.
- 4.2 Administrative Organization of Prisons
- 4.3 Problems of Prison Administration
- 4.4 Prisons Reforms
- 4.5 Overview of Model Prison Manual 2016

UNIT – V -- PROBATION, PAROLE AND FURLOUGH

- 5.1 Concept, Definition and Legislative Framework of Probation
- 5.2 Parole – Concept, Objectives and procedure for granting Parole
- 5.3 Problems of the Released Offenders and attitude of community towards them
- 5.4 Furlough – Conditions and Rules of Granting

UNIT – VI -- NON-INSTITUTIONAL CORRECTIONAL METHODS

- 6.1 Grant of Pardon
- 6.2 Commutation of sentence
- 6.3 Reprieves and suspension of sentence
- 6.4 Remission of sentence.

UNIT – VII -- VICTIMOLOGY- NATURE AND SCOPE

- 7.1 History, Philosophy, Definition and Scope of Victimology
- 7.2 Definitions and Characteristics of Victim
- 7.3 Compensatory relief and rights of Victims
- 7.4 Specific Victimization in Indian scenario- Child Victim, Women Victim and victimization of under privileged class.(SC, ST)

UNIT – VIII -- CRIME VICTIMS AND ROLE OF INSTITUTIONS

- 8.1 Legal Framework
- 8.2 Role of Judiciary
- 8.3 Role of NHRC
- 8.4 Victims Assistance Programmes and Services
- 8.5 Witness Protection Schemes

Recommended Books:-

- 1) Edwin H. Sutherland – Criminology
- 2) Ahmad Siddique – Criminology, Penology and Victimology.
- 3) V. N. Rajan – Victimology in India.
- 4) Prof. N. V. Paranjape – Criminology and Penology, Central Law Agency, Allhabad.21
- 5) Penology, Victimology and correctional Administration in India – Dr. Krishna Pal Malik.
- 6) Criminology and Criminal Justice System – Dr. N. MaheshwaraSwamy.

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) HLA Hart – Punishment and Responsibility.
- 7) S. Chabra – Quantum of Punishment in Criminal Law.
- 8) Herbert L. Packer – The Limits of Criminal Sanctions.
- 10) Iyer – Prospective in Criminology, Law and Social Change.

AECC-306 -- FUNDAMENTALS OF CYBER LAWS

Objectives:

Change is the law of nature. The cave age to information age man has travelled a long journey. In last few decades the technological advancements have brought this generation to a situation where everything is moving at a fast pace. Computer and internet have converted the entire world in to a global village what we call as cyberspace. Though a common heritage of mankind few people misuse it and many users who are unaware about what a computer crime means are exploited. People with intelligence have been grossly misusing this aspect of internet to perpetuate illegal acts in cyberspace. The changing goals of legal education always focus on the recent issues and concerns which touches the life of common man. The fundamentals of cyber law also take in to consideration to make aware the students about the basics of this branch of legal education.

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I - CYBER LAWS IN INDIA

- a) Introduction and need of cyber law
- b) Cyber Law and Cyber Crimes
- c) Salient features of Information Technology Act, 2000 and constitutional perspective
- d) Fundamental Concepts- Access, Computer, Cyber Security, Data, Network, IP Address

UNIT II - OFFENCES AND PENALTIES UNDER I T ACT, 2000

- a) Penalties and Compensation for damage to computer and computer system S. 43, Failure to protect Data 43 A
- b) Other offences and Punishments S 65 to S 74
- c) Abetment and attempt of offences
- d) Power to Investigate

UNIT III - E- COMMERCE & INTELLECTUAL PROPERTY ISSUES

- a) Electronic/Digital Signature, Certifying Authority
- b) Electronic Contracts
- c) Copyright and Trademark Issue
- d) Computer Software License

UNIT IV - CYBER APPELLATE TRIBUNAL & OTHER PROVISIONS UNDER IT ACT

- a) Establishment and Composition of tribunal

- b) Procedure and Power of Tribunal
- c) Powers to Enter and search by police or other officer
- d) Cyber Crime and Cyber Forensic
- e) Other related Rules and relevant case laws

REFERENCES:

Vakul Sharma: (Fifth Edition)Information Technology Laws and Practice, Universal Publication

Pavan Duggal: Textbook on Cyber Law, Universal Publication

Anirudh Rastogi: Cyber Law- Law of Information Technology and Internet, Lexis Nexis

Aparna Vishwanathan: Cyber Law – Indian and International Perspective, Lexis Nexis

Justice Yatindra Singh: Cyber Laws, Universal Publication

M.P. Jain: Indian Constitutional Law, Universal Publication

Information Technology Act, 2000

LL. B. Three Years Law (SEMESTER – IV)

DSC 401 - INTERPRETATION OF STATUTES (PAPER – I)

Objectives :

Legislation is one of the sources of law. Draftsmen are experts in grammar, language skills and rules of drafting. They also foresee and try to avoid any possible absurdity, hardship, misinterpretation of codified statute. However, there are legislative gaps and ambiguities existing in statutory provisions by the reason of rapidly changing circumstances, arising complexities etc that need to be resolved. Therefore, Interpretation of statutory provisions and other instruments is a primary duty assigned to judiciary.

In this background, Subject of Interpretation of Statute is significant and guiding source not only for law students, but also for judges and law professionals. Syllabus of this paper incorporates primary and secondary principles of Interpretation and construction. It covers various aids to interpretation, presumptions and considerations to be taken into account while interpreting statutory provisions. Further, it also deals with principles of constitutional interpretation.

Learning Outcome:

- i. Acquisition of knowledge of rules of interpretation
- ii. Develops of legal reasoning
- iii. Inculcates skills and techniques for interpreting and constructing statutory provisions

Teaching and Learning Methods:

Classroom teachings with the help of lecture and Discussion method, Case study methods, assignments, Tutorials, Papers writing etc are several methods to be adopted by faculties. Use of ICT, reference of study material relating to case laws etc is also beneficial for learners.

Evaluation methods:

| | |
|---|-----------------|
| Theory Examination – | 70 Marks |
| Internal Assessment: | |
| Assignment / Project Work / Presentation: | 20 Marks |
| Viva Voce College Level: | 10 Marks |
| | ----- |
| | 30 Marks |

SYLLABUS

UNIT – I -- Process of Law, Legislation and its interpretation:

- 1.1. Concept of Law, Legislation and Statutes
- 1.2. Legislative powers and process
- 1.3. Judicial Law Making – Judicial Activism and Judicial Restraint
- 1.2. Interpretation – Meaning, Purpose and Importance
- 1.3. Interpretation and Construction

UNIT –II -- RULES OF STATUTORY INTERPRETATION:

2.1. Primary Rules of Interpretation

- Grammatical rule of interpretation
- Golden rule of interpretation
- Mischief rule of interpretation

2.2. Secondary Rules of Interpretation

- Nosctiur a sociis
- Ejusdem generis
- Reddendo singula singulis
- Law to be read as a whole
- Predominance of Legislative intent

UNIT –III -- AIDS TO INTERPRETATION OF STATUTES:

3.1. Internal aids to interpretation of Statutes

- Title
- Preamble
- Statement of Object and Reasons
- Headings and marginal notes
- Sections and Sub-sections
- Punctuation marks
- Illustrations, Exceptions, Provisos and Saving clauses
- Schedules
- Non-obstinate clause

3.2. External aids to interpretation of Statutes

- Dictionaries
- Translations
- Debates, Inquiry Commission Reports and Law Commission Reports
- Travaux Preparatoires
- Statutes in pari materia- Meaning, importance and interpretation
- Contemporanea exposito

UNIT –IV -- PRESUMPTIONS IN STATUTORY INTERPRETATION:

- 4.1. Presumptions as to validity of Statutes
- 4.2. Presumptions as to territorial nexus of statutes
- 4.3. Presumption that statutes are consistent with International Law
- 4.4. Presumption as to prospective operation of Statutes
- 4.5. Presumption that Legislature knows Law and Judicial decisions
- 4.6. Legislature does not intend what is inconvenient and unreasonable

UNIT –V -- CONSIDERATIONS IN STATUTORY INTERPRETATION:

- 5.1. Considerations of Absurdity and Futility
- 5.2. Considerations of Reasonableness
- 5.3. Considerations of Injustice and Hardship
- 5.4. Considerations of Inconvenience
- 5.5. Considerations of consequences

UNIT –VI -- MAXIMS OF STATUTORY INTERPRETATION:

- 6.1. Delegatus non potest delegare
- 6.2. Expressio unis exclusion alterius
- 6.3. Generalia specialibus non derogant
- 6.4. Utres valet portitur quam pareat
- 6.5. Expressum facit cessare tacitum

UNIT –VII -- INTERPRETATION OF CONSTITUTIONAL PRINCIPLES:

- 7.1. Doctrine of Harmonious Construction
- 7.2. Doctrine of Pith and Substance
- 7.3. Doctrine of Colourable Legislation
- 7.4. Doctrine of Repugnancy
- 7.5. Doctrine of Ancillary Powers
- 7.6. Doctrine of Occupied Field
- 7.7. Doctrine of Residuary Powers

UNIT –VIII -- INTERPRETATION WITH REFERENCE TO SUBJECT MATTER AND PURPOSE:

8.1. With reference to Subject Matter –

- Penal Statutes
- Taxing Statutes
- Welfare Legislations

8.2. With reference to Purpose –

- Substantive and Procedural Laws
- Directory and Mandatory Provisions
- Codifying and Consolidating Statutes
- Enabling Statutes - Conferring Rights
 - Conferring Powers

Reference Books:

G.P. Sing, “Principles of Statutory Interpretation”, Wadhava & Co., Nagpur

P.St. Langan (Ed), Maxwell on the Interpretation of Statutes, N.M.Tripathy, Mumbai.

N.S.Bindra’s Interpretation of Statutes, M.N.Rao & Amita Dhanda(Ed), ButterworthWadhawa, Nagpur

V.P.Sarathy, ”Interpretation of Statutes”, Eastern Book Co., Lucknow

Dr. M.P.Tondon, “Interpretation of Statutes”, Allahabad Law Agency, Faridabad.

D.N. Mathur, Interpretation of Statutes”, Central Law Publication, Allahabad

Prof. T. Bhattacharya, Interpretation of Statutes”, Central Law Agency, Allahabad

M.P.Jain, “Constitutional Law of India”, Wadhava & Co., Nagpur

M.P.Sing, (Ed), V.N.Shukla’s Constitution of India, Eastern Book Co., Lucknow

U.Baxi, “Introduction to justice K.K. Mathew’s Democracy, Equality and Freedom, Eastern Book Co., Lucknow

DSC 402 - INTERNATIONAL HUMAN RIGHTS – (PAPER –II)

Objectives :

The Concept of 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, Regional & National 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 confirmed to deliberation of international law, to the growth of Human Rights law & how international norms & dissections are applied in municipal law of the country.

Learning Outcomes:

- To know the concepts of Human Rights Jurisprudence
- To Study International, Regional and National Perspectives of Human Rights.
- To learn Human Rights Promotion and Protection Mechanism

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:

| | |
|---|-----------------|
| Theory Examination – | 70 Marks |
| Internal Assessment: | |
| Assignment / Project Work / Presentation: | 20 Marks |
| Viva Voce College Level: | 10 Marks |
| | ----- |
| | 30 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 Theories of Human Rights
- 1.4 Evolution of the Concept of Human Rights- Ancient Times [5th Century B.C., Ancient Greece] Middle Ages [12th Century to 19th Century] Modern Ages - 20th Century
- 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 and Second World War - Consequences and Human Rights
- 2.2 Role of League of Nations
- 2.3 United Nations Charter and Human Rights
- 2.4 Role of Principal Organs of United Nations Organization on Human Rights
- 2.5 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 Optional protocols to the Covenant on Civil and Political Rights
- 3.4 The International Covenant on Economic, Social and Cultural Rights, 1966
- 3.5 Optional protocols to the covenant on International Covenant on Economic, Social and Cultural Rights

UNIT – IV -- INTERNATIONAL CONVENTIONS ON INHUMAN ACTS:

- 4.1 Genocide, Apartheid and Racial Discrimination
- 4.2 Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- 4.3 Slavery and Slave Trade, Forced or Compulsory Labour
- 4.4 Traffic in Persons and Prostitutions
- 4.5 International Humanitarian Law

UNIT – V -- HUMAN RIGHTS AT REGIONAL PERSPECTIVES:

- 5.1 Role and Importance of Regional Organisations
- 5.2 European Convention on Human Rights
- 5.3 American Convention on Human Rights
- 5.4 African Charter on Human and People's Rights
- 5.5 Human Rights in South Asia – SAARC

UNIT – VI -- HUMAN RIGHTS AND VULNERABLE GROUPS:

- 6.1 Women and Human Rights
- 6.2 Children and Human Rights
- 6.3 Aged Persons and Human Rights
- 6.4 Disabled Persons and Human Rights
- 6.5 Refugees and Human Rights

UNIT – VII -- HUMAN RIGHTS PROTECTION MECHANISM AT INTERNATIONAL LEVEL:

- 7.1 Role of Human Rights Commission
- 7.2 Role of Human Rights Council
- 7.3 Role of International Court of Justice (ICJ)
- 7.4 Role of International Criminal Court (ICC)
- 7.5 Role of International NGO's – Amnesty International, etc.

UNIT – VIII -- HUMAN RIGHTS PROTECTION IN INDIA:

- 8.1 The Protection of Human Rights Act, 1993
- 8.2 Role of Judiciary
- 8.3 Role of Non Governmental Organisations (NGO's)
- 8.4 National Commission on Women
- 8.5 National Commission for Minorities and Backward Classes.

Recommended Reading:

1. K. C. 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 India & International 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) 15th Ed.
5. Human Rights in Int. Law, Collected Texts – 2nd ed Universal Law Publication
6. Human Rights in the world, An introduction to the study of the International
7. Protection of Human Rights – 4th ed. A. H. Robertson & J. G. Merrills.
8. Ross Mallick, Development, Ethnicity & Human Rights in South Asia.

DSC- 403 – ADMINISTRATIVE LAW – (PAPER - III)

Objective :

To understand the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. To study different Constitutional principles, powers of administration, the control mechanism etc. Further to assess the liability of the government in torts and contract. 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 in administration in the present context. There is lot of scope of innovation and new interpretation. The main objectives of the course is-

- To equip students to understand, analyze, explain and classify the Administrative law.
- To unfold the conceptual and theoretical part of various Doctrines and Principles.
- To understand the abstract nature of jurisprudence and complexities of law.

Teaching Learning Method : -

Lectures, including special lectures by experts may be a good method of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT – I -- EVOLUTION, NATURE AND SCOPE OF ADMINISTRATIVE LAW:

- 1.1 Evolution, Definitions and scope of Administrative Law
- 1.2 Role of Modern Welfare State – From Laissez faire to welfare State
- 1.3 Relationship between Constitutional Law and Administrative Law
- 1.4 Reasons for growth of Administrative Law
- 1.5 Doctrine of Separation of Powers
- 1.6 Doctrine of Rule of Law

UNIT – II -- LEGISLATIVE POWERS OF ADMINISTRATION:

- 2.1 Meaning of and Necessity for Delegated Legislation
- 2.2 Functions which may be delegated (Permissible Delegation)
- 2.3 Functions which may not be delegated (Impermissible Delegation)
- 2.4 Legislative control of delegated legislation
- 2.5 Judicial control of delegated legislation

UNIT – III -- JUDICIAL POWERS OF ADMINISTRATION

- 3.1 Need for devolution of adjudicatory authority on Administration
- 3.2 Tribunals – Meaning, Nature, Constitution, Jurisdiction and Procedure
- 3.3 Natural Justice –Meaning, Nature, content etc.
 - Rule Against Bias – Types of Bias
 - Right of Fair Hearing- Components of Fair Hearing
- 3.4 Exceptions to natural justice
- 3.5 Effect of violation of natural justice

UNIT – IV-- JUDICIAL CONTROL OF ADMINISTRATIVE ACTION

- 4.1. Administrative actions- meaning and classification
- 4.2. Public law review- Prerogative writs – remedies
- 4.3. Grounds of Writ jurisdiction and judicial review
 - Illegality
 - Irrationality
 - Procedural impropriety
 - Unreasonableness
- 4.4. Conditions for exercising writ jurisdiction
 - Exhaustion of administrative remedies
 - Alternative remedy
 - Laches
 - Res Judicata
- 4.5 Private law review-remedies
 - Injunction
 - Declaration
 - Suit for damages
 - Specific performance and Civil Suits for compensation
 - Statutory appeals
- 4.6. Public interest litigations for enforcement of public duty

UNIT – V -- JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

- 5.1 Meaning and Need for administrative discretion
- 5.2 Judicial Control of administrative discretion
 - Failure to exercise discretion
 - Abuse of discretion
- 5.3. Doctrine of Proportionality
- 5.4. Doctrine of Legitimate Expectation
- 5.5. Exclusion of Judicial Review

UNIT – VI -- LIABILITY OF THE STATE

- 6.1 Sovereign and Non-Sovereign Function
- 6.2 Liability of government in Contracts
- 6.3 Liability of State in Torts
- 6.4 Doctrine of Estoppel and Waiver
- 6.5 Doctrine of Public Accountability
- 6.6 Government's privileges in legal proceedings

UNIT – VII -- SETTLEMENT OF DISPUTES AND GRIEVANCE REDRESSAL PROCEDURES:

- 7.1 Informal methods of settlement of disputes- Conciliation and mediation etc
- 7.2 Commission of Enquiry- The Commissions of Inquiry Act, 1952
- 7.3 Ombudsman in India - The Lokpal And Lokayuktas Act, 2013
- 7.4 Central Vigilance Commission- Central Vigilance Commission Act 2003
- 7.5 The Whistle Blowers Protection Act, 2014

UNIT – VIII -- RIGHT TO INFORMATION:

- 8.1 Official secrets Act- 1923
- 8.2 Right to Information Act, 2005-Salient features of the Act
- 8.3 Citizen charter - obligations of Public Authorities
- 8.4 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), Sweet 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. Lucknow.
- 14) N. K. Archarya, Commentary on Right to Information Act 2005, Asia Law House, Hyderabad.
- 15) P. K. Das, Universal's Handbook on The Right to Information Act, 2005, Universal Law Publishing Co. Pvt. Ltd., New Delhi.

DSC- 404 – BANKING AND INSURANCE LAW (PAPER – IV)**Objectives:**

Banking Institutions have become important players in the present day economy. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions into the agents of social change. Appreciating the importance, the Government has enacted several legislations 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 contract is subject to all the judicial interpretative techniques and has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

Method of Teaching:

Lecture method and interactive sessions of learning is the best method. Practicing Advocates, Bank, Insurance officials and other stakeholders may be invited to impart practical knowledge to the students on relevant topics. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods :

Theory Examination – 70 Marks

Internal Assessment: Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

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 Sec.138 of Negotiable Instruments Act – procedure of filing complaint, Defenses and Punishment
- 2.4 Penal provisions under Negotiable Instruments Act 1881.

UNIT – III -- BANKING REGULATION:

- 3.1 RBI – Constitution, Management and Functions
- 3.2 Banking Regulation Act, 1949 – Salient features.
- 3.3 Information Technology and E- Banking -
- 3.4 Bankers Book Evidence Act,

UNIT – IV -- GRIEVANCE REDRESSAL AND DEBT RECOVERY

- 4.1 RBI – Grievance Redressal Agency
- 4.2 Banking ombudsman, Powers & functions.
- 4.3 Role of Consumer Forums
- 4.4 Debt Recovery Tribunal

UNIT – V-- INTRODUCTION TO INSURANCE LAW:

- 5.1 Nature of Contract of Insurance
- 5.2 Principle of Insurable Interest
- 5.3 Principles of good faith
- 5. 4 Effect of Misrepresentation in Insurance Contract

UNIT – VI -- LIFE INSURANCE CONTRACTS:

- 6.1 Risk and circumstance affecting the risk
- 6.2 Amount recoverable under the Life Policy
- 6.3 Persons entitled to payment
- 6.4 Settlement of claim and payment of money

UNIT – VII -- GENERAL INSURANCE CONTRACTS:

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

UNIT – VIII -- REGULATION OF INSURANCE BUSINESS:

- 8.1 Life Insurance Act, 1956 – Salient features
- 8.2 General Insurance Act, 1972 – Salient features
- 8.3 Insurance Regulatory & Development Authority Act 1999-Salient features
- 8.4 Insurance Ombudsman-Powers & functions.

Prescribed Books:

1. M. L. Tannan – Law of Banking.
2. M. S. Parthasarathy (Ed.) Khergamvala-Negotiable Instruments Act.
3. Avtar Singh – Negotiable Instruments Act.
4. Basu – Review of Current Banking: Theory and Practice.
5. L. C. Goyle – The Law of Banking and Bankers.
6. K.S.N. Murthy and K.V.S. Sharma – Modern Law of Insurance in India.
7. M. H. Srinivasan – Principles of Insurance Law.
8. E. R. Hardy Ivamy – General Principles of Insurance Law,
9. The Life Insurance Corporation Act, 1956.
10. Motor Vehicle Act, 1988.
11. Recovery of debts due to Banks & Financial Institutions Act 1993.

DSC 405- ALTERNATE DISPUTE RESOLUTION (PAPER – V)

Objectives:

The major concern of law is conflict resolution. Familiarization with modalities and techniques of resolution of conflict is a necessary component in the endeavors 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 molding the students of law to act as soldiers of justice in the ever changing socio-economic scenario.

With the introduction of Section 89 in Civil Procedure Code 1908; Section 320 in Criminal Procedure Code, 1973 and amendments in the Arbitration and Conciliation Act 1996 in 2015 and 2019, alternative dispute resolution methods have been given a primary role in reducing arrears and promoting fast and affordable settlement of disputes. This course has two primary objectives. First, is to provide the students with the theoretical understanding of the concepts and the legal provisions relating to ADR. Secondly, the course is geared to train the students in the practical skills required to effectively participate in the ADR processes.

Teaching Learning Methods:

The teaching methods to be employed by teachers include lectures, simulation exercises, role plays/ field visits/ seminar/debate and other Clinical Legal Education methods.

Evaluation methods :

Theory Examination – 70 Marks

Internal Assessment: Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT-I -- INTRODUCTION

- 1.1 Adjudication Methods of Dispute Resolution (Adversarial & Inquisitorial) and Alternative Dispute Resolution System
- 1.2 Reasons for need of Alternatives to the Formal Legal System
- 1.3 Advantages and Disadvantages of Alternative Dispute Resolution System
- 1.4 Methods of ADR: Arbitration, Conciliation, Mediation, Negotiation, Lok-Adalat, Nyaya Panchayat
- 1.5 Suitability of ADRs to particular types of disputes.
- 1.6 International Commitments

UNIT-II -- ARBITRATION

- 2.1 Arbitration Meaning, Definitions and different kinds
- 2.2 Overview of Arbitration and Conciliation Act, 1996-
- 2.3 Qualities and Qualifications of an Arbitrator
- 2.4 Arbitration Agreement
- 2.5 Arbitral award -Appeal and Revision-Enforcement of foreign awards
- 2.6 Overview of International Rules: UNCITRAL Model Law

UNIT-III -- CONCILIATION

- 3.1 Conciliation Meaning and different kinds
- 3.2 Role, Qualities and Duties of Conciliator
- 3.3 Stages of Conciliation and its Process
- 3.4 Statutory provisions for Conciliation-
 - 3.4.1. Arbitration and Conciliation Act, 1996.
 - 3.4.2. Industrial Disputes Act, 1947;
 - 3.4.3. Family Courts Act, 1984;
 - 3.4.4. Hindu Marriage Act, 1955;

UNIT-IV -- MEDIATION:

- 4.1 Mediation Meaning, Kinds, Role and Skills of Mediator
- 4.2 Stages of Mediation
- 4.3 Code of Conduct for Mediator
- 4.4 ADR & Mediation Rules, 2006

UNIT-V -- NEGOTIATION

- 5.1 Meaning of Negotiation
- 5.2 Seven Elements of Negotiation
- 5.3 Different styles and strategies of Negotiation
- 5.4 Phases of Negotiation

UNIT-VI -- ADR IN ADMINISTRATION OF CIVIL JUSTICE

- 6.1 129th Report of the Law Commission of India as well as Justice Malimath Committee Report
- 6.2. Law Commission 222nd Report of India on Need for Justice-Dispensation through ADR
- 6.3 Overview Arbitration and Conciliation Act, 1996 as amended in 2015 (Arbitration Council of India) and 2019 (amendments in Schedules)
- 6.4 Sec. 89 and Order X 1 A,B,C of Civil Procedure Code, 1908

UNIT-VII -- ADR IN CRIMINAL JUSTICE SYSTEM

- 7.1 Sec. 320 of Criminal Procedure Code, 1973 - compoundable offences
- 7.2 Plea Bargaining – 154th Report of Law Commission of India – Overview
- 7.3 Plea Bargaining – Ch. XXI A of Criminal Procedure Code
- 7.4 Critical analysis of Plea Bargaining in India

UNIT VIII -- NEW DIMENSIONS OF ADR

- 8.1 Lok-Adalat, Nyaya Panchayat
- 8.2 Co-operative matters
- 8.3 Consumer matters
- 8.4 Accidental claims
- 8.5 Banking matters

Reference Books

1. P.C. Markanda: Law Relating To Arbitration and Conciliation, LexisNexis Publication
2. Sridhar Madabhushi: Alternative Dispute Resolution. LexisNexis Student edition
3. Rajan R. D.: A Primer on Alternative Dispute Resolution, Bharati Law Publication, Tirunelveli
4. S. C. Tripathi: Arbitration and Conciliation Act, 1996, Central Law Publication
5. Dr. Anupam Kurlwal: An Introduction to Alternative Dispute Resolution (ADR), Central Law Publication
6. B.P. Saraf and M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow White, Mumbai.
7. A.K. Bansal, Law of International Commercial Arbitration (1999), Universal, Delhi.
8. P.C. Rao & William Sheffield, Alternative Disputes Resolution-what it is and How it Works, Universal Law Publication, Delhi.
9. G.K. Kwatra, The Arbitration and Conciliation Law of India, Universal Law Publication, Delhi.
10. Basu N.D. Law of Arbitration and Conciliation, Universal Law Publication, Delhi.
11. Johari, Commentary on Arbitration and Conciliation Act 1996, Universal Law Publication, Delhi

AECC 406 - LAW AND ENTREPRENEUR SKILL

Objectives:

The main object of the course is to provide a basic knowledge of entrepreneurship and a legal perspective prevailing in India through which after successfully completed course student shall be able to:

- Analyse and critically evaluate the special conditions for companies, industries MSM (Micro, Small, Medium) entrepreneurship and other establishments.
- Account for and problematize the pros and cons of the working in local networks on authorities, enterprises and such establishments.
- Account for basic legal foundations and contractual constructions for business incorporations and activities in such establishments.
- Explain basically how to handle accounting and financial management in transactions.

Teaching Learning Methods:

Lecture method including special lectures of experts may be good process of learning. Projects, Research Paper Presentation, conduction internal examination and taking the students for visit of relevant Govt. offices of such establishment are the good form of teaching and learning.

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT -- I -- ENTREPRENEUR AND ENTREPRENEURSHIP: AN INTRODUCTION

- 1.1 A Philosophy of Entrepreneur and Characteristics of Entrepreneurship
- 1.2 History and Development of Entrepreneurship in India
- 1.3 Entrepreneurship: Social, Commercial it's Meaning & Concept
- 1.4 Basic Skills and Functions of Entrepreneurship

UNIT -- II -- Entrepreneurship: Laws for Incorporation in India

- 2.1 Statutory Companies- its Incorporation Process
- 2.2 Incorporation of Companies - Public, Private and One Person Company (OPC) - It's MOA, AOA & Alteration Process - Companies Act, 2013
- 1.3 Partnership Firm - Registration Process, Grounds for Dissolution - Indian Partnership Act, 1932
- 1.4 Limited Liability Partnership (LLP) – Registration Process, Grounds for Dissolution LLP Act, 2008
- 2.5 Sole Proprietorship- Registration Process
 - 2.5.1 Shop & Establishment Act
 - 2.5.2 Ministry of MSME
 - 2.5.3 GST Registration

UNIT -- III -- Entrepreneurship: Contracting & Accounting

- 3.1 Definitions- 'Proposal', 'Acceptance', 'Agreement', 'Contract', 'Consideration' and 3.2 Essentials of Valid Contract – Indian Contract Act, 1872
- 3.3 Discharge of Contract and Remedies for Breach of Contract
- 3.4 Book Keeping – Meaning, Types and Balance Sheet
- 3.5 Income Tax Act, 1961- Object and Scope, Certain Basic Concepts- ITR, TDS, Set-Off, Counterclaim, Exemption etc.

UNIT -- IV -- Entrepreneurship: Concern Laws for Good Administration

- 4.1 Industrial Dispute Act, 1947- Object & Scope, Settlement Mechanism
- 4.2 Employee's Compensation Act, Employee's State Insurance Act, Employee's Provident Fund & Miscellaneous Provisions Act – Objects and Benefits ensured
- 4.3 Payment of Wages Act- Permissible Deductions, Minimum Wages Act- Object & Scope, Factories Act- Salient Features
- 4.4 Intellectual Properties: It's Kinds and Protecting Laws
- 4.5 Startup India Scheme, 2016

Reference/ Suggested Books

1. Abha Mathur, *Fundamentals of Entrepreneurship*, Taxmann Publication
2. Rosedar S.R.A. *Company Law*, LexisNexis Publication.
3. Dr. N.V. Paranjape, *The New Company Law*, Central Law Agency, Allahabad.
4. R.C. Chawla, K.S. Garg, V.K. Sareen, *Marchantile Law*, Kalyani Publication.
5. Avtar Singh, *Law of Contract and Specific Relief*, LexisNexis Publication
6. Avtar Singh & Harpreet Kaur, *introduction to Labour and Industrial Laws*, LexisNexis Publication.
7. S.N. Mishra, *Labour & Industrial Laws*, Central Law Publication, Allahabad.
8. V K Ahuja, *Law Relating to Intellectual Property Rights*, LexisNexis Publication.
9. Dr. J.P. Mishra, *Introduction To Intellectual Property Rights*, Central Law Publication, Allahabad.

Model Question Paper Format:

First year of Three Year LL.B., (Semester I) CBCS

Examination, October, 2019

Law of Contract – I (Paper – I)

Subject Code: _____

Day & Date: _____

Total Marks: 70

Time: _____

Instructions:

1. Attempt any four questions from Q. No. 1 to 7.
2. Q. No. 8 is compulsory.
3. Figures to the right indicate full marks.

Q.1. _____ (15)

Q.2. _____ (15)

Q.3. _____ (15)

Q.4. _____ (15)

Q.5. _____ (15)

Q.6. _____ (15)

Q.7. _____ (15)

Q.8. Write short notes (Any Two): 2 x 5 (10)

a) _____

b) _____

c) _____

d) _____
