

**THE TAMIL NADU Dr. AMBEDKAR LAW UNIVERSITY**  
(State University Established by Act No. 43 of 1997)  
"Poompozhi", No. 5, Dr. D.G.S. Dinakaran Salai, Chennai-600 028

**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2012-2013 BATCH**

(Present I year)

<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
I Year	1. English II
II Semester	2. History II
	3. Political Science I
	4. Sociology I
	5. Contracts II

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**ENGLISH - II**  
**PROSE SECTION**

**Unit – I (35 marks)**

- |                                     |   |                      |
|-------------------------------------|---|----------------------|
| 1. Moots and Mock Trials            | – | Glanville Williams   |
| 2. The Divisions of the Law         | – | Glanville Williams   |
| 3. In the Court                     | – | Anton Chekov         |
| 4. The Five Functions of the Lawyer | – | Arthur T. Vanderbilt |
| 5. The Language of the Law          | – | Urban A. Lavery      |

**Unit - II**

- |   |   |                    |
|---|---|--------------------|
| 6. Cross – Examination of Pigott before the Parnell Commission      | – | Sir Charles Russel |
| 7. A Plea for the Severest Penalty upon his Conviction for Sedition | – | M.K. Gandhi        |
| 8. Educating Lawyers for A Changing World                           | – | Erwin N. Griswold  |
| 9. Due Process of Law – Part I                                      | – | Lord Denning       |
| 10. Ethics – On virtues & vices                                     | – | Aristotle          |

**Unit – III**

**Language Acquisition and use of Language** (10 marks)

Four Skills of Language Learning – Understanding Spoken Language and Speaking – Understanding Written Language and Writing – Stages of Acquisition of Languages – Laws of Language Learning – Factors Influencing Results in Language Learning – Place of Mother Tongue in Language Learning.

**Figures of Speech**

Simile, Metaphor, Hyperbole, Allegory, Personification, Metonymy, Synecdoche, Euphemism, Climax, Bathos, Epigram, Pun, Irony, Alliteration, Assonance and Tautology – examples.

## Unit – IV (15 marks)

### Logic

(10 marks)

1. The scope of Logic – Definition of Logic – Logic and Psychology and Ethics – The Principles of thinking and syllogism.
2. Proposition and its parts – classification of propositions – Distribution of terms – The opposition of propositions.
3. Syllogism – Kinds and rules of syllogisms.
4. Fallacies – deductive fallacies – formal and material fallacies – inductive fallacies.

### Composition

(5 marks)

Essay Writing on topics of Legal interest precise writing and letter writing.

## Unit – V (10 marks)

Copy attached – 100 Legal Terms

### Books Recommended

1. *Law and Language* by Bhatnagar
2. *Learning the Law* by Glanville Williams
3. *Due Process of Law* by Lord Dennings.
4. *The Language Riddle* by David Annousamy

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### List of Legal Terms

Accomplice	Homicide	Proviso
Ad-Idem	In Camera	Quid Pro quo
Adjudication	In-forma Pauperis	Receiver
Adjournment	In-Limine	Redemption
Admission	Injunction	Remand
Advalorem	Insolvency	Remedy
Affidavit	Insurance	Rent
Amendment	Issue	Resjudicata
Amicus Curiae	Judgement	Settlement
Approver	Jurisdiction	Sine-die
Bona-fide	Liability	Specific performance
Breach of Contract	Licence	Stamp duty
Capital Punishment	Magna Carta	Stay of execution

Coercion	Maintenance	Summons
Compromise	Malafides	Surety
Consent	Minor	Taxation
Counter claim	Mortgage	Tenant
Cur.advelt	Murder	Title
Damages	Natural Justice	Tort
Defamation	Necessaries	Trademark
Defence	Negligence	Transfer
De-facto	Negotiable Instrument	Treason
De-jure	Oath	Trespass
Deposit	Obscene	Trial
Detinue	Partition	Trust
Distress	Persona designate	Ultra-vires
Earnest-Money	Perjury	Usage
Equity	Plaintiff	Vakalat
Estoppel	Power of attorney	Verdict
Evidence	Pre-emption	Vis-Major
Execution	Prescription	Void
Ex-parte	Presumption	Voidable
Fraud	Privity	Waiver
Habeas Corpus	Promissory note	
Hearsay	Proof	

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**HISTORY (II)**

**Unit – I**

1. Administration of justice in the Presidency Towns of Madras, Bombay and Calcutta from 1600 – 1726 and the development of Courts and Judicial Institutions.
2. Mayor's Court and the Charter of 1726.
3. Warren Hasting's Plans of 1772, 1774 and 1780.
4. Supreme Court at Calcutta, its composition, powers and functions – The Settlement Act of 1781.
5. Judicial measures of Cornwallis 1787, 1790 and 1793.

**Unit II**

1. Dual System of administration of justice – Amalgamation of the two systems of courts – The High Courts Act 1861 – Federal Court – High Court Act under the Constitution.
2. Development of the Rule of Law.
3. Separation of powers and the independence of judiciary.
4. Privy Council as a Court of Appeal and its jurisdiction – Abolition of the jurisdiction of the Privy Council.
5. History of Law Reporting in India.

**Unit III**

1. Legislative authority of the East India Company under the Charters of 1600, 1661 and 1726.
2. Regulating Act, 1773, the Pitts India Act of 1784 – Powers and functions of the Governor – General and Council.
3. Charter Acts of 1793, 1813, 1833 and 1853.
4. The Government of India Act 1858, The Indian Councils Acts of 1861 and 1892.

**Unit IV**

1. The Minto – Morley Reforms of 1909.
2. The Mont – Ford Reforms of 1919 – Dyarchy – Bicameral legislature – Powers and functioning of Dyarchy.
3. The Government of India Act 1935 – Federal Assembly and the Council of States – Provincial Autonomy – Governor – State Legislature – Council of Ministers in the provinces and their powers and functions.

## Unit V

1. Development of Legal Profession till 1724 – Legal profession under the Supreme Court – Provision for enrolment of advocates under the Legal Practitioners Act – Provision for enrolment of the Advocates Courts Act 1861.
2. Bar Committee of 1923 and Bar Council of 1926 – The Committee, 1951.
3. The Advocates Act 1961, The All India Bar Council and State Provisions relating to enrolment - Maintenance of discipline.
4. Development of Legal Education.

### Books for Study:

1. M.P.Jain, Outlines of Indian Legal History.
2. V.D.Kulshreshtha, Landmarks in Indian Legal and Constitution.
3. V.D.Mahajan, Constitutional History of India.
4. M.Rama Jois, The Constitutional History of India.

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**POLITICAL SCIENCE - I: POLITICAL THEORY**

- Unit - I**     **Introduction to Political Science** - Meaning, Nature & scope of Political Science – Methodology - Political Science and allied studies like & History - Economics - Sociology - Geography - Anthropology - Jurisprudence - Ethics.
- Unit- II**     **Approaches to Political Analysis** - Traditional approach - Modern approach - Post-modern approach - Behavioralism - Post-behavioralism - Systems approach - Structural functional analysis - Marxist approach.
- Unit- III**     **Origin of State** - Theories of origin of State - Divine Right theory – Patriarchal & Matriarchal theories - Social Contract theory - Evolutionary theory - Evolution of modern State and the Post-modern State.
- Unit- IV**     **Elements of State** - State and Nation - State and Sovereignty - Is sovereignty a waning concept? - Characteristics of Sovereignty - Classification of Sovereignty - Legal and Political - Austin's theory of sovereignty – sovereignty and Constitutional Law - sovereignty in International Law.
- Unit - V**     **Meaning, nature and scope of citizenship** - Global citizenship - Methods of acquiring and losing citizenship - Rights and duties of citizens - classification of rights - theories of rights - Human rights - Rights and duties..
- Unit- VI**     **Liberty, equality and justice** - Philosophical foundations - constitutional protection and limitations - Marxist view on freedom - Liberalism - Idealism - Individualism - Socialism - Facism - Imperialism –Marxism
- Unit –VII**     **Classical Political theory:** Political Theory of Classical Greece; Republicanism, Political Theory and Political Economy, Political Theory and Social Theory, Modernity and its critics, Marxian Thought,
- Unit –VIII**     **Contemporary Political Thought :** Critical Theory beyond Habermas, Liberal Pragmatist Political theory, Feminism and Canon of Political Thought, Pluralist Construct, Regionalization and its challenges, Interpretations in Contemporary Islamic thought
- Unit – IX**     **Evolution of government** - classification of government - Aristotle's classification - Modern classification - Merits and demerits of democracy, merits and demerits of Monarchy, Merits and demerits of Dictatorship - Role of Law in governance - Laissez-faire and Welfare governments.
- Unit- X**     **Forms of Government** - Parliamentary & Presidential - Unitary & Federal - SOP & Checks and balances - Unicameral & bicameral legislatures - Cabinet form of government - Role of Political Parties - Public opinion - Limits of governments - Revolution.

**Books**

1. Amal Ray & Mohit Bhattacharya, Political Theory: Ideas & Institutions, The World Press Pvt.Ltd., Kolkata
2. A. Appadurai, The Substance of Politics, Oxford University Press, New Delhi, 2000.
3. O. P. Gauba, An Introduction to Political Theory, MacMillan, New Delhi, 2009.
4. A. C. Kapoor, Principles of Political Science, S. Chand & Co., New Delhi, 2008.
5. Asirvatham

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**SOCIOLOGY - I**

**UNIT – I: The emergence of sociology**

Definition of sociology – Origin, development and scope of sociology – sociology and its relationship with other social sciences – basic concepts - theoretical perspectives in sociology.

**UNIT – II: Socialization and Culture**

Socialization: Importance – process - stages - agencies – theories of socialisation.

Culture: Characteristics and functions – material and non-material culture – cultural lag – Role of culture in socialization – Westernization.

**UNIT – III: Social groups and Social institutions**

Social Groups: Types of groups – characteristics – functions – differences – reference group.

Social institutions: Marriage – family – kinship – types – importance and its functions.

**UNIT – IV: Social stratification and Social mobility**

Social stratification: Characteristics and functions – forms of social stratification - estate system – caste system – class system.

Social mobility: Definition and types – horizontal mobility – vertical mobility – intra and intergenerational mobility – consequences of social mobility.

**UNIT – V: Social control and Social deviance**

Social control: Definition - nature of social control – types of social control – agencies of social control.

Social deviance: Definition and types of deviance – factors facilitating deviance – social significance of deviant behaviour – Contemporary development in deviance.

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**CONTRACTS - II**

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts).

**UNIT - I : INDEMNITY AND GUARANTEE**

Definition - English and Indian.

Distinction between indemnity and guarantee.

Rights of the indemnity holder.

Rights of the indemnifier.

Implied indemnity dealt with Section 59,145,164 and 222 of the Contract Act.

Codification not exhaustive-principles of equity applicable.

Definition - English and Indian definitions.

Essentials and nature of guarantee.

Distinction between guarantee and indemnity - guarantee and insurance.

Elements of consideration in a contract of guarantee.

Nature and quantum of surety's liability.

Kinds of guarantee and their incidents.

Suretyship arises on contract and not on notice-position in English Law.

Duty of disclosure in guarantee.

Rights of surety against principal debtor-credit-co-sureties-difference in English Law-Circumstances which a surety discharges.

**UNIT - II : BAILMENT**

Definition - Indian and English definitions.

Essentials of bailment and classification of bailment.

Distinction between bailment and pledge-deposit-sale-agency.

Rights and duties of the bailor and bailee-difference in English Law.

Pledge-definition-Rights of the Pawner and Pawnee.

Pledge by non-pawners.

Lien-kinds of lien-their nature and incidents - how lost

### **UNIT - III : SALE OF GOODS**

Definition of sale and agreement to sell - distinction between sale and agreement to sell - Contract of work and layout. Hire purchase agreement - Bailment - Exchange - Gift.

Definition-goods – specific goods-future goods-Mercantile agent-Documents of title of goods.

How is sale made-rules for fixing price and effect of goods getting damages or perished in a contract of sale.

Stipulation as to time and other stipulation.

Conditions and warranties – Effect of breach – Ex-post facto warranty – when condition is treated as warranty.

Implied conditions and warranties – in a contract of sale – Exemption clauses-effect of fundamental breach.

Rule as to passing off property.

Sale by non-owners, exception to Nemo dat quod non habet.

Rules as to delivery.

Unpaid vendor – His Rights or lien and stoppage in transit.

Remedies available to seller and buyer.

Auction sale.

### **UNIT – IV : AGENCY**

Definition of contract of agency – Creation of agency-kinds of agency.

Distinction between Agent and servant and independent contractor.

Who may be an agent-kinds of Agent – Authority of the different kinds of Agent – Authority of Agents – Ostensible and emergency authority – delegation of authority – delegates non protest delegare – sub agent – substituted agent.

Essential of ratification and its effect.

Effect of notice to agent – necessary conditions to bind Principal.

Principal and third parties – The doctrine of undisclosed principal and concealed Principal.

Termination of agency and when it becomes irrevocable.

### **UNIT – V : PARTNERSHIP**

Definition of Partnership–Essential of partnership–Joint Hindu– partnership.

Distinction between partnership and co-ownership – Joint Hindu family – Incorporation companies – contract of service – legal notion and mercantile notion.

Kinds of partners and duration of partnership.

Mutual rights and duties of partners.

Minor as a partner – difference in English Law.

Rights of Legal Representative and surviving partners.

Authority of partners – implied and emergency.

Liability of the partners of the acts of the firm and for the wrongful acts of other partner – nature of liability.

Principle of agency in partnership.

Partnership property – Tests.

Settlement of accounts – goodwill and its disposal – distribution of assets.

Retirement of partners.

Dissolution of firm and modes and circumstances.

Effect of non – registration of firm.

**Books Recommended:**

The Law of Contracts – Dr.Avtar Singh

Sale of Goods Act – Mulla

Law of Contracts – Krishna Nair

Law of Contracts – Anson

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<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
II Year IV Semester	<ol style="list-style-type: none"><li>1. Political Science III</li><li>2. Economics II</li><li>3. Jurisprudence</li><li>4. Constitutional Law II</li><li>5. Family Law II</li></ol>

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**POLITICAL SCIENCE III: INTERNATIONAL RELATIONS**

- Unit - I** Introduction to Industrial Relations - Evolution of State as a player in Industrial Relations - Industrial Relations in ancient, medieval and modern periods - relationship between International Relations and International Law. Theories of International Relation - Moralism Theory - Merits and Demerits - Liberalism and International Relations - merits and demerits - Realist theory merits and demerits - Marxian theory merits and demerits - Neo-realist and neo-liberalist theories of modern World - Alternative approaches to Theories of International Law.
- Unit - II** Feminist, Post-colonial, Post-modern theories - concept of Political power - Importance and relevance of political power of the state - concept of National power - Elements of national power - Limitations on national power. Role of political power in International Relations - struggle for political power - consolidation of political power - war as a method of wielding power - (military, economic and cultural) imperialism in I.R. - Two World Wars and their impact.
- Unit - III** Balance of Power in I.R. - Patterns of Balance of Power - Methods of Balance of Power - Divide and rule - compensations - Armament - Alliances - Importance and relevance of Balance of Power. Balance of Power and International morality - Balance of Power and World Public opinion - Balance of Power and International Law - Ideological differences and Balance of Power - Bipolar World - Cold War - end of Cold War.
- Unit - IV** Role of wars in international relations - Wars in International Law - Armament - developments in Warfare - Total War - Alliances & Counter alliances - Non-aligned movement - Disarmaments - Treaties - changing character of War - Conventions and the development of International Law through international relations - League of Nations and United Nations - SALT-I, II - Regional arrangements. Diplomacy - functions of diplomacy - future of diplomacy - types of diplomacy - Diplomacy and Terrorism - contemporary developments - U.N's role in international peace & security.
- Unit - V** Globalization and international relations - Theories of Globalization (Realists, Liberalists, Marxist and Constructivist), Role of Science and Development in International Relations and their impact on Globalization. Contemporary issues of International Relations - Non-State actors - Terrorism - Environmental issues - Nuclear proliferation - Global trade and finance - Poverty and development - Human Security - Human rights - International Humanitarian Laws and interventions.

**Books**

1. Hans J. Morgenthau, Politics Among Nations: The Struggle for Power & Peace, Kalyani Publishers (Indian Reprint), ND 1997
2. Norman D. Palmer & Howard C. Perkins, International Relations: The World Community in Transition, CBS Publishers & Distributors, ND, 1985
3. John Baylis, Steve Smit & Patricia Owens, The Globalization of World Politics, OUP, London, 4<sup>th</sup> ed. 2008.
4. Charls W. Kagley JR & Eugene R. Wittkopt, World Politics: Trend & Transformation, 4<sup>th</sup> ed. St. Martins Press, N.Y. 1993.

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**ECONOMICS – II**

**Unit I**

**Introduction**

1. India as a typical underdeveloped economy
2. Concepts of growth and development
3. Economic and non-economic factors affecting growth
4. India as a mixed economy : Role of public sector, private sector and joint sector.

**Unit II**

**National Income of India – Poverty, Unemployment and Population Problems**

1. National Income of India: Trends in growth – measurement – Inequalities of income and wealth.
2. Poverty : concepts – measurement – poverty eradication programme
3. Unemployment : concept – employment generation schemes
4. Population : Nature and magnitude of the problem – population policy.

**Unit III**

**Agriculture**

1. Salient features of Indian Agriculture
2. Land Reforms
3. Green Revolution
4. Agricultural Marketing
5. Agricultural Credit
6. Problems of Agricultural Labour
7. Integrated Rural Development

**Unit IV**

**Industry**

1. Role of Industry in economic development.
2. Industrial Policy of the Government of India since Independence.
3. Small scale and cottage industries : role and Government policy.
4. Industrial Labour – Relations and Labour Legislations
5. Trade Unions and Social Security Schemes

## Unit V

### **Planning in India**

1. Basic objectives and achievements of planning in India
2. Strategy of planning – priorities between agriculture and choice of technology
3. Basic needs approach
4. Deficit Financing
5. Export and Import policies
6. Role of External Assistance in India's economic development
7. Economic Reforms since 1991

### **Books for study:**

1. Reddar Datt and K.P.M.Sundharam: Indian Economy
2. Alak Ghosh: Indian Economy
3. A.N.Agarwa: Indian Economy
4. Dhingra: Indian Economy
5. Sankaran S: Indian Economy
6. W. Arthur Lewis: The Theory of Economic Growth
7. Nurkse: Problems of Capital Formation in Underdeveloped countries.

### **Books for Reference:**

1. P.K. Chaudhri: The Indian Economy: Poverty and Development
2. C.T.Kurien: Planning, Poverty and Social Transformation
3. M. Lipton: Why Poor People Stay Poor? Urban Bias in Development
4. Mahbub UI Haq: The Poverty Curtain: Choices for the Third World
5. P.C. Joshi: Land Reforms in India
6. Gunnar Myrdal: Asian Drama
7. Michael P.Todaro : Economic Development in the Third World
8. Government of India: Five Year Plans

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**JURISPRUDENCE**

**Unit – I**      **Nature, definition and schools of jurisprudence** - Nature and definition of jurisprudence – Analytical positivism, Natural law school, Historical school, Sociological school – Economic interpretation of law, Indian jurisprudence – Concept of dharma, PIL, social justice and compensatory jurisprudence.

**Unit – II**      **Nature and purpose of law** – Nature and definition of law, constitutional law and international law and their nature. Justice, critical studies, feminist jurisprudence and Art 142 of Constitution – The administration of justice.

**Unit – III**      **Sources of law** – Legislation – Nature of legislation – Supreme and subordinate legislation – Relation of legislation to other sources, codification and the interpretation of enacted law. Precedent – The authority of precedents – Circumstances destroying or weakening the binding force of precedent, the hierarchy of authority – Ratio decidendi and judicial reasoning. Custom: Kinds of custom, conventional custom, local custom, custom and prescription – The general custom

**Unit – IV**      **Legal concepts I** – Legal rights and duties – Right – Duty correlation – Persons – Nature of personality – Status of unborn, minor, lunatic, drunken and dead persons – Corporate personality possession and ownership.

**Unit – V**      **Legal concepts II** – Title, property, liability, obligation and the law of procedure.

**Books prescribed**

- |                |   |                |
|----------------|---|----------------|
| 1. Salmond     | - | Jurisprudence  |
| 2. Paton       | - | Jurisprudence  |
| 3. H.L.A. Hart | - | Concept of law |
| 4. Dias        | - | Jurisprudence  |
| 5. Bodenheimer | - | Jurisprudence  |

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**CONSTITUTIONAL LAW OF INDIA - II**  
**Constitutional Structure and Centre - State Relations**

**UNIT - I**  
**The Union and State Executive**

The Union Executive - The President – Election, Term of Office, Powers and functions, Impeachment – Immunities – Pardoning power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor – Appointment, Powers and functions - Immunities – Pardoning power – Removal of Governor, Doctrine of Pleasure - State Council of Ministers

**UNIT -II**  
**Legislature and Judiciary**

Composition of Parliament and State legislatures – Office of the Speaker – Qualification/Disqualification of Members - Legislative Procedures, Legislative Privileges – Judicial interpretations – Anti Defection law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) – Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court – Civil, Criminal and in other Matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation – Compensatory Jurisprudence - Independence of Judiciary - Tribunals

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

**UNIT - III**  
**Centre – State: Distribution of Legislative, Administrative and Fiscal Powers & Freedom of Trade and Commerce**

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject-matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field- Colourable Legislation - Parliament’s Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.

Administrative relations – Full faith and credit clause – Centre and inter-state conflict management

Fiscal Relations – Sharing of tax – Grants-in-Aid – Restriction on the power of state legislatures – Doctrine of immunity of Instrumentality – Borrowing powers – Constitutional Limitations

Freedom of Trade, Commerce and Intercourse ( Art. 301-307 ) - Meaning of Freedom of trade, commerce and intercourse - Power of Parliament – Restrictions – Goods and Service Tax (GST) Impact of Globalization.

## UNIT – IV

### Emergency Provisions

**Emergency Provisions-** National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non-compliance.

**State Emergency** - Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357) –

### Financial Emergency (Article 360)

Emergency and suspension of fundamental rights

## UNIT – V

### Other Constitutional Functionaries

Organisation, powers and function of Election Commission of India, Union Public Service Commission, State Public Commission, Comptroller and Auditor General, Attorney General & Advocate General– Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311 – Role of Finance Commission – Planning Commission – Inter- state Council – National Development Council – Local Self Government (Panchayat Raj)

### Recommended Book:

M. P. Jain- Indian Constitutional Law – Relevant Volumes

### Reference Books

D.D.Basu, Shorter Constitution of India,  
Virendra Grover, Centre – State Relations.  
M.P.Singh(ed.), V.N.Shukla, Constitutional Law of India  
Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)  
Constituent Assembly Debates Vol. 1 to 12 (1989)  
M.V.V. Ramana, Inter-State River Water Disputes in India  
Anirudh Prasad, Centre-State Relations in India  
Reports of the Sarkaria, M.M.Punchi, Santhanam Commission on Centre-State Relations  
H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay  
Palanithurai , G. Dynamics of New Panchayati Raj Systems In India Vol. I & II  
D. N. Banerjee, Some Aspects of the Indian Constitution  
G. Austin, Indian Constitution: Cornestone of a Nation (1972).  
S.C.Kashyap, Parliamentary Procedure Law Privilage Practice & Precedents  
Dr. V. N. Shukla – Constitution of India  
N.A.Subramaniam – Case law on the Indian Constitution  
T. K. Tope – Constitutional Law  
D.J. De – The Constitution of India Vol. I and II  
Administrative Reforms Committee Vol I and II  
Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)

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**FAMILY LAW – II**

**Unit I: Joint Hindu Family**

Institution of joint family – Coparcenary system – Classification of properties – Karta – Status, powers and duties – Principle of survivorship and succession – Partition.

**Unit II: Intestate succession**

General principles of succession under Hindu Law, Muslim Law and Christian Law – Statutory conditions of disinheritance and disentitlement – Comparative analysis of right to property of women under different Religious and Statutory law. Dwelling house and Right of Pre-emption.

**Unit III: Testamentary succession**

Testamentary succession under Hindu, Muslim and Christian Law – Limitation to testamentation under various religious and statutory law – Will and administration of will – Codicil – Lapse, abatement and ademption of legacies – Probate, letters of administration and succession certificate.

**Unit IV: Gift under Islamic Law**

Hiba – Nature and characteristics of Hiba – Subject matter of Hiba – Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz – Revocation of gift.

**Unit V: Religious endowments and wakf**

Hindu religious endowments – Wakf – Meaning – Formalities of creation – Types and administration of wakf – Mutawalli and his powers – Muslim religious institutions and offices.

**Statutory material:**

The Hindu Succession Act, 1956 with recent amendments  
Indian Succession Act, 1925  
The Hindu Women's Right to Property Act, 1937  
The Wakf Acts.

**Books recommended:**

Mulla	-	Hindu Law
N.R. Raghavachari	-	Hindu Law
Dr. Paras Diwan	-	Family Law
Fyzee	-	Outlines of Mahomedan Law
Paruck	-	Indian Succession Act

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**B.A., B.L. (HONS.)**  
**2010-2011 BATCH**  
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<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
III Year VI Semester	1. Law, Poverty and Development 2. Property Law 3. Labour Law II 4. Law of Insurance 5. Banking Law

**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
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(Present III year)

**ECONOMICS (4) – LAW, POVERTY AND DEVELOPMENT**

**UNIT – I**

**Constitutional Provisions**

1. Indian Constitution and Economic Justice
2. Economic Justice and Social Development
3. Socialistic State Vs Liberal State
4. Poverty and Development
5. Directive Principles of State Policy and Poverty alleviation
6. Constitutionality of anti-poverty programmes and poverty line a basis of ‘State Action’.

**UNIT – II**

**The Concept of Poverty and its Determinants**

1. Economical – Cultural – Situational poverty.
2. Distinction between ‘natural’ and ‘social’ poverty.
3. ‘Absolute’ and ‘relative’ poverty.
4. Population growth as determinant of poverty.
5. Legal System as a determinant of poverty.
6. Planning as a determinant of poverty.

**UNIT – III**

**Identification and Measurement of Poverty**

1. Poverty line as a way of identifying the impoverished.
2. Problems of data and India-wide generalization.
3. Nutritional norm of poverty line.
4. ‘Income’ and ‘Consumption’ Criteria and indices of poverty.
5. The problem of heterogeneity of the poor and poverty line conceptions.
6. Crossing of poverty line.

**UNIT – IV**

**Anti-Poverty Programmes**

1. Small Farmer Development Programme.

2. Project for Marginal Formers and Agricultural Labourers.
3. The Drought – Prone Areas Programme (DPAP)
4. Integrated Rural Development Programme (IRDP)
5. National Rural Employment Programme (NREP)
6. Rural Landless Labour Employment Guarantee Programme.
7. ‘Food for Work’ and Minimum Employment Guarantee Programme.

## UNIT – V

### Weaknesses in Implementing Anti-Poverty Programmes and Remedies

1. Identification of Beneficiaries.
2. Arbitrariness and Application of ‘Poverty Line’ measures.
3. Administrative and structural weaknesses.
4. Right to access to information.
5. Legal accountability.
6. Judicial remedies for maladministration.

### Books for Reference:

1. Upendra Baxi (ed.) : Law and Poverty (1988), Tripathi, Mumbai
2. A.W.Murphy, et.al : Law and Poverty (1973), Tripathi, Mumbai
3. J.S. Gandhi : Law and Social Change (1989), Rawat, Jaipur
4. A.N.Agarwal : Indian Economy, Problems of Development and Planning, Wishwa Prakashan, New Delhi
5. Government of India, Planning Documents relating to Poverty alleviation programmes at different times.

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(Present III year)

**PROPERTY LAW INCLUDING T.P. ACT & EASEMENTS**

**I. General Principles of Transfer :**

Concept of Property – different types of ownership – equitable principles of transfer of property – other general principles relating to transfer of property.

**II. Specific Transfers:**

Sale of immovable property – mortgage – lease – charge – gift – exchange and auctionable claims.

**III. Easements and Law of Trusts**

**Books Prescribed :**

1. G. Sanjiva Row : Commentaries on Easements and Licence
2. Vepa P. Sarathi : Law of Transfer of Property Act
3. Shah : Principles of Transfer

**Books for Reference :**

1. W.Friedmann - Law in a changing society
2. Mulla - Transfer of Property
3. Mitra B.B. - Transfer of Property
4. Goyle - Transfer of Property
5. C.L.Gupta - Law of Transfer of Property
6. Khatiar - Law of Easements

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**LABOUR LAW – II**

**UNIT - I**

**Social Security and Welfare Legislations:**

Evolution of concept of Social Security Legislation – Object of Social Security Laws.

**UNIT – II**

**The Workmen’s Compensation Act, 1923:**

Scope and objects – Coverage – Liability of the employer to pay compensation – Personal injury – Accident arising out of and in the course of employment – National extension theory of employers premises – Occupational disease - Calculation of compensation – Principal employer’s right of indemnity – Commissioner’s powers and functions.

**UNIT – III**

**The Employee’s State Insurance Act, 1948:**

Objects – Applications – ‘Seasonal Factory’ – Definitions – E.S.I. Corporation – E.S.I. Funds and payment of contributions – E.S.I. Benefits, Adjudication of disputes – E.S.I. Court, Jurisdiction, penalties.

**UNIT – IV**

**The Maternity Benefits Act, 1961:**

Object and application – Eligibility and maternity benefits – Notice of claim –Prohibition against dismissal, wage deduction –Powers and duties of Inspectors.

**UNIT – V**

**The Employee’s Provident Funds and Miscellaneous Provisions Act, 1952:**

Scope, coverage and application of the Act – Definition, Authorities – their powers and functions, contribution – Provident Fund Schemes.

**UNIT – VI**

**The Payment of Bonus Act, 1965:**

Bonus Commission – Definitions; Kinds of Bonus – Coverage, available surplus, allocable surplus; set on; set off; forfeiture of Bonus, prior charges – Eligibility and extent of Bonus – Machinery.



## UNIT – VII

### Payment of Gratuity Act, 1972:

Background, object and definitions – Eligibility for payment of gratuity – Forfeiture, exemption, determination, Controlling Authority.

## UNIT – VIII

### Factories Act, 1948:

Background and definitions – Formalities to start a factory – Health, Safety and Welfare measures – Working Hours – Employment of young persons – Annual leave with wages – Special provisions.

## UNIT – IX

### The Tamil Nadu Shops and Establishments Act, 1947:

Applicability – Persons covered by this Act, opening and closing hours, employment of young persons – Working hours, public holiday, safety, cleanliness – Leave – Annual Leave with wages.

### **Books Prescribed:**

1. Madhavan Pillai                    - Labour and Industrial Law
2. S.N.Mishra                        - Labour and Industrial Law
3. V.G. Goswami                    - Labour Law

### **Statutory Materials :**

1. The Workmen's Compensation Act, 1923.
2. The Employee's State Insurance Act, 1948.
3. The Maternity Benefits Act, 1961.
4. The Employee's Provident Funds and Miscellaneous Provisions Act, 1952.
5. The payment of Bonus Act, 1965.
6. Payment of Gratuity Act, 1972.
7. Factories Act, 1948.
8. The Tamil Nadu Shops and Establishments Act, 1947.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
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**LAW OF INSURANCE**

1. UNIT – I

**INTRODUCTION:**

- 1.1 Nature & scope of insurance.
- 1.2 History of Marine, Fire & Life insurances.

2. UNIT – II

**GENERAL PRINCIPLES OF LAW INSURANCE:**

- 2.1 Essential elements of insurance contracts.
- 2.2 Classification of insurance.
- 2.3 Formation of insurance contracts.
- 2.4 Nature of insurance contracts.
  - 2.4.1 Contract is Aleatory;
  - 2.4.2 Contract of Uberrima fide;
  - 2.4.3 Contract of Indemnity;
  - 2.4.4 Contract of Wager.
- 2.5 Insurable interest.
- 2.6 Premium.
- 2.7 Risk.
- 2.8 Assignment of Insurance Policies.
- 2.9 Warranties & disclosures.
- 2.10 Double insurance & re-insurance.
- 2.11 Doctrine of Contribution, Subrogation & Reinstatement.

3. UNIT – III

**LIFE INSURANCE:**

- 3.1 Nature & scope of life insurance.
- 3.2 Kinds of life insurance contracts.
- 3.3 Events insured against in life insurance with special reference to Felo De Se.
- 3.4 Factors affecting risk in life insurance.
- 3.5 Amounts recoverable under life insurance.
- 3.6 Persons entitled to payment under life insurance.
- 3.7 Settlement of claims.

4. UNIT – IV

**MARINE INSURANCE:**

- 4.1 Nature & scope of marine insurance.
- 4.2 Salient features of the English & Indian Marine Insurance Acts.

- 4.3 Classification of marine insurance policies.
- 4.4 Change of voyage and deviation.
- 4.5 Maritime perils.
- 4.6 Warranties.
- 4.7 Loss.

## 5. UNIT – V

### **PROPERTY INSURANCE:**

- 5.1 Fire Insurance.
- 5.2 Burglary and theft insurance.
- 5.3 Livestock insurance.
- 5.4 Agricultural insurance.
- 5.5 Plate Glass insurance.
- 5.6 Goods in transit insurance.
- 5.7 The Motor Vehicles Act, 1988.

## 6. UNIT – VI

### **LEGISLATIONS GOVERNING INSURANCE:**

- 6.1 Insurance Act, 1938.
- 6.2 General Insurance Business (Nationalization) Act, 1972.
- 6.3 Insurance Regulatory & Development Authority Act, 1999.
- 6.4 Consumer Protection Act, 1986 (Insurance perspective).
- 6.5 Public Liability Insurance Act, 1990.

### **Required Reading:**

K.S.N. Murthy & Dr. K.V.S. Sarma – Modern Law of Insurance.  
M.N. Srinivasan – Principles of Insurance Law (Life – Fire – Marine – Motor and Accident).  
Avtar Singh – Law Of Insurance.

### **Additional Reading:**

E.R. Hardy Ivamy – General Principles of Insurance Law.  
Eric M. Holmes, William F. Young – Insurance: Cases and Materials.  
Raoul Colinvaux – Law of Insurance.  
Edwin W. Patterson – Cases and Materials On Law Of Insurance.  
John Birds – Modern Insurance Law.

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**BANKING LAW INCLUDING NEGOTIABLE INSTRUMENTS ACT**

History of Banking – Different types of Banks including foreign companies – Nationalisation of major Banks.

**Banker and Customer:**

Definition of Banker & Customer and relationship between them – Special types of customer.

Banker as Borrower.

Different types of accounts – Duties and Rights of the Banker and different types of instruments.

Banker – Paying Banker and Collecting Banker.

**Laws relating to loans, advances and investments by Banks:**

Subsidiary business operations of bankers with special reference to Safety Deposit Lockers – Liability of Banker in case of bank robberies and fraud by bank employees – Vicarious liability of the bank – Recovery of loans and advances – Recovery of debts due to banks, Financial Institutions Act, 1993.

**Miscellaneous:**

RBI'S control over commercial banks – Special Status RBI and State Bank of India – Subsidiary Banks – Effect of winding up of Banking Companies – Rights of Customers on winding up of companies – necessity for reforms in Indian Banking Law to meet global challenges – Banking Ombudsman.

Debt Recovery Tribunal.

**Cheques:**

Various kinds of crossing – effect of crossing of Cheque – Rights of Holder and holder in due course against Banker.

Civil and Criminal Liability for dishonour of cheques under Section 138 to Section 142 of the Amended Negotiable Instruments Act.

**Negotiable Instruments:**

Definition and Characteristics – Parties to Negotiable Instruments – Presentation – Negotiation – Discharge and Dishonour – Liability.

**Recommended Books for study:**

1. Tannan's – Banking law and Practice in India (India Law House, New Delhi)
2. Bhashyan & Adiga – Negotiable Instruments (Bharat Law House Pvt. Ltd., New Delhi)

**Books for Reference:**

1. Sir John Paget – Law of Banking
2. H.P.Sheldon – The Practice and Law of Banking

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<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
IV Year VIII semester	1. Evidence 2. Human Rights Law 3. Intellectual Property Rights 4. Environmental Law 5. Alternate Dispute Resoln. (C)

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**LAW OF EVIDENCE**

**UNIT – I**

Indian Evidence Act, 1872 – Applicability and exclusion – Statutory definitions. Indian Law of Evidence and English Law of Evidence – Comparison – Rules of Evidence applicable to civil and criminal proceedings – Presumption of Law and fact – Kinds of Evidence.

**UNIT – II**

Relevance of facts and admissibility of facts – Res Gestae – Hearsay, occasion, cause and effect etc., - Motive, preparation and conduct – Explanatory facts – Acts of conspirators – When facts not otherwise relevant become relevant – Facts determining quantum of damages – Custom – State of mind, body or bodily feeling – Similar facts – Course of business.

**UNIT – III**

Admissions and Confessions.

**UNIT – IV**

Relevancy of statements made by persons who cannot be called as witnesses.

**UNIT – V**

Relevance of Judgements of Courts.

**UNIT – VI**

Relevance of opinion of third persons – Expert opinion.

**UNIT – VII**

Relevance of character in Civil and Criminal cases.

**UNIT – VIII**

Facts which need not be proved – judicial notice.

**UNIT – IX**

Modes of proof – Oral evidence – Hearsay evidence – Exceptions – Primary and secondary evidence – Documentary evidence – Documents – Public and private documents – Presumptions as to the documents – Exclusion of oral evidence by documentary evidence.

## UNIT – X

- a) Burden of proof – Rules relating to burden of proof.
- b) Estoppel.

## UNIT – XI

Witnesses – Categories of witnesses – Communications – Accomplice – Examination of witnesses – Questions to be and not to be asked – Hostile witness – Impeaching credit of witness – Refreshing memory – Judges question Appeal against improper admission and rejection of evidence.

### **Books Prescribed :**

- 1. Retanlal – Law of Evidence
- 2. Avtar Singh – Law of Evidence
- 3. Vepa Sarathi – Law of Evidence
- 4. Dr.V.Krishnamachari – Law of Evidence
- 5. P.S. Achuthan Pillai – Law of Evidence

### **Reference Books:**

- 1. Sarkar – Law of Evidence (2 volumes)
- 2. Sir John Woodroffe & Syed Amir Ali – Law of Evidence (4 volumes)

### **Statutory Material :**

Indian Evidence Act, 1872.

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**HUMAN RIGHTS LAW**

**1. Human Rights – Origin and development:**

General – Origin and development – The Middle Ages – The Magna Carta – Bill of right – Petition of right – The social contract theory – American Revolution – The French Revolution – Opposition to the concept of natural rights – Universalization of human rights – The Atlantic Charter – Nature, meaning and concept of human rights – Philosophical approach – Pragmatic approach – Classification of human rights – The right to self determination – The right to development – The right to peace – Interdependence of three categories of human rights.

**2. The United Nations and human rights:**

United Nations Charter based institutions – Centre for Human Rights – United Nations specialized agencies – Origin and preparation of international bill of human rights – Adoption of the International covenants on human rights and protocols thereto – Universal declaration of human rights – International covenant on economic, social and cultural rights – International covenant on civil and political rights – Instrumentality of enforcement of the covenants.

**3. Civil and political rights – International instruments – Part III of the Constitution of India:**

- A. The right to life, liberty and security of person – Provision of the United Nations Instruments – Right to life does not include right to die – Meaning and content of personal liberty in Article 21 – Second optional protocol to the International covenant on civil and political rights – Problems of extra – legal execution – Provisions of human rights instruments – Constitution and power of designated court – Procedure and power of the designated court – Power to grant bail – Maintainability of writ petition in High Court – The Nuclear Arms Race and right to life and liberty.
- B. Abolition of slavery and slavery-like practice – Abolition of certain types – forced or compulsory – Provisions of the United Nations instruments – ILO Forced Labour Convention 1930 and 1957 – Exploitation of Children: Article 24 of the Constitution.
- C. Protection against torture and other forms of cruelty Inhuman or degrading treatment or punishment – Constitution of the committee against torture – Protection of prisoners in India.
- D. Protection against arbitrary arrest and detention – provisions of international human rights instruments – Indian Constitution – Right to be produced before a Magistrate within 24 hours of his arrest – Right not to be detained beyond twenty four hours without the authority of Magistrate Preventive detention – Communication of the grounds of detention – Detenu’s right of representation – Subjective satisfaction of the detaining authority.
- E. Freedom of thought, Conscience and Religion or Belief-Provisions of the United Nations instruments – Conscientious objection to military service – Conscientious objection to military of police service which were used to enforce apartheid – Elimination of intolerance and discrimination based on religion or belief – Freedom to manage religious affairs.



- F. Freedom of association including trade union rights – Provisions of the United Nations Human Rights Instruments – The International Covenant on Civil and Political Rights – The Convention on the right of the child – Provisions of ILO instruments – Scope of right to form association – Freedom to form association vis-a-vis armed forces and police-reasonable restrictions.
- G. The right of everyone to take part in the Government of his country – Right to vote – Right to contest election – Election Commission – Representation of the People’s Act – Elections to Local self-Government.
- H. Human rights in the administration of justice – United Nations standards and norms-Strategies for effective implementations – Guidelines on the role of prosecutions – Declaration of basis principles of justice for victims of crime and abuse of power – Equality before the law and equal protection of laws – Prohibition of discrimination on certain grounds – Prohibition of discrimination in the matter of public employment – Gender equality in the matter of public appointment – Equal pay for equal work – Exceptions to the rule of equal opportunity in the matter of public employment – Enabling provisions for weaker section of the society – Special provisions, for women and children – Special provisions for advancement of socially and educationally backward classes and Scheduled Caste and Scheduled Tribes.
- I. The right of every one to leave any country including his own and to return to his country – Externment orders and freedom of movement – Deportation of Indian citizens – police surveillance – The inalienable right of all displaced inhabitants to return to their homes.

#### **4. Social, economic and cultural rights – International instruments:**

- A. Right to work – Provisions on ILO instruments – International covenants – The declaration of elimination of discrimination against women.
- B. Right to education – UNESCO – Conventions – Educational rights of women and children.
- C. Right to health – WHO – Global strategy – Health and women and children – Vulnerable groups – International instruments – World Medical Association – Declaration of Helsinki – CIOMS: Proposed international guidelines for biomedical research involving human subjects – Council of Europe: Recommendation No.R(90)3 concerning medical research on human beings.
- D. Right to culture – Declaration of the principles of cultural co-operation – UNESCO recommendations.
- E. Right to family – Fractured societies.

#### **5. Human rights and vulnerable groups:**

- A. Rights of women – Objective equality – UN development fund of women – World conferences on women – Nairobi strategy.
- B. Rights of the Child – 1959 declaration – UN Children’s Fund – UNICEF – Convention of right of the child – Right against exploitation – 1990 declaration.
- C. Rights of the disabled persons – Mentally retarded persons – Aged persons etc.
- D. Rights of minorities – National, ethnic, religious, linguistic etc.,

#### **6. Enforcement of human rights – Adjudication and enforcement:**

- A. How and by whom are human rights violations identified – By whom and how are human rights cases judged (1) Global level, (2) Regional level (UN: Africa) and (3) Country level.
- B. By whom and how are decisions and judgements about human rights enforced – National sovereignty: The ultimate issue.

- C. Inter State complaint – mechanism and individual complaint mechanism.
- D. European court of human rights – Jurisdiction – Procedure etc.
- E. Human rights Act, 1993 – National Human Rights Commission – India – Powers, functions, officers, staff etc.,

### **7. International Humanitarian Law:**

Origin and development of international humanitarian law – Geneva conventions – Defenseless person, wounded, sick, medical personnel etc., - Repatriation – Prisoners of war – International armed conflicts – obstacles.

### **8. Refuge Law:**

Origin and development – Rights, responsibilitiesw of refugees – Juridical status – UNRWA and UNHCR – Legal status of refugees in India – Resettlement.

### **References:**

Human Rights (Major source documents) – The United Nations Charter, The Universal Declaration of Human Rights – The 1947 Principles of Nuremberg – The Geneva Conventions of 1949 – UN Covenant on civil and political rights – UN Covenant on economic, social and cultural rights – The European and American conventions on human rights.

### **Books:**

1. Cransten – Human Rights today
2. Galius Esejoifer – Protection of human rights under the law
3. John Locke – Civil Government
4. Richte – Natural rights
5. Raphael D.D., Macmillan – Human Rights Old and New
6. R. Dworkin – Taking rights seriously
7. Dr. U. Chandra – Human Rights, Allahabad Law Agency Publications
8. Paras Diwan – Human Rights and Law, Universal Publications

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**INTELLECTUAL PROPERTY LAW**

**UNIT - I**

Intellectual Property:

- (a) Meaning and concept of intellectual property and the need for protection.
- (b) The World Intellectual Property Organisation (WIPO) Convention
- (c) Origin and functions of World Trade Organisation (WTO)
- (d) Trade Related Intellectual Property Rights (TRIPS) Agreement of WTO and its effect on Intellectual Property Law in India; Dispute Settlement Mechanisms.

**UNIT – II**

Patents:

- (a) The Patents Act (1970), object, definitions, salient features, patentable and non-patentable inventions, product and process patents
- (b) Persons entitled to apply for patents, provisional and complete specifications, priority dates of claims, opposition to grant of patent, anticipation, provisions for secrecy of certain inventions.
- (c) Patent office and powers of Controller
- (d) Grant and sealing of patents, rights of patentees, rights of co-owners of patents, term of patent, patents of addition, assignment and transmission, register of patents
- (e) Amendment of applications and specifications, restoration of lapsed patents, rights of patentees of lapsed patents, which have been restored, surrender and revocation of patents
- (f) Compulsory licences, exclusive marketing rights, licences of right, use of inventions for purposes of government, acquisition of inventions by central government
- (g) Remedies for infringement of patents
- (h) Patent agents, scientific advisers, international arrangements
- (i) International law (various treaties)

**UNIT – III**

Trade Mark:

- (a) The Trade Marks Act (1999), object, definitions, salient features, marks registrable and non-registrable, conditions for registration, absolute and relative grounds for refusal of registration, procedure for and duration of registration, effects of registration.
- (b) Powers and functions of Registrar
- (c) Distinctiveness, deceptive similarity, concurrent registration, rectification and correction of register
- (d) Assignment and transmission
- (e) Use of trademarks and registered users, collective marks, registration of certification marks, trade mark agents
- (f) Appellate board
- (g) Infringement action, passing off action
- (h) International treaties

**UNIT – IV**

Geographical indications of goods (Registration & Protection) Act, (1999), objects, definitions, conditions for registration, prohibition of registration of certain geographical indications, procedure for and duration of

registration, effect of registration, special provisions relating to trademarks and prior users, remedies for infringement, international laws.

## UNIT – V

Copyright:

- (a) The Copyright Act (1957) and recent amendments: works in which copyright subsists; meaning of copyright; ownership and rights of the owner; assignment; term of copyright
- (b) Powers and functions of the copyright board
- (c) Registration of copyright; compulsory licences; licence to produce and publish translations; copyright societies
- (d) Rights of broadcasting organisations and of performers
- (e) International copyright
- (f) Acts constituting & not constituting infringement; remedies for infringement
- (g) International laws

## UNIT – VI

The Designs Act, 2000; definitions, registration of designs, copyright in registered designs, piracy of registered designs, remedies, powers and duties of Controller, International Law.

## UNIT – VII

National Law of Biological Diversity; rights of plant breeders and farmers; semi conductor integrated circuits layout – Designs Act, 2000; law relating to confidential information and trade secrets.

### Books prescribed:

- (1) P.S. Narayana – Intellectual Property Law in India (Gogia Law Agency, Hyderabad).
- (2) P. Narayanan – Intellectual Property Law (1999) (Eastern Law House, Calcutta)
- (3) Vikas Vashisht – Law and Practice of Intellectual Property in India (Bharat Law House, New Delhi)
- (4) Dr. S.R. Myneni – Law of Intellectual Property (Asia Law House, Hyderabad)
- (5) Dr. B.L. Wadehra – Law relating to patents, trademarks, copyright, design and geographical indications (Universal Law Publishing Co. Ltd., New Delhi)
- (6) Lal's The Copyright Act (Delhi Law House)
- (7) Iyengar's – Copyright Act and Rules (Law Book Co., Allahabad)

### Books for Reference:

- (1) W.R. Cornish – Intellectual Property, patents, copyright, trademarks and allied rights (1999) (Sweet & Maxwell, London)
- (2) Brad Sherman and Linel Bently – The Making of Modern Intellectual Property Law (Cambridge University Press)
- (3) David I. Bainbridge – Intellectual Property (Pitman Publishing)
- (4) Allison Coleman – The Legal Protection of Trade Secrets (Sweet & Maxwell)
- (5) W.R. Cornish – Cases and Materials on Intellectual Property (Sweet & Maxwell)
- (6) Paul Marett – Intellectual Property Law (Sweet & Maxwell)

### Statutory Materials:

- (1) The Patents Act, 1970
- (2) The Trade Marks Act, 1999
- (3) The Copyright Act 1957
- (4) The Designs Act, 2000
- (5) International Covenants

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**ENVIRONMENTAL LAW**

**1. Environmental problems and policies**

- a. Introduction to Ecology and Environmental Law.
- b. Environmental Problems – Factors responsible for Environmental degradation.
- c. Environmental problems – Social and economic effects.
- d. Environmental policies of the Government for abatement of pollution and conservation of resources.

**2. Evolution of laws to handle environmental problems and right to healthy environment**

- a. History of environment protection in India.
- b. Environmental protection – Constitutional obligation
- c. Fundamental right to live in a healthy environment – Judicial activism in India.

**3. Pollution prevention laws of India**

- a. Water (Prevention and control of pollution) Act, 1974
- b. Air (Prevention and control of pollution) Act, 1981
- c. The Environment (Protection) Act, 1986
- d. Rules relating to management and handling of hazardous, bio-medical, municipal solid wastes and batteries made under the Environment Act, 1986 (e) Rules for regulation and control of noise pollution, ozone depleting substances, recycled plastics and various other rules made under the Environment Act, 1986
- e. Eco-labelling, environmental impact assessment, public hearing, coastal regulation zone and other notifications made under the Environment (Protection) Act, 1986.

**4. Natural resource conservation laws of India**

- a. The Indian Forest Act, 1927
- b. The Forest (Conservation) Act, 1980
- c. The Biological Diversity Act, 2002
- d. Energy Act, 2002
- e. Chennai Metropolitan Area Groundwater (Regulations) Act, 1987
- f. Tamil Nadu Municipal Laws (Second Amendment) Act, 2003 (Rain Water Harvesting Law)
- g. Tamil Nadu Panchayats (Second Amendment) Act, 2003

## **5. Animal welfare laws of India**

- a. The Wildlife (Protection) Act, 1972
- b. Prevention of Cruelty to Animals Act, 1960

## **6. Legal remedies for environmental problems**

- a. Remedies under Law of Tort, Indian Penal Code, Civil Procedure Code, Criminal Procedure Code, Constitution of India and under other environment specific legislations by Public Liability Insurance Act, 1991.
- b. Public Liability Insurance Act, 1991.
- c. The National Environment Tribunal Act, 1995.
- d. The National Environment Appellate Authority Act, 1997.

## **7. Civil Societies and Environment Management**

### **8. International Environmental Law**

- a. Multilateral Environmental Agreements – Objects and obligations.
- b. Stockholm Declaration of the U.N. Conference on Human Environment 1972 and Nairobi Declaration 1982.
- c. Rio Declaration on Environment and Development, 1992.
- d. Johannesburg Declaration – World Summit on Sustainable Development, 2002
- e. Fundamental Principles of Environmental Law.

### **9. State of India's Environment**

- a. Environmental problems in India
- b. Environmental problems in Tamil Nadu

### **Books prescribed:**

1. Paras Diwan, Environmental Protection: Problems, Policy, Administration & Law, Deep & Deep, New Delhi.
2. Kailash Thakur, Environmental Protection – Law and Policy in India, Deep & Deep, New Delhi.
3. P. Leelakrishnan, Environmental Law in India, Butterworths, New Delhi.
4. Armin Rosencranz, Environmental Law and Policy in India, OUP, New Delhi.
5. P.S. Jaswal, Environmental Law, Allahabad Law Agency, Faridabad.
6. S. Shanthakumar, Environmental Law – an introduction, Surya Publications, Chennai -62.

## Reference Books:

- Lal's Commentaries on Water, Air Pollution and Environment (Protection) Law, Law Publishers (India) Pvt., Ltd.,
- N. Maheshwara Swamy's Law relating to Environmental Pollution and Protection, Asia Law House, Hyderabad.
- Alexander Gillespie, International Environmental Law, Policy and Ethics, Clarendon Press, Oxford.
- Centre for Science and Environment, The State of India's Environment – A Citizen's Report, Delhi.
- Choudhry R.N. Law of Forests in India, Orient Publishing Company, New Delhi Encyclopedia of Environmental Pollution and its control Maneka Gandhi et. al., Animal Laws of India, ULPC, Delhi.
- Saksena K.D. Environmental Planning, Policies and Programmes in India, Shipra, Delhi.
- W. Bernie, Patricia and Boyle, Basic Documents on International Law and the Environment, Oxford University Press.
- Lakshman Guruswamy and Palmer, Cases and Materials on International Environmental Law.
- Phillips Sands – Principles on International Environmental Law.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2009-2010 BATCH**  
(Present IV year)

**ALTERNATE DISPUTE RESOLUTION (Clinical paper)**

**Outline of the course:**

- i) Arbitration Law and Practice including International Arbitration and Arbitration rules.
- ii) Negotiation skills to be learnt with stimulated program.
- iii) Conciliation skills

**Marks Allocation:**

Case study in arbitration centre (Practical / simulation exercise Three exercise 10 marks each)	:	30 marks
Test internal	:	10 marks
Presentation / viva-voce on case study as mentioned above :		10 marks
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		50 marks
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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2008-2009 BATCH**  
(Present V year)

<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
V Year X semester	<ol style="list-style-type: none"><li>1. Penology and Criminology</li><li>2. Legislative Drafting</li><li>3. IPR Litigation</li><li>4. Drafting, Pleading and Conveyancing (C)</li></ol>

**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2008-2009 BATCH**  
(Present V year)

**CRIMINOLOGY & PENOLOGY**

**Unit : Crime and Criminology:**

The meaning and significance of crime – historical retrospection – Criminology – Criminological reminiscence: Global Scenario – Renaissance – Modern age – Focus on the need for criminological study – Advancements in Criminology – Research in criminology – Concept of Crime and basis of Criminalization – Typology of Criminalization – Over Criminalization – Decriminalization – Definition of Crime – Legal definition – Other definitions of crime – Finding the definition of crime – Ingredients of Crime – How to distinguish a crime from non-crime – criminal Law – Purpose of Criminal Law – The Criminal – The situational criminal – The chronic offender – Fear of crime – Costs of crime – Direct and indirect social costs of crime – Sources of crime data – Crime reporting – Dark figures – Uses of crime data – Crime tables – crime graphs – Pie-diagrams – Percentage contribution of States to crimes – Incidence o IPC Crimes Map – Incidence of Local & Special Law Crimes Map – Classification of crimes.

**Unit II: Schools of criminology:**

Criminal behaviour – Schools of criminology – Pre-classical school – the classical school – Neo-classical school – the positive school – the psychiatric school – the cartographic school – sociological school – the socialist school – clinical school – the eclectic phase - the marburg school.

**Unit III: Crime causation:**

Individual centric causes – intelligence and mental deficiency – intelligence quotient – heredity – chromosomes and criminality – endocrine disorders – sex – age and crime – alcoholism – phase of alcoholic addiction – narcotic drugs – psychology – epilepsy – physical environment – ecology – society – centric causes – social disorganization – mobility – theory of differential association – anomie – labelling – Gang delinquency – family – education – mass media – religion – economic theories – bonger's theory – political theories of crime causation – state excess theories – ration of police strength – crime rate – demographical correlation – criminal justice system and crime – personality deviation and criminal behaviour – MTA (Murray Thermic Appreciation) and MMPI (Minnesota Multiphasie).

**Unit IV: Juvenile delinquency:**

Definition – causes of juvenile delinquency – progressive legislation – critique – juvenile courts – special features and distinctiveness from other courts – informal hearing and strictly confidential in nature – legal sanctity, no advocacy by lawyers – appeal juvenile homes – special homes – observation homes – after care organisation – neglected juveniles – delinquent juveniles – bail and custody of juveniles – preventive and curative programmes for juvenile delinquency – correctional and rehabilitation centres – identification of potential delinquency – State's concern: Moral education – Counteracting delinquent propensities – community programmes – juvenile justice legislations – case law.

## **Unit V: White-collar crimes:**

White-collar crime and blue-collar crime – Theories: causative factors of corruption – definition – implications of white-collar crimes – causes of white-collar crimes-classification and types of white-collar crimes – white-collar crimes in India – Santhanam Committee Report, Wanchoo Committee Report, 47<sup>th</sup> Law Commission Report, detection and investigation – trial of white-collar crimes – case law.

## **Unit VI: Crime and women:**

Crime against women – how to prevent crime against women? – what is dowry? – the Dowry Prohibition (Amendment) Act, 1986 – dowry – cruelty – female criminality – crimes of passion – new legislation – prostitution and abortion.

## **Unit VII: Super crimes:**

Definition – terrorism – nature of terrorism – causative factors – ingredients of terrorism – funds for terrorism – kidnapping – ransom insurance – narco – terrorism – kinds of terrorism – terroristic spectrum – punishments and measures for coping with TADA-POTA – criticism – anti-terrorist measures – communal violence – causes and cures.

## **Unit VIII: Marginal crimes and victimless crimes:**

Social deviance and marginal crimes – status offenders – beggary and vagrancy – bootlegging – gambling – victimless crimes – definition – hidden victims – drug abuse causation – drug and crime – depiction of offences & punishments – chart – NDPS – treatment of drug addicts.

## **Unit IX: Modern crimes and international crimes:**

Computer crime – categories of computer crimes – definition of computer crime – prevention of computer crimes – human organ crimes – hijacking – female foeticide – nuclear theft – international crime – environmental crimes – Information Technology Act, 2000.

## **Unit X: The Police**

Introductory survey – organizational structure of Indian police – police bureaucracy – the work-culture – police behaviour – job stress in police officers – stress and the police family – the third degree medieval – custodial deaths – factors leading to custodial deaths – modernization in police – crime records management – a boon to crime control – traditional vis-a-vis modern crime records management – charts – participative management in police – police as social service institution – police community relations – Thana Level Committee – police advisory committees – media and police – discipline and lawlessness – Interpol – organizational set-up of police-actual police strength in relation to area, population & IPC Crimes.

## **Unit XI: Criminal Justice System:**

Major stages of criminal justice process – objectives of CJS – rules of interpretation – obiter dicta – foreign decisions – handcuffing – presumption of innocence of the accused – the benefit of set-off – plea bargaining – protection against double jeopardy – prohibition against self-incrimination – speedy trial – modes of arrest and grounds of arrest as an information to the accused – arrest by private person – how arrest is made – right of the accused – constraints in CJS – major stages of CJS – classification of offences – functionaries of the CJS – executive magistrate – adversary system – inquisitorial system – right to be produced before a magistrate – right to constitutional remedies – writ of habeas corpus – writ of mandamus – writ of prohibition – writ of certiorari –

writ of quo warranto – Mercy petitions – criminal justice process chart – human rights and administration of criminal justice.

## **Unit XII: Probation and parole:**

Origin – the report of the probation officer – advantages of probation – distinction between probation and suspended sentence – salient features of Probation of Offenders Act, 1958 – an over-view of the judicial trend on probation – cas law – parole – origin – aims selection and supervision of offenders paroled – the halfway house – parole regulations – parole recommendations – criticism – case law.

## **Unit XIII: Reaction to crime – punishment:**

Theories of punishment – kinds of punishment – indeterminate sentence – suspension of sentence – capital punishment – life imprisonment – corporate punishment – restitution and fine – forfeiture of properties – position of India – case law.

## **Unit XIV: Prison:**

Introductory survey – Pennsylvania and Auburn systems – penitentiary system in India – prison panels – prison and grizzle – problems of prisoners – organised setup – Indian prisons classification of prisons – prison discipline – prison labour – prison education – open prison – the prison community – prison reform in India – Dr. Wreckless committee report – problems.

## **Unit XV: Prevention of crime and delinquency**

Police role – Honorary special police officers – neighbourhood watch scheme – police public co-operation – self defence course for girls and women – crime prevention and crime control – police science – crimeless society – myth or reality?

## **Unit XVI: Recidivism:**

Prediction of criminal behaviour – recidivism – measure of recidivism – graphic depiction of recidivists – various forms of recidivists – recidivism amongst – persons arrested under IPC crimes – provisions of Law – method to mitigate recidivism.

## **Books prescribed:**

1. Sutherland – Criminology
2. Taft and England – Criminology
3. Ahamed Siddique – Criminology problems and perspectives
4. Dr. M. Ponnian – Criminology and Penologyh
5. Dr. Rajendra K. Sharma – Criminology and Penology
6. Dr. Sirohi – Criminology
7. Siegel – Criminology
8. Paranjape – Criminology
9. Bames and Teeters – New Horizons of Criminology

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2008-2009 BATCH**  
(Present V year)

**LEGISLATIVE DRAFTING**

Objectives of the Course

Probably, no exercise initiates a student into the complexity of law than that of legislative drafting, Contrary to the prevalent belief, the draftsman is no more technicians transmuted some on else's policies into law: He is also a co-architect of policies. For how policies get written into law decides the career and fate of the policy: how laws are drafted also affect the destiny of law.

With a minimum grounding in theory, students should be assigned drafting of whole statute. The following drafting exercises ought to be assigned:

(a) Definition of key words (b) sections creating offences of various kind (strict, Joint, vicarious Liability) (c) a charging section (for fiscal laws) (d) a penal clause (e) sections prescribing powers and functions of an authority under the Act. (f) an amending section (g) a repealing section (h) a preamble and long title.

Units

Syllabus

**Unit – 1: Forms of Legislative Instrument**

- 1.1 Bills
- 1.2 Acts
- 1.3 Orders
- 1.4 Rules
- 1.5 Schedule
- 1.6 Ordinance

**Unit -2: Ideals of Drafting**

- 2.1 Simplicity
- 2.2 Preciseness
- 2.3 Consistency
- 2.4 Alignment with existing law
- 2.5 Brevity

**Unity – 3: General Rules of Drafting**

- 3.1 Summary of the Rules of Drafting
- 3.2 Subsidiary Rules of Drafting

**Unit – 4: Legislative Process**

- 4.1 Preparatory Process
- 4.2. Conceptual Process
- 4.3. Consultative process
- 4.4 Green & White Papers
- 4.5 Cabinet control

## Unit – 5: Different Parts of a Statute

- 5.1 Long Title and Preamble
- 5.2 Enacting Formula
- 5.3 Short Title, Extent and Application
- 5.4 Definitions and Principle Provisions
- 5.5 Administrative Machinery, if any, contemplated by Statute
- 5.6 Penal Provisions, Rule and Regulation Making Power
- 5.7 Temporary Provisions
- 5.8 Repeal and Savings
- 5.9 Punctuation and Marginal Notes
- 5.10 Provisions, Illustrations and Presumptions
- 5.11 Use of non-obstante clauses
- 5.12 Retrospective Effect
- 5.13 Henry VIII clause
- 5.14 Exceptions
- 5.15 Fictions
- 5.16 Explanations

### Suggested readings

Indian Law Institute, *the Drafting of Laws* (1980)

Viswanthan, T.K., *Legislative Drafting*

Vepa P. Sarathi, *Interpretation of Statutes* (1981) (Seconded. / the latest editions)

Allen, *Law in the making* (Sweet and Max Well)

Thomson G.C., *Legislative Drafting*, (Butterworths, London)

Zander, M. *The Law Making Process*, (Widenfeld & Icholson, England)

Renton C' Hee Report, *Preparation of Legislation*, Sweet and Max Well

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2008-2009 BATCH**  
(Present V year)

**IPR Litigation**

UNIT – I

Litigation Relating to Patent and trade secret

Infringement of patent - literal infringement – interpreting claims – Doctrine of equivalents – pith and marrow doctrine – Comparative test – Defences – Remedies – IPAB – infringement of trade secret - Remedies.

UNIT – II

Litigation relating to trademarks and geographical indications

Infringement of trade mark – right to sue – Facts to be established by the plaintiff – test to determine deceptive similarity – difference between passing off action and infringement of trade mark – Defences – Remedies – Passing off action – reverse passing off action – IPAB – offences and penalties – Infringement of registered geographical indications – acts amount to an infringement – remedies.

UNIT – III

Litigation relating to copyright and industrial design

Copyright infringement – right to sue – acts constituting infringement – Defences – Remedies – Appeal Procedures – infringement of copyright on design – piracy of design what amounts to piracy – factors to be established – Remedies.

UNIT – IV

Enforcement of IPR under TRIPS

TRIPS Provisions Arts 41 to 61 – minimum standard of protection – civil, criminal, administrative remedies – Dispute settlement Mechanism – Establishment – Procedure – scope of DSB – DSB under WIPO.

UNIT – V

Future Development relating to IPR Litigations

Patent on Life forms – patent on nano technology – patent on software and issues relating to copyright – Domain Name Disputes – patent thickets and licensing issues – cloud computing in the Digital Era.

**Readings:**

1. Patent Act 1970.
2. Trade Mark Act 1999.
3. Copyright Act 1957.
4. Design Act 2000.
5. TRIPS Agreement.
6. Dr. Elizabeth Varkey – Law of Patents
7. Global IP Litigation and Manuals.
8. Source Book on TRIPS.
9. Rajiv Jain and Rakhee Biswas: Law of Patent (Practice and Procedure) 1999.
10. Taraporewala: Intellectual Property Laws.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.A., B.L. (HONS.)**  
**2008-2009 BATCH**  
(Present V year)

**DRAFTING, PLEADING AND CONVEYANCE**  
(Clinical paper)

**Outline of the course:**

- (a) Drafting: General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings:
  - i) Civil: Plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Articles 226 and 32 of the Constitution of India.
  - ii) Criminal: Complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
  - iii) Conveyance: Sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed.
  - iv) Drafting of writ petition and PIL petition

The course will be taught class instructions and simulation exercises, preferably with assistance of practising lawyers/ retired judges.

Apart from teaching the relevant provisions of law, the course may included not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyance carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
I Year II semester	<ol style="list-style-type: none"><li>1. Contracts – II (including CPA)</li><li>2. Constitutional Law - I</li><li>3. Property Law</li><li>4. Family Law - II</li><li>5. Human Rights Law (.C.-2)</li><li>6. Regulatory Laws (H.C.-3)</li></ol>

**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

**CONTRACTS – II**

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts).

**UNIT - I : INDEMNITY AND GUARANTEE**

Definition - English and Indian.

Distinction between indemnity and guarantee.

Rights of the indemnity holder.

Rights of the indemnifier.

Implied indemnity dealt with Section 59,145,164 and 222 of the Contract Act.

Codification not exhaustive-principles of equity applicable.

Definition - English and Indian definitions.

Essentials and nature of guarantee.

Distinction between guarantee and indemnity - guarantee and insurance.

Elements of consideration in a contract of guarantee.

Nature and quantum of surety's liability.

Kinds of guarantee and their incidents.

Suretyship arises on contract and not on notice-position in English Law.

Duty of disclosure in guarantee.

Rights of surety against principal debtor-credit-co-sureties-difference in English Law-Circumstances which a surety discharges.

**UNIT - II : BAILMENT**

Definition - Indian and English definitions.

Essentials of bailment and classification of bailment.

Distinction between bailment and pledge-deposit-sale-agency.

Rights and duties of the bailor and bailee-difference in English Law.

Pledge-definition-Rights of the Pawner and Pawnee.

Pledge by non-pawners.

Lien-kinds of lien-their nature and incidents - how lost

### **UNIT - III : SALE OF GOODS**

Definition of sale and agreement to sell - distinction between sale and agreement to sell - Contract of work and layout. Hire purchase agreement - Bailment - Exchange - Gift.

Definition-goods – specific goods-future goods-Mercantile agent-Documents of title of goods.

How is sale made-rules for fixing price and effect of goods getting damages or perished in a contract of sale.

Stipulation as to time and other stipulation.

Conditions and warranties – Effect of breach – Ex-post facto warranty – when condition is treated as warranty.

Implied conditions and warranties – in a contract of sale – Exemption clauses-effect of fundamental breach.

Rule as to passing off property.

Sale by non-owners, exception to Nemo dat quod non habet.

Rules as to delivery.

Unpaid vendor – His Rights or lien and stoppage in transit.

Remedies available to seller and buyer.

Auction sale.

### **UNIT – IV : AGENCY**

Definition of contract of agency – Creation of agency-kinds of agency.

Distinction between Agent and servant and independent contractor.

Who may be an agent-kinds of Agent – Authority of the different kinds of Agent – Authority of Agents – Ostensible and emergency authority – delegation of authority – delegates non protest delegare – sub agent – substituted agent.

Essential of ratification and its effect.

Effect of notice to agent – necessary conditions to bind Principal.

Principal and third parties – The doctrine of undisclosed principal and concealed Principal.

Termination of agency and when it becomes irrevocable.

### **UNIT – V : PARTNERSHIP**

Definition of Partnership–Essential of partnership–Joint Hindu– partnership.

Distinction between partnership and co-ownership – Joint Hindu family – Incorporation companies – contract of service – legal notion and mercantile notion.

Kinds of partners and duration of partnership.

Mutual rights and duties of partners.

Minor as a partner – difference in English Law.

Rights of Legal Representative and surviving partners.

Authority of partners – implied and emergency.

Liability of the partners of the acts of the firm and for the wrongful acts of other partner – nature of liability.

Principle of agency in partnership.

Partnership property – Tests.

Settlement of accounts – goodwill and its disposal – distribution of assets.

Retirement of partners.

Dissolution of firm and modes and circumstances.

Effect of non – registration of firm.

**Books Recommended:**

The Law of Contracts – Dr.Avtar Singh

Sale of Goods Act – Mulla

Law of Contracts – Krishna Nair

Law of Contracts – Anson

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

**CONSTITUTIONAL LAW – I**  
**CONSTITUTIONAL FEATURES AND PRINCIPLES**

**UNIT-I**

**Classification of Constitution and Governments**

Definition and meaning of Constitution: kinds of Constitution, meaning of Constitutionalism, features of Indian Constitution.

Convention –Significance, Parliamentary Supremacy, Theory of Separation of Powers – Latimer House Principle - Doctrine of Checks and Balances, Doctrine of Judicial Review - Significance  
State – Federal, Quasi-Federal, Co-operative Federalism – Essentials of Federalism

**UNIT- II**

**Preamble, Union and its Territories and Citizenship**

Preamble: Meaning, Scope, Importance, Objectives and Values

Union and its Territories (Art 1-4)

Citizenship: (Art 5-11) – Citizenship at the commencement of the Constitution – Deprivation and the renunciation of the Citizenship – Parliament power to regulate – Citizenship Act.

**UNIT- III**

**State, Laws and Amendment**

**State:** Definition and meaning, Article 12, New Judicial trends on concept of State.

Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires, Judicial Review and Article 13.

**Amendment:** Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule

**UNIT- IV**

**Fundamental Rights**

**Right to Equality:** Articles 14 - 18

**Right to Freedom:** Articles 19 - 22

**Rights against Exploitation:** Article 23 – 24

**Freedom of Religion:** Articles 25 - 28

**Cultural and Educational Rights:** Articles 29 - 30

**Right to Constitutional Remedies:** Article 32

## **UNIT- V**

### **Directive Principles of State Policy and Fundamental Duties**

Directive Principles- directions for social change- A new social order.

Fundamental Rights and Directive Principles - inter-relationship - judicial balancing.

Constitutional amendments - to strengthen Directive Principles.

Reading Directive Principles into Fundamental Rights, `Judicial Approach

**Fundamental Duties:** The need and status in constitutional set up, Interrelationship with fundamental rights and directive principles, Enforcement of Fundamental Duties.

#### **Recommended Book:**

M. P. Jain- Indian Constitutional Law- Relevant Volume

#### **Reference Books**

D.D.Basu, Shorter Constitution of India

M.P.Singh(ed.), V.N.Shukla, Constitutional Law of India

Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)

Constituent Assembly Debates Vol. 1 to 12 (1989)

H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay

G. Austin, Indian Constitution: Cornestone of a Nation (1972).

M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford

B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow.

S.C.Kashyap, Human Rights and Parliament (1978) Metropolitan, New Delhi

Dr. V. N. Shukla – Constitution of India

N.A.Subramaniam – Case law on the Indian Constitution

T. K. Tope – Constitutional Law

S. Shiva Rao- Framing of Indian Constitution

D.J. De – The Constitution of India Vol. I and II.

Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

**LAW OF PROPERTY**

**UNIT I**

**General Principles of Transfer of Property**

What is transferable competency to transfer of property, various conditions relating to transfer, Rule against perpetuity. Conditional transfer & Contingent transfer, Doctrine of Election, apportionment, Transfer by Co-owners, ostensible owner and non-owners, Transfer under lis pendens, Fraudulent Transfer, Principle of part performance.

**Unit II**

**Specific Modes of Absolute Transfer of Property:**

Sale, Exchange, Gift, Actionable claims.

**Unit III**

**Specific & Limited Transfer**

- a) Mortgage – Types, Rights & obligations of the mortgage and mortgage, Foreclosure, Redemption, Marshalling, Contribution, Subrogation.
- b) Charge
- c) Lease – Definition, Modes of Making lease, Rights & liabilities of parties, Determination.

**Unit IV**

**Registration of Transfer**

Meaning, types, procedure, legal consequences.

**Unit V**

**Easement**

Nature, creation, Extinction, Revival, Licence.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

**FAMILY LAW – II**

**Unit I: Joint Hindu Family**

Institution of joint family – Coparcenary system – Classification of properties – Karta – Status, powers and duties – Principle of survivorship and succession – Partition.

**Unit II: Intestate succession**

General principles of succession under Hindu Law, Muslim Law and Christian Law – Statutory conditions of disinheritance and disentitlement – Dwelling house.

**Unit III: Women's property**

Comparative analysis of right to property of women under different Religious and Statutory law – Stridhana and limited estate.

**Unit IV: Testamentary succession**

Testamentary succession under Hindu, Muslim and Christian Law – Limitation to testamentation under various religious and statutory law – Will and administration of will – Codicil – Lapse, abatement and ademption of legacies – Probate, letters of administration and succession certificate.

**Unit V: Right of pre-emption**

Meaning, nature, classification, constitutionality, formalities and legal effects of pre-emption. Legal devices of evading right of pre-emption – When is the right lost.

**Unit VI: Religious endowments and wakf**

Hindu religious endowments – Wakf – Meaning – Formalities of creation – Types and administration of wakf – Mutawalli and his powers – Muslim religious institutions and offices.

**Unit VII: Gift under Islamic Law**

Hiba – Nature and characteristics of Hiba – Subject matter of Hiba – Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz – Revocation of gift.



**Statutory material:**

The Hindu Succession Act, 1956 with recent amendments

Indian Succession Act, 1925

The Hindu Women's Right to Property Act, 1937

The Wakf Acts.

**Books recommended:**

- |                   |   |                           |
|-------------------|---|---------------------------|
| Mulla             | - | Hindu Law                 |
| N.R. Raghavachari | - | Hindu Law                 |
| Dr. Paras Diwan   | - | Family Law                |
| Fyzee             | - | Outlines of Mahomedan Law |
| Paruck            | - | Indian Succession Act     |

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

**HUMAN RIGHTS LAW**

**Unit I : Origin and Development**

General – Concept of Human Rights – The Middle Ages – The Magna Carta – Bill of rights – American Revolution – French Revolution – Classification of Human Rights – Interdependence of three categories of Human rights.

**Unit II : International Human Rights Law**

United Nations Charter based Human Rights obligations – Principles of Human Rights and that of jus cogens status and their related instruments - Prohibition of the Use of Force to resolve International Disputes – Right to Self-determination of People – Prohibition of Genocide – Prohibition of Torture – Prohibition of Racial Discrimination – Prohibition of Slavery – Prohibition of Traffic in persons for Prostitution – Prohibition of Terrorism – Enforced disappearances – Prolonged arbitrary detention – International Bill of Human Rights – Universal Declaration of Human Rights – International Covenant on Civil and Political Rights – International Covenant on Economic, Social and Cultural Rights – and their Additional Instruments – Human Rights and Vulnerable groups – Rights of Women, Children, Disabled, Tribals, Aged and Minorities – United Nations Charter based Human Rights Institutions – Commission on Human Rights, Human Rights Committee - Human Rights and International Judicial bodies.

**Unit III : Indian Perspectives of Human Rights Law**

Constitution of India related Human Rights obligations – Role of Indian Judiciary in the development of Human Rights Law. India and International Human Rights Law.

**Unit IV : Human Rights and Institutional Mechanisms in India**

The Protection of Civil Rights Act, 1955

The National Commission for Women Act, 1990

The National Commission for Minorities Act, 1992

The Protection of Human Rights Act, 1993

The Person's with Disabilities (Equal opportunities, Protection of Rights and full participation) Act, 1995 and Rules 1996

National Charter for Children, 2003

The Commission for Protection of Child Rights Act, 2005

**Unit V : Regional Mechanisms, National and International Non-Governmental Organisations (NGO's) in the Enforcement of Human Rights**

Asian, African and European Human Rights Instruments and their enforcement – Regional Judicial bodies. (European Court of Human Rights, Inter-American Court of Human Rights and African Court of Human

Rights) Concept of NGO's and International NGO's – their participation in Human Rights issues – Selective case studies.

**Books Prescribed:**

1. Cransten – Human Rights Today
2. Galus Esejoifer – Protection of Human Rights under the Law
3. John Locke – Civil Government
4. Richte – Natural rights
5. Raphael D.D., Macmillan – Human Rights old and new
6. R.Dworkin – Taking rights seriously
7. Dr.U.Chandra – Human Rights, Allahabad Law Agency Publications
8. Paras Diwan – Human Rights and Law Universal Publication

**Books for Reference:**

1. Basic Documents on Human Rights – Ian Brownlie Guy S.Goodwin-Gill
2. Salient Documents on International Law – R.P. Anand
3. Hand Book of Human Rights and Criminal Justice in India – The System and Procedure - South Asia Human Rights Documentation Centre (SAHRDC)
4. International Law & Human Rights – K.C. Joshi
5. Human Law and Human Justice – Julius Stone
6. Right of Persons with Disabilities – Indian Law Institute  
– Edited by S.K.Verma, S.C.Srivastava
7. Genocide in International Law - William A. Schabas
8. International Human Rights Law - Michael Haas

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2012-2013 BATCH**  
(Present I year)

**REGULATORY LAWS**

**Unit I**

**Introduction**

Theories of regulation – Public interest theories – Private interest theories – Institutionalised theories – Regulation beyond the State.

**Unit II**

**Competition Act**

The competition Act, 2002 – Anti competitive agreement – Dominant position – Regulation of combination – Competition commission of India – Duties, powers and functions – Penalties.

**Unit III**

**The Telecom Regulatory Authority of India Act :**

TRAI Act, 1997 – Establishment and incorporation of TRAI – Powers and function of authority – Settlement of dispute – Amendment in 2000.

**Unit IV**

**The Electricity Act**

Electricity Act 2003 – Licensing – National electricity policy and plan – Central electricity authority – Regulatory commissions – Powers - State Commissions – Tamil Nadu Electricity (Reorganisation and reforms) Transfer Scheme 2010.

**Unit V**

**Pension Fund and Development Regulatory Authority Act**

PFDRRA – Powers and functions.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
II Year IV semester	<ol style="list-style-type: none"><li>1. Company Law</li><li>2. Labour Law – II</li><li>3. Law of Evidence</li><li>4. Law of Insurance (O.C.-2)</li><li>5. Maritime Laws (H.C.-5)</li><li>6. ADR (Clinical Course – 2)</li></ol>

**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

**COMPANY LAW**

**UNIT – I : INTRODUCTION**

The Companies Act 1956 as amended by the Companies (Amendment) Act, 1965 – Definition of Company – Types of Association – Illegal Association – Classes of Company – Corporate Personality.

**UNIT – II: FORMATION**

Formation of a Company – Registration, incorporation – Memorandum of Association – Articles of Association – Prospectus – Promoters – Membership in a company.

**UNIT – III: SHARES AND DEBENTURES**

Shares – Application and allotment of shares – Member’s and shareholders shares and share capital – Debentures – Majority powers and minority Rights.

**UNIT – IV: MANAGEMENT**

Borrowing powers - Borrowing, lending, investment and contracts – Management & Administration – Managerial, Meetings and proceedings – Accounts and Audit – Prevention of oppression and mismanagement.

**UNIT - V : WINDING UP**

Investigation – Compromises and arrangements – Reconstruction and amalgamation – Defunct Companies and winding up.

**Books prescribed:**

Avatar Singh : Company Law

**Books for reference:**

- |                           |   |             |
|---------------------------|---|-------------|
| 1. GOWER                  | : | COMPANY LAW |
| 2. MAYSON, FRENCH & RYAMN | : | COMPANY LAW |
| 3. PALMER                 | : | COMPANY LAW |

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

**LABOUR LAW II**

**Unit – I**

**Introduction: Social Security and Labour Welfare**

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution – ILO on social security.

**Unit – II**

**Social Security : Industrial Injuries**

**The Employees' Compensation Act, 1923**

Scope, objects, coverage and definitions - Liability of the employer to pay compensation - Personal injury, accident, arising out of and in the course of employment, Doctrine of Notional extension and occupational diseases - Determination and Distribution of Compensation - Principal employer's right of indemnity - Commissioner's powers and functions.

**Unit – III**

**Social Security : Social Insurance**

**The Employee's State Insurance Act, 1948**

Objects, applications and 'Seasonal Factory' – Definitions - E.S.I. Corporation - E.S.I. Funds, payment of Contributions - E.S.I. Benefits - Adjudication of disputes – E.S.I. Court – Penalties.

**Unit – IV**

**Other Social Security Legislations**

**1. The Maternity Benefits Act, 1961**

- Object and Application
- Eligibility and maternity benefits
- Notice of claim Prohibition against dismissal, wage deduction
- Powers and duties of Inspectors.

## **2. The Employee's Provident Funds and Miscellaneous Provisions Act, 1952**

- Scope, coverage, application and Definitions
- Authorities, their powers and functions
- Contributions
- Employees Provident Fund scheme, Employees' Pension Scheme and Deposit linked Insurance Scheme
- Penalties.

## **3. The Payment of Bonus Act, 1965**

- Bonus Commission
- Definitions and Coverage
- Kinds of Bonus
- Eligibility and extent of Bonus
- Calculation of Bonus
- Available surplus, allocable surplus; set on set off;
- Forfeiture of Bonus; prior charges
- Machinery

## **4. Payment of Gratuity Act, 1972**

- Background, object and definitions
- Eligibility for payment of gratuity
- Forfeiture, exemption, determination
- Controlling Authority
- Penalties

## **Unit – V**

### **Labour Welfare Legislations**

#### **1. Factories Act, 1948**

Background and definitions - Formalities to start a factory - Health, Safety and Welfare measures - Working Hours - Employment of young persons - Annual leave with wages - Special provisions.

#### **2. The Tamil Nadu Shops and Establishment Act, 1947**

Applicability and Person covered by this Act, - Opening and closing hours - Employment of young persons - Working hours, public holiday, safety, cleanliness - Leave and Annual Leave with wages.



**Books prescribed:**

- Madhavan Pillai : Labour and Industrial Law
- S.N.Mishra : Labour and Industrial Law
- V.G.Goswami : Labour Law
- S.C.Srivastava: Social Security and Labour Laws

**Statutory Materials:**

- The Employees' Compensation Act, 1923
- The Employees' State Insurance Act, 1948
- The Maternity Benefits Act, 1961
- The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
- The Payment of Bonus Act, 1965
- Payment of Gratuity, 1972
- Factories Act, 1948
- The Tamil Nadu Shops and Establishments Act, 1947

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

**LAW OF EVIDENCE**

**UNIT – I : PRELIMINARY**

Indian Evidence Act, 1872 – scope, object and applicability of indian evidence act and exclusion – Statutory definition. Indian Law of Evidence and English Law of Evidence – Comparison – Constitutional perspective of Evidence – Golden Rule Evidence, Presumption of Law and fact – Kinds of Evidence.

**UNIT – II : RELEVANCY OF FACTS**

Relevance of facts and admissibility of facts – Res Gestae – Hearsay. Occasion, cause and effect etc., - Motive, preparation and conduct – explanatory facts – Acts of conspirators – When facts not otherwise relevant become relevant – Facts determining quantum of damages – customs – State of mind, body or bodily feeling – Similar facts – Course of business. Admission and confession.

**UNIT – III : RELEVANCY OF THIRD PERSON EVIDENCE**

Relevancy of statement made by person who cannot be called as witness. Relevance of Judgements of Courts. Relevance of opinion of third persons – Export Cases. Law of Forensic Science – Forensic Institutions – Principles of Forensic Science proof and Forensic technology – Forensic science and criminal Justice system – Criminal trial, Scientific Examination and Expert witness u/s 112A. Relevance of character in civil and criminal cases.

**UNIT – IV : OF PROOF**

Facts which need not be proved – Judicial notice – Modes of Proof – Oral Evidence – Hearsay evidence – Exceptions – Primary and Secondary evidence – Documentary evidence – Documents – Public and private documents – Presumptions as to the documents – Exclusion of oral evidence by documentary evidence . Burden of proof – Rules relating to burden of proof and Doctrine of Estoppel.

**UNIT – V : WITNESSES**

Witnesses – Categories of witnesses – communications – Accomplice – Examination of witnesses – questions to be and not to be asked – Hostile witness – Impeaching credit of witness – Refreshing memory – Judges question – Appeal against improper admission and rejection of evidence.

**Books prescribed:**

2. Ratanlal : Law of Evidence
3. Avatar Singh : Law of Evidence
4. Vepa Sarathi : Law of Evidence
5. Dr.V.Krishnamachari : Law of Evidence
6. P.S. Achutan Pillai : Law of Evidence
7. B.R. Swarna : Forensic Science in criminal trial and Investigation

**Books for Reference:**

1. Sankar : Law of Evidence (2 Volumes)
2. Sir John Woodroffee and Syed Amir Ali : Law of Evidence (4 Volumes)
3. Walls H.J. : Forensic Science

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

**ALTERNATIVE DISPUTE RESOLUTION**

**UNIT – I**

Concept – Meaning – Definition – Kinds of Alternate Dispute Resolution – History of Alternative Dispute Resolution – UNCITRAL Model Law – Arbitrable Disputes – Sec.89 of C.P.C, 1908 – Arbitration and Litigation – Lokadalat and permanent Lokadalat – Forms of Arbitration.

**UNIT – II**

Definition – Arbitration Agreement – Appointment of Arbitrators and challenging procedure – Composition and jurisdiction of Arbitral Tribunal, Interim measures.

**UNIT – III**

Conduct of arbitral proceedings – (including procedure and evidence) – making of arbitral award and termination – Recourse against arbitral award – finality and enforcement of Arbitral award.

**UNIT – IV**

Enforcement of Foreign arbitral award – Meaning and definition of Foreign arbitral award – binding force of foreign arbitral awards – Enforcement procedure in India - Grounds of refusal – Geneva and New York Convention.

**UNIT – V**

Conciliation – Concept and meaning of conciliation – difference between arbitration and conciliation – Conciliation under Laws – Appointment of conciliators – Conciliation procedure – Termination of conciliation proceeding – Resort to arbitral and judicial proceedings.

**Books prescribed:**

Avtar Singh : The Law of Arbitration and conciliation

**Bare Act:**

Arbitration and conciliation Act, 1996 : Eastern Book Corporation, Lucknow

**Reference:**

O.P. Malhotra and Indu Malhotra : Arbitration to conciliation, Lexis Nexis, Butterworths, New Delhi

P.C. Markanda, Law Relating to Arbitration and conciliation: Wadhwa & Company, Nagpur

Justice Dr. B.P. Saraf and Justice S.M. Jhunjhunwala, Law of Arbitration and conciliation – Snow White Publication, New Delhi

S.K. Chawla, Law of Arbitration and conciliation – Eastern Law Book Corporation, Kolkata.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

**LAW OF INSURANCE**

**Unit – I: Introduction**

Meaning of concept of Insurance – Risk Management – Kinds of risks – Insurable – Distinction between Insurance Assurance – Parties of Insurance. Insurance and contract linkage – Extent of applicability of General principles of Law of Contract viz., offer, acceptance, capacity of parties, consideration, consensus, ad-idem and lawful object – Insurance and wager – Performance of insurance contracts – Discharge of Insurance Contract. Necessity for applying special principles of contract to Law of Insurance – Extent of applicability – Special Principles: (a) Uberrimae fidel: (b) Idemnity (c) Subrogation, (d) Contribution (e) Proximate cause – Cover note and slip.

**Unit – II: Fire Insurance Contract**

Meaning of the term ‘Fire’ – Fire policies – Perils insured – Fire claims – Scope of applicability of special principles to contract of fire insurance – Standard Fire Policy – ‘Average’ in Fire Insurance Contract.

**Unit – III: Marine Insurance Contract**

Significance of Marine Insurance Contract – Maritime perils – Subject – Matter covered by Marine Policy – Kinds of Marine policies – Scope of applicability of special principles to contract of marine insurance – Principle of ‘change of voyage’ and ‘Deviation’ and therein related aspects – Total loss – Partial loss – General average sacrifice and expenditure – Salvage – An over view of Marine Insurance Act, 1963 with special reference to Bill of Lading and counter party.

**Unit – IV: Life Insurance Contract**

Introduction – Meaning of Life Insurance and its significance - Kinds of life policies – Extent of applicability of Special Principles to Life Insurance Contract – ‘Suicide’ Clause in a Life Policy – Assignment and nomination – Constitution, powers and functions of L.I.C. under L.I.C. Act, 1956 – Ombudsman, IRDA.

**Unit – V: Motor Vehicle Insurance**

Introduction – The Motor Vehicles Act, 1939 (as amended in 1988) – Compulsory Third party Insurance of Motor Vehicles – No – fault liability – Chapter VIII A of the Act – Motor Accident Claims Tribunals.

**Books prescribed:**

1. Raoul Colinvarx - Law of Insurance
2. M.N. Srinivasan - Law of Insurance
3. Srinivasan & Murthy - Law of Insurance

**Books for reference:**

1. Hardy Ivany – Law of Insurance

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2011-2012 BATCH**  
(Present II year)

**MARITIME LAW**

**Unit I: Introductory Elements**

Nature of Admiralty Law: Admiralty Law in relation to public and private international law – admiralty law as a part of law merchant – admiralty law in relation to common law and civil law – admiralty law as the Common law of the sea – Sources of maritime law and admiralty law.

**Unit II: Maritime Boundary and Delimitation**

History of admiralty law in England, other parts of the world and in India – History of admiralty jurisdiction of High Courts of India – admiralty courts – immunity of Government ships.

**UNIT III: Admiralty Jurisdiction and the mode of exercise**

Admiralty and maritime jurisdiction (scope and extent) – Enforcement of maritime claims by actions in rem and in personam – juridical personality of the ship – maritime liens and priorities. Jurisdiction in matters of collision – Extra territorial jurisdiction – Changing concept of maritime frontiers. International waters; Territorial Waters; Contiguous Zone; EEZ; Continental shelf; International straits; archipelagos; international fisheries; High seas; Conservation and exploitation of maritime sources; Sea as a common heritage of mankind – Role of IMO – Piracy and hot pursuits.

**UNIT IV: Ownership and management of ships**

The ship as property – ownership – registration – flag of convenience – ship construction rules – acquisition of ships – transfer of ships – negotiation and contract – terms of contract – inspection by buyer – ship mortgages – ship's sale and purchase. Arrest of sea going ships – ISM and issues of safety.

**UNIT V: Safety and Security at Sea**

Safety & security regulations at sea and in port, accidents, collisions, salvage, towage – The laws of harbours and pilot age – Jurisdiction in maritime ports; Access to maritime ports; Indian law – The maritime zones Act 1976; civil and criminal jurisdiction over ships; Ship owner's liabilities for damage to ports – Limitation of ship owner's liability.

**Suggested readings:**

1. Aleka Mandaraka – Sheppard – Modern Maritime Law (Second Edition) (2009)
2. D.C. Jackson, Enforcement of Maritime Claims, London: LLP (2005)
3. Southampton on Shipping Law, Informa (2008)
4. Halsbury’s Laws of England, 4<sup>th</sup> Edn, London (1983)
5. Marsden, Collisions at Sea, London (1961)
6. Francis D. Rose, The Modern Law of Pilotage, London 1984)
7. Geoffrey Brice, Maritime Law of Salvage, London (1983)
8. Chorly and Giles, Shipping Law, 6<sup>th</sup> Edn. London
9. Kochu Thommen, International Legislation on Shipping, U.N. New York (1968)
10. Samareshwar Mahanty, Maritime Jurisdiction and Admiralty Law in India, Universal Publishing (2009)

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2010-2011 BATCH**  
(Present III year)

<b>YEAR &amp; SEMESTER</b>	<b>SUBJECT NAME</b>
III year VI semester	<ol style="list-style-type: none"><li>1. Law of Insurance</li><li>2. Legislative Drafting</li><li>3. IPR Litigation</li><li>4. Drafting, Pleading and Conveyancing (C)</li><li>5. Moot Court Exercise (C)</li></ol>

**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2010-2011 BATCH**  
(Present III year)

**LAW OF INSURANCE**

1. UNIT – I

**INTRODUCTION:**

- 1.3 Nature & scope of insurance.
- 1.4 History of Marine, Fire & Life insurances.

2. UNIT – II

**GENERAL PRINCIPLES OF LAW INSURANCE:**

- 2.12 Essential elements of insurance contracts.
- 2.13 Classification of insurance.
- 2.14 Formation of insurance contracts.
- 2.15 Nature of insurance contracts.
  - 2.15.1 Contract is Aleatory;
  - 2.15.2 Contract of Uberrima fide;
  - 2.15.3 Contract of Indemnity;
  - 2.15.4 Contract of Wager.
- 2.16 Insurable interest.
- 2.17 Premium.
- 2.18 Risk.
- 2.19 Assignment of Insurance Policies.
- 2.20 Warranties & disclosures.
- 2.21 Double insurance & re-insurance.
- 2.22 Doctrine of Contribution, Subrogation & Reinstatement.

3. UNIT – III

**LIFE INSURANCE:**

- 3.8 Nature & scope of life insurance.
- 3.9 Kinds of life insurance contracts.
- 3.10 Events insured against in life insurance with special reference to Felo De Se.
- 3.11 Factors affecting risk in life insurance.
- 3.12 Amounts recoverable under life insurance.
- 3.13 Persons entitled to payment under life insurance.
- 3.14 Settlement of claims.

4. UNIT – IV

**MARINE INSURANCE:**

- 4.8 Nature & scope of marine insurance.
- 4.9 Salient features of the English & Indian Marine Insurance Acts.



- 4.10 Classification of marine insurance policies.
- 4.11 Change of voyage and deviation.
- 4.12 Maritime perils.
- 4.13 Warranties.
- 4.14 Loss.

## 5. UNIT – V

### **PROPERTY INSURANCE:**

- 5.8 Fire Insurance.
- 5.9 Burglary and theft insurance.
- 5.10 Livestock insurance.
- 5.11 Agricultural insurance.
- 5.12 Plate Glass insurance.
- 5.13 Goods in transit insurance.
- 5.14 The Motor Vehicles Act, 1988.

## 6. UNIT – VI

### **LEGISLATIONS GOVERNING INSURANCE:**

- 6.6 Insurance Act, 1938.
- 6.7 General Insurance Business (Nationalization) Act, 1972.
- 6.8 Insurance Regulatory & Development Authority Act, 1999.
- 6.9 Consumer Protection Act, 1986 (Insurance perspective).
- 6.10 Public Liability Insurance Act, 1990.

### **Required Reading:**

K.S.N. Murthy & Dr. K.V.S. Sarma – Modern Law of Insurance.  
M.N. Srinivasan – Principles of Insurance Law (Life – Fire – Marine – Motor and Accident).  
Avtar Singh – Law Of Insurance.

### **Additional Reading:**

E.R. Hardy Ivamy – General Principles of Insurance Law.  
Eric M. Holmes, William F. Young – Insurance: Cases and Materials.  
Raoul Colinvaux – Law of Insurance.  
Edwin W. Patterson – Cases and Materials On Law Of Insurance.  
John Birds – Modern Insurance Law.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2010-2011 BATCH**  
(Present III year)

**LEGISLATIVE DRAFTING**

**Objectives of the Course**

Probably, no exercise initiates a student into the complexity of law than that of legislative drafting, Contrary to the prevalent belief, the draftsman is no more technicians transmuting some on else's policies into law: He is also a co-architect of policies. For how policies get written into law decides the career and fate of the policy: how laws are drafted also affect the destiny of law.

With a minimum grounding in theory, students should be assigned drafting of whole statute. The following drafting exercises ought to be assigned:

(b) Definition of key words (b) sections creating offences of various kind (strict, Joint, vicarious Liability) (c) a charging section (for fiscal laws) (d) a penal clause (e) sections prescribing powers and functions of an authority under the Act. (f) an amending section (g) a repealing section (h) a preamble and long title.

Units

Syllabus

**Unit – 1: Forms of Legislative Instrument**

- 1.7 Bills
- 1.8 Acts
- 1.9 Orders
- 1.10 Rules
- 1.11 Schedule
- 1.12 Ordinance

**Unit -2: Ideals of Drafting**

- 2.1 Simplicity
- 2.2 Preciseness
- 2.3 Consistency
- 2.4 Alignment with existing law
- 2.5 Brevity

**Unity – 3: General Rules of Drafting**

- 3.1 Summary of the Rules of Drafting
- 3.2 Subsidiary Rules of Drafting

**Unit – 4: Legislative Process**

- 4.1 Preparatory Process
- 4.2. Conceptual Process
- 4.3. Consultative process
- 4.4 Green & White Papers
- 4.5 Cabinet control

## Unit – 5: Different Parts of a Statute

- 5.1 Long Title and Preamble
- 5.2 Enacting Formula
- 5.3 Short Title, Extent and Application
- 5.4 Definitions and Principle Provisions
- 5.5 Administrative Machinery, if any, contemplated by Statute
- 5.6 Penal Provisions, Rule and Regulation Making Power
- 5.7 Temporary Provisions
- 5.8 Repeal and Savings
- 5.9 Punctuation and Marginal Notes
- 5.10 Provisions, Illustrations and Presumptions
- 5.11 Use of non-obstante clauses
- 5.12 Retrospective Effect
- 5.13 Henry VIII clause
- 5.14 Exceptions
- 5.15 Fictions
- 5.16 Explanations

### Suggested readings

Indian Law Institute, *the Drafting of Laws* (1980)

Viswanthan, T.K., *Legislative Drafting*

Vepa P. Sarathi, *Interpretation of Statutes* (1981) (Seconded. / the latest editions)

Allen, *Law in the making* (Sweet and Max Well)

Thomson G.C., *Legislative Drafting*, (Butterworths, London)

Zander, M. *The Law Making Process*, (Widenfeld & Icholson, England)

Renton C' Hee Report, *Preparation of Legislation*, Sweet and Max Well

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2010-2011 BATCH**  
(Present III year)

**IPR Litigation**

UNIT – I

Litigation Relating to Patent and trade secret

Infringement of patent - literal infringement – interpreting claims – Doctrine of equivalents – pith and marrow doctrine – Comparative test – Defences – Remedies – IPAB – infringement of trade secret - Remedies.

UNIT – II

Litigation relating to trademarks and geographical indications

Infringement of trade mark – right to sue – Facts to be established by the plaintiff – test to determine deceptive similarity – difference between passing off action and infringement of trade mark – Defences – Remedies – Passing off action – reverse passing off action – IPAB – offences and penalties – Infringement of registered geographical indications – acts amount to an infringement – remedies.

UNIT – III

Litigation relating to copyright and industrial design

Copyright infringement – right to sue – acts constituting infringement – Defences – Remedies – Appeal Procedures – infringement of copyright on design – piracy of design what amounts to piracy – factors to be established – Remedies.

UNIT – IV

Enforcement of IPR under TRIPS

TRIPS Provisions Arts 41 to 61 – minimum standard of protection – civil, criminal, administrative remedies – Dispute settlement Mechanism – Establishment – Procedure – scope of DSB – DSB under WIPO.

UNIT – V

Future Development relating to IPR Litigations

Patent on Life forms – patent on nano technology – patent on software and issues relating to copyright – Domain Name Disputes – patent thickets and licensing issues – cloud computing in the Digital Era.

**Readings:**

11. Patent Act 1970.
12. Trade Mark Act 1999.
13. Copyright Act 1957.
14. Design Act 2000.
15. TRIPS Agreement.
16. Dr. Elizabeth Varkey – Law of Patents
17. Global IP Litigation and Manuals.
18. Source Book on TRIPS.
19. Rajiv Jain and Rakhee Biswas: Law of Patent (Practice and Procedure) 1999.
20. Taraporewala: Intellectual Property Laws.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2010-2011 BATCH**  
(Present III year)

**DRAFTING, PLEADING AND CONVEYANCING (C)**  
(Clinical paper)

**Outline of the course:**

- (a) Drafting: General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings:
  - v) Civil: Plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Articles 226 and 32 of the Constitution of India.
  - vi) Criminal: Complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
  - vii) Conveyance: Sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed.
  - viii) Drafting of writ petition and PIL petition

The course will be taught class instructions and simulation exercises, preferably with assistance of practising lawyers/ retired judges.

Apart from teaching the relevant provisions of law, the course may included not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyanceing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

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**ACADEMIC YEAR 2012-2013**  
**SUBJECTS FOR THE EVEN SEMESTER**  
**B.L. (HONS.)**  
**2010-2011 BATCH**  
(Present III year)

**MOOT COURT EXERCISE**

**Moot court exercise and internship:**

This paper may have three components of 30 marks each and a viva for 10 marks.

- (h) Moot Court (30 marks). Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.
- (i) Observance of Trial in two cases, one Civil and one Criminal (30 marks):  
Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
- (j) Interviewing techniques and Pre-trial preparations and Internship diary (30 marks)  
Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.
- (k) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

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