



SRI VENKATESWARA UNIVERSITY, TIRUPATI

REGULATIONS - 2016

3 YEAR LL.B (Hons) DEGREE COURSE

SEMESTER PATTERN WITH CBCS

(With effect from the academic year 2016-17)

1. Duration of the Program

The professional under-graduate programme leading to the degree of Bachelor of Law (3 Year LL.B (Hons)) will extend three academic years / over a period of 6 Semesters and each semester will normally have duration of 90 working days. However, under special circumstances and to save the academic year the normal working days of 90 can be reduced by increasing working hours per day as per the Bar Council of India Rules, New Delhi.

2. Minimum Qualification For Admission

A candidate seeking admission into 3 Year LL.B (Hons) Degree course shall be required to have passed any Degree examination or equivalent thereto, with a minimum of 45% of marks in case of general category including Backward Classes and 40% of marks in case of SC, ST on the aggregate of all the years including internal assessment / Sessional marks/practicals, if any.

3. Admission Procedure

3.1. The admission into 3 Year LL.B (Hons) Program will be through LAW CET Examination for Indian Students conducted by Andhra Pradesh State Council of Higher Education (APSCHE) and as per the Rules of the Bar Council of India and the Govt. of A.P

3.2. Admission of Foreign / NRI Students into 3 Year LL.B (Hons) Program:

3.2.1. Students should have earned their qualifying degree from a University / Institute recognized by the Association of Indian Universities / similar Indian body.

3.2.2. Students nominated by Foreign Governments may be accepted to 3 Year LL.B (Hons) programmes, without any further test / interview, if their request for admission is routed through MHRD / any agency of the Government of India.

4. Structure of the Programme

The 3 Year LL.B (Hons) programme has a curriculum, with syllabus consisting of:

4.1. Core courses, which give a broad base in the main field of study in the academic programme concerned

4.2. The Foundation Courses are the courses based upon the content that leads to knowledge enhancement. They are mandatory for all disciplines.

- 4.3. Elective courses chosen by the student in consultation with the faculty adviser.
- 4.4. Elective Course: Elective course is a course which can be chosen from a pool of courses. It may be:
 - 4.4.1. Supportive to the discipline of study
 - 4.4.2. Providing an expanded scope
 - 4.4.3. Enabling an exposure to some other discipline/domain
 - 4.4.4. Nurturing student's proficiency/skill.
- 4.5. An elective may be "Generic Elective" focusing on those courses which add generic proficiency to the students. These electives shall be "Discipline centric".
- 4.6. An elective may be open elective and shall be offered for other disciplines.
- 4.7. The program will also include seminars, Group discussions, Legal-Aid, Legal Literacy Camps, Lok Adalats and Practical Training I to IV papers in the X Semester as prescribed by the Bar Council of India recommended by the Board of Studies in curriculum and approved by the Academic Council.

5. The Credit System

- 5.1. Each course has a certain number of credits assigned to it, depending upon whether it is a lecture or tutorial or practical work and the number of periods assigned per week.
- 5.2. **The credits are assigned according to the following pattern:**
 - 5.2.1. 1 credit for each lecture period/week
 - 5.2.2. 1 credit for each tutorial period/week
 - 5.2.3. 1 credit for each practical session period/week

6. Minimum Instruction Days

- 6.1. The normal duration of 3 Year LL.B (Hons) Course is six semesters.
- 6.2. Semesters I to VI shall consist of a minimum of 90 instruction days for each semester (based on six instruction days per week) excluding the days allotted for tests, examinations and preparation holidays.

7. Course Registration

Every student has to register for the set of courses offered by the University Department/ Affiliated Colleges in that semester including those of Open Elective courses with the total number of their credits being limited by considering the permissible weekly contact hours.

8. Credits required for award of 3 Year LL.B (Hons) Degree

A student earns credits by passing courses every semester. A student, who has registered the 3 Year LL.B (Hons) degree programme, has to acquire 228 credits to become eligible for the award of the degree.

- 8.1 It is mandatory for a student to complete successfully all the core courses pertaining to his/her specialization of study.
- 8.2 A student may choose Generic Electives from the list of elective courses offered from his/her specialization of study.

- 8.3 Further, a student may select from a list of Elective courses from other Departments as Open Electives to “suit the required” number of credits, such that the total credits is atleast 228.
- 8.4 There should be a register maintained by the Head of the Department indicating for each student, the course (s) registered by the student within the department, so that “Generic Electives” opted by the student are indicated.
- 8.5 In the case of Open Elective the Head of the Department should prepare a statement /register indicating the courses choosen/ opted by the students of the department in other departments.
- 8.6 A copy of the courses registered by the students in each semester approved by the Principal shall be sent to the Academic Branch as well as Examination Branch.
- 8.7 A model of Registers to be maintained by the Head of the Department is given in the Annexure. It is mandatory on the part of the Head of the Department to maintain Register for each UG/PG Course separately.

9. Evaluation of Academic Performance

- 9.1. The performance of the students in each semester shall be evaluated paper wise. The scheme of instruction and examinations and distribution of marks between sessional work (based on internal assessment) and university examination is as shown in the scheme of examination, shall be followed.
- 9.2 Evaluation shall be done on a continuous basis i.e. through Continuous Internal Evaluation (CIE) in the Semester and Semester End Examination (SEE). For each theory course, there shall be two internal tests of two hours duration carrying 20 marks each and one End-Semester Examination of 3 hours duration carrying 80 marks. Internal marks of a maximum of 20 shall be awarded based on the average performance of the two internal tests. For further details refer course of study and scheme of examination attached to this regulation.
- 9.3. The first internal test shall be held immediately after the completion of 50% of the instruction days covering 50% of the syllabus. The second internal test shall be held immediately after the completion of 90 instruction days covering the remaining 50% of the syllabus.
- 9.4. It is mandatory for a student to attend both the internal tests in each theory course. The weighted average of the marks secured in two tests is awarded as sessional marks. However, 0.8 shall be assigned as weight for the best performance of the two tests whereas for the other test it shall be 0.2. If a student is absent for any of the internal test for whatsoever reason, the marks for that test shall be zero.
- 9.5. The students shall verify the valuation of answer scripts of sessional tests and sign on the same after verification.

9.6. The valuation and verification of answer scripts of Sessional Tests shall be completed within a week after the conduct of the internal tests. The answer scripts shall be maintained in the University Department / College until the semester end results are announced.

9.7. The valuation of End-Semester Examination answer scripts shall be arranged by the Controller of Examinations as per the University procedures in vogue.

9.8. Evaluation of Practical Training

9.8.1. Practical Training -I:

Out of 100 marks 90 marks are allotted for record work and 10 marks are allotted for viva-voce. The record work should be evaluated by a Board consisting of one University nominee, the Principal of the College and the teacher concerned. The viva-voce examination shall be conducted by the same Board.

9.8.2. Practical Training-II:

Out of 100 marks 80 marks are allotted for University semester end examination with 3 hours duration and 20 marks are allotted for viva-voce. The viva-voce examination shall be conducted by the Board consisting of one University nominee, the Principal of the College / Head of the University department and the teacher concerned.

9.8.3. Practical Training-III:

Out of 100 marks 50 marks are allotted for the University semester end examination with 1 ½ hours duration and 50 marks are allotted for record work. The record work shall be evaluated by a Board consisting of one University nominee, the Principal of the College and the teacher concerned (Senior Legal Practitioner).

9.8.4. Practical Training - IV:

Out of 100 marks 90 marks are allotted for record work and 10 marks are allotted for viva-voce. The record work shall be evaluated by a Board consisting of one University nominee, the Principal of the College and the teacher concerned. The viva-voce examination shall be conducted by the Board consisting of the Principal of the College / Head of the University department and the teacher concerned and a Senior Legal Practitioner other than the part time faculty of the college.

10. Scheme of Examination

10.1. The maximum marks for each theory paper shall be 100 where in 20 marks are allotted for internal assessment and 80 marks for semester end university examination.

10.2. **University Examination (For 80 Marks):** The Question paper for the semester end university examination in theory course shall constitute three parts namely Part – A (short answer questions). In this part, 9 Short answer questions will be given, out of which the student has to answer any six questions, Each question carries 3 marks (6 X 3 =18 Marks). Part– B (Essay Questions). In this part out of 4 essay questions, student has to answer 2 questions. Each question carries 15 Marks (15 X 2=30 Marks). Part – C (Problem Type Questions). Out of 4 problems, student has to answer 2 questions. Each question carries 16 Marks (16 X 2=32 Marks).

11. Attendance Requirements

- 11.1. A student is required to complete the Programme of Study satisfying the attendance requirements in all the semesters within twice the prescribed period of study i.e. 6 academic years from the year of admission failing which he/she forfeits his/her seat.
- 11.2. A student shall be detained in a semester if he/she fails to satisfy the attendance requirements given below:
- i A student shall attend at least 60 percent of the maximum hours of instruction taken by the teacher for each course.
 - ii A student shall attend at least 75 percent of the maximum hours of instruction taken for all the courses put together in that semester.
- 11.3. The Principal shall condone the shortage of attendance of a student provided, the student satisfies the clause 11.2 and obtain atleast 60% of overall attendance in a semester on medical grounds only.
- 11.4. A student who fails to satisfy the attendance requirements specified in clause 11.2 shall repeat that semester in the subsequent academic years with the written permission of the Principal.
- 11.5. A student shall not be permitted to study any semester more than two times during the Programme of his/her study.
- 11.6. A student who satisfies the attendance requirements specified in clause 11.2 in any semester may be permitted to repeat that semester canceling the previous attendance and sessional marks of that semester with the written permission of the Principal. However, this facility shall be extended to any student not exceeding twice during the entire Programme of study provided the stipulation in clause 11.1 is met.

12. Conditions of Promotion

A student shall be promoted to the next semester, if he/she satisfies the minimum attendance requirements of that semester of 3 Year LL.B (Hons) as specified in clause 11.

13. Award of Degree:

A candidate for the award of the 3 Year LL.B (Hons) Degree shall be required to satisfy the following conditions:

- 13.1. The program of study for the 3 Year LL.B (Hons) degree shall cover normally a period of three academic years comprising of six semesters.
- 13.2. No students shall be permitted to complete the course of study of 3 Year LL.B (Hons) Degree earlier than 6 semesters or to take not more than 12 semesters. Failing which he / she shall forfeit his/ her seat in 3 Year LL.B (Hons).

14. Award Grades and Grade Points:

After a candidate has satisfied all requirements for the award of the degree as specified in clause 13, he/she shall be placed in one of the following three classifications, irrespective of whether the candidate passed compartmentally or otherwise, even after the regular period of study of six semesters.

Grade Point: It is a numerical weight allotted to each letter grade on a 10-point scale.

Letter Grade: It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, C, P and F.

Semester Grade Point Average (SGPA): It is a measure of performance of work done in a semester. It is the ratio of total credit points secured by a student in the courses registered in a semester and a total course credits taken during that semester. It shall be given up to two decimal places.

$$\text{SGPA (Si)} = \Sigma(\text{Ci} \times \text{Gi}) / \Sigma \text{Ci}$$

where Ci is the number of credits of the ith course and Gi is the grade point scored by the student in the ith course.

The CGPA is also calculated in the same manner taking into account all the courses undergone by a student over all the semesters of a programme, i.e.

Cumulative Grade Point Average (CGPA): It is a measure of overall cumulative performance of a student over all semesters. The CGPA is the ratio of total credit points secured by a student in the courses in all semesters and the sum of the total credits of all courses in all the semesters. It is given up to two decimal places.

$$\text{CGPA} = \Sigma(\text{Ci} \times \text{Si}) / \Sigma \text{Ci}$$

Where Si is the SGPA of the ith semester and Ci is the total number of credits in that semester.

The SGPA and CGPA shall be rounded off to two decimal points and reported in the transcripts.

Letter Grades and Grade Points:

A 10-point grading system with the following letter grades is to be followed.

Grades and Grade Points

Letter Grade	Range of Marks	Grade Points
O (Outstanding)	75-100	7.5-10
A+(Excellent)	65-74	6.5-7.4
A(Very Good)	60-64	6.0-6.4
B+(Good)	55-59	5.5-5.9
B(Above Average)	50-54	5.0-5.4
C(Average)	41-49	4.1-4.9
P (Pass)	40	4.0
F(Fail)	< 40	00.39
Ab (Absent)	-	0

A student obtaining Grade F shall be considered failed and will be required to reappear in the examination.

- 14.1 In each Semester every student who satisfies the attendance requirements should register for examination, failing which he/she shall not be promoted to the next semester. Any such student who has not registered for examination in a semester shall repeat that semester in the next academic year after obtaining the proceedings of the Principal.

- 14.2 To pass a course in UG Programme, a student has to secure the minimum grade of (P) in the UG Semester end Examination. A student obtaining Grade F shall be considered failed and will be required to reappear in the examination as supplementary candidate.
- 14.3 A student is eligible to improve the marks in a paper in which he has already passed, within 4 years from the year of admission as and when it is conducted for the subsequent batches. This provision shall not be provided once the candidate is awarded the Degree.
- 14.4 A student who has failed in a course can reappear for the End-Semester Examination as and when it is held in the normal course. The Sessional Marks obtained by the student will be carried over for declaring the result.
- 14.5 Whenever the syllabus is revised for a course, the semester end Examination shall be held in old syllabus three times. Thereafter, the students who failed in that course shall take the semester end Examination in the revised syllabus.

15. Award of Ranks:

- 15.1. Ranks shall be awarded in 3 Year LL.B (Hons) degree on the basis of Cumulative Grade Point Average (CGPA) for top ten percent of the students or top three students whichever is higher.
- 15.2. The students who have become eligible for the award of 3 Year LL.B (Hons) degree by passing all the six semesters regularly without break, shall only be considered for the award of ranks.
- 15.3. Award of prizes, scholarships and other honours shall be according to the rank secured by the student as said above and in conformity with the desire of the Donor.

16. Transitory Regulations:

- 16.1 A student who has been detained in the previous regulations for not satisfying the attendance requirements shall be permitted to join in these regulations provided the clauses 11.1 and 11.4 hold good.
- 16.2 End-Semester University Examinations under the regulations that immediately precede these regulations shall be conducted three times after the conduct of last regular examination under those regulations.
- 16.3 The students who satisfy the attendance requirements under the regulations that immediately precede these regulations, but do not pass the courses shall appear for the End-Semester University Examinations in equivalent courses under these regulations as specified by the Board of Studies (BOS).

17. Amendments to the Regulation:

The University may, from time to time, revise, amend, or change the Regulations, Scheme of Examinations and Syllabi, whenever necessary.

SRI VENKATESWARA UNIVERSITY

DEPARTMENT OF LAW

TIRUPATI – 517 502



SCHEME AND SYLLABUS

3 YEAR-LLB (*Hons*)

DEGREE COURSE

CBCS-SEMESTER SYSTEM

(w.e.f. 2016 – 2017)

SRI VENKATESWARA UNIVERSITY, TIRUPATI

SYLLABUS RELATING TO 3 YEAR LL.B (Hons) DEGREE COURSE

SEMESTER PATTERN WITH CBCS

(With effect from the academic year 2016-17)

SCHEME OF EXAMINATION

FIRST YEAR

3 YEAR LL.B (Hons)

I SEMESTER

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	1.1	Contracts –I (General Principles Of Law Of Contract)	5	1	-	6	20	80	100
2		1.2	Law of Crimes - I (I.P.C)	5	1	-	6	20	80	100
3		1.3	Law of Torts and Consumer protection Law	5	1	-	6	20	80	100
4	Foundation Course	1.4	Constitutional Law – I	5	1	-	6	20	80	100
5		1.5	Family Law – I	5	1	-	6	20	80	100
6		1.6	Legal Methods (H.C-I)	5	1	-	6	20	80	100
	Total						36	120	480	600

II SEMESTER

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	2.1	Contract – II (Special Contracts)	5	1	-	6	20	80	100
2		2.2	Constitutional Law – II	5	1	-	6	20	80	100
3		2.3	Environmental Law	5	1	-	6	20	80	100
4	Foundation Course	2.4	Jurisprudence	5	1	-	6	20	80	100
5		2.5	Administrative Law	5	1	-	6	20	80	100
6		2.6	Human Rights Law and practice(H.C-II)	5	1	-	6	20	80	100
	Total						36	120	480	600

SECOND YEAR
3 YEAR LL.B (Hons)
III SEMESTER

S. No	Components of Study	Title of the Paper	Hours per Week			Credits	Max Marks		Total
			L	T	P		I	E	
1	Core	3.1 Property Law (Including Transfer of Property Act and Easement Act)	5	1	-	6	20	80	100
2		3.2 Labour Law –I	5	1	-	6	20	80	100
3		3.3 Company Law	5	1	-	6	20	80	100
4		3.4 Public International Law	5	1	-	6	20	80	100
5		3.5 Interpretation of Statutes (Optional-I)	5	1	-	6	20	80	100
6		3.6 Regulatory Laws (H.C-III)	5	1	-	6	20	80	100
	Total					36	120	480	600

IV SEMESTER

S. No	Components of Study	Title of the Paper	Hours per Week			Credits	Max Marks		Total
			L	T	P		I	E	
1	Core	4.1 Labour Law – II	5	1	-	6	20	80	100
2		4.2 Family Law – II	5	1	-	6	20	80	100
3		4.3 Taxation Law	5	1	-	6	20	80	100
4		4.4 Intellectual Property Rights Law (Optional-II)	5	1	-	6	20	80	100
5		4.5 Land Law Including Tenure and Tenancy System (Optional-III)	5	1	-	6	20	80	100
6		4.6 Law of Insurance (H.C-IV)	5	1	-	6	20	80	100
	Total					36	120	480	600

THIRD YEAR
3 YEAR LL.B (Hons)
V SEMESTER

S. No	Components of Study	Title of the Paper	Hours per Week			Credits	Max Marks		Total
			L	T	P		I	E	
1	Core	5.1 Civil Procedure Code and Limitation Act	5	1	-	6	20	80	100
2		5.2 Law of Crimes – II (Criminal Procedure Code)	5	1	-	6	20	80	100
3		5.3 Law of Evidence	5	1	-	6	20	80	100
4		5.4 Private International Law (H.C-V)	5	1	-	6	20	80	100
5		5.5 Women and criminal law(H.C-VI)	5	1	-	6	20	80	100
6	Generic Elective	5.6 Banking Law (Optional-IV)	5	1	-	6	20	80	100
7		5.7 Media Law with RTI Act (Optional-V)	5	1	-	6	20	80	100
8		5.8 Probation, Parole and Prison Administration	5	1	-	6	20	80	100
9	Open Elective	5.9a Local Self Government including Panchayat Administration	5	1	-	6	20	80	100
10		5.9b White Collar Crime							
	Total					42	140	560	700

VI SEMESTER

S. No	Components of Study	Title of the Paper	Hours per Week			Credits	Max Marks		Total
			L	T	P		I	E	
1	Core	6.1 Practical Training I : Drafting Pleading and Conveyancing	2	0	4	6	90	10	100
2		6.2 Practical Training II : Professional Ethics and Accounting System	4	2	0	6	20	80	100
3		6.3 Practical Training III : Alternative Dispute Resolution	3	0	3	6	50	50	100
4		6.4 Practical Training IV : Moot Court Exercise and Internship	2	0	4	6	90	10	100
5		6.5 Penology and Victimology (Optional – VI)	5	1	-	6	20	80	100
6		6.6 International Trade Law (H.C-VII)	5	1	-	6	20	80	100
7		6.7 Bankruptcy and Insolvency Laws (H.C-VIII)	5	1	-	6	20	80	100
	Total				42	310	390	700	
		Grand Total				228		3800	

Note:-

- 1) Student has to choose two papers out of three papers in Generic Elective in V semester
- 2) Students of other discipline other than law course can choose one paper out of two in open elective in V Semester. (To get additional credits)
- 3) Duration of examination for each paper in all the semesters is 3 Hours except Practical Training – I and IV and for Practical Training - III the duration of examination is 1 ½ Hours only.
- 4) Allotment of Marks:
All papers carry a total of 100 Marks. Except the practical training papers I to IV
The allotment of Marks is as follows
80 Marks are allotted to the Semester End written examination
20 Marks are allotted to internal test break up of which is as follows:
First internal test - 20 marks
Second internal test - 20 marks

I-SEMESTER

PAPER-1.1

CONTRACTS-I (General Principles of Law of Contract)

- UNIT-1.** History and nature of contractual obligations-writs of debt, covenant and account-actions on the case and on assumptionist consideration-moral basis for contractual obligations subjective and objective theories sanctity of contracts.
- UNIT-2.** Agreement and contract definitions, elements and different kinds.
- UNIT-3.** Proposal and acceptance: Their various forms-essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.
- UNIT-4.** Consideration. *Nudum pactum*-its need, meaning, kinds, essential elements-privy of contract and considerations-its exception adequacy of consideration present, past and adequate consideration, unlawful consideration and its effects views of law commission of India on consideration-evaluation of the doctrine of consideration
- UNIT-5.** Capacity to contract: Meaning-incapacity arising out of status and mental defect minor's agreements-definition of "minor"-accessories supplied to a minor-agreements beneficial and detrimental to a minor affirmation-ratification in cases by a person of an agreement made by him while he was a minor-agreements and estoppels-evaluation of the law relating to minors agreements-other illustrations of incapacity to contract.
- UNIT-6. Free consent: Its need and definition-factors vitiating free consent**
- 6.1.** Coercion-definition-factors elements-duress and coercion-various illustrations of coercion- doctrine of economic duress-effect of coercion-evaluation of Sec.15.
 - 6.2.** Undue influence-definition-essential elements-between which influence-independent advice- *paradarhanashin* women-unconscionable bargains effect of undue influence.
 - 6.3.** Misrepresentation-definition-misrepresentation of law and of fact-their effects and Illustrations
 - 6.4.** Fraud-definition-essential elements-suggestion-false *suppressio veri*-when does silence amounts to fraud? Active concealment of truth-importance of intention.
 - 6.5.** Mistake-definition-kinds-fundamental error-mistake of law and of fact-their effects-when does a mistake vitiate free consent and when does it not vitiate from consent?.
- UNIT-7. Legality of objects**
- 7.1.** Void agreements-lawful and unlawful consideration and objects Void, Voidable, Illegal and unlawful agreements and their effects.
 - 7.2.** Unlawful considerations and objects
 - 7.2.1.** Forbidden by law
 - 7.2.2.** Defeating the provision of any law
 - 7.2.3.** Fraudulent
 - 7.2.4.** Injurious to person or property
 - 7.2.5.** Immoral
 - 7.2.6.** Against public policy
 - 7.3.** Agreements without consideration
 - 7.3.1.** Agreements without consideration

- 7.3.2. Agreements in restraint of marriage
- 7.3.3. Agreements in restraint of trade-its exceptions-sale of good will, sec.11 restrictions, under the partnership act, trade combinations exclusive dealing agreements, restraints on employees under agreements of service.
- 7.3.4. Agreements in restraint of legal proceedings-its exception
- 7.3.5. Uncertain agreement
- 7.3.6. Wagering agreements-its exceptions

UNIT-8. Discharge of a contract and its various moods:

- 8.1. By performance-conditions of valid tender of performance-how? By whom? Where?When- in what manner? Performance of reciprocal promises- time essence of contract.
- 8.2. By breach-anticipatory breach and present breach.
- 8.3. Impossibility of performance-specific grounds of frustration-application to leases- theories of frustration-effect of frustration-frustration and restitution.
- 8.4. By period of limitation.
- 8.5. By agreement recession and alteration-their effect-remission and waiver of performance extension of time-accord and satisfaction.

UNIT-9. Quasi contracts or certain relations resembling those created by contract.

UNIT-10. Remedies in contractual relations.

- 10.1. Damages-kinds-remoteness of damages ascertainment of damages.
- 10.2. Injunction-when granted and when refused-why?
- 10.3. Refund and restitution
- 10.4. Specific performance-why? When?
- 10.5. Specific performance of contracts under Specific Relief Act 1969
- 10.6. Recession of contracts
- 10.7. Cancellation of instruments
- 10.8. Declaratory decrees
- 10.9. Preventive relive

Paper-1.2

LAW OF CRIMES – I (I.P.C)

Unit-1. General

- 1.1. Conception of Crime
- 1.2. State's power to determine acts or omissions as crimes
- 1.3. State's responsibility to detect, control and punish crime
- 1.4. Distinction between crime and other wrongs
- 1.5. Pre-colonial notions of crime as reflected in Hindu, Muslim, tribal laws
- 1.6. The Colonial reception-Macaulay's draft based essentially British notions
- 1.7. I.P.C a reflection of different social and moral values
- 1.8. Applicability of I.P.C
 - 1.8.1. Territorial
 - 1.8.2. Personal
- 1.9. Salient features of the I.P.C

Unit-2. Elements of Criminal Liability

- 2.1. Author of crime-natural person and a fit subject for punishment, companies and corporations
- 2.2. *Mens rea*-evil intention
- 2.3. Importance of *mens rea*
- 2.4. Recent trends of strict liability without *mens rea* in certain socio-economic offences
- 2.5. An act in furtherance of guilty intent
- 2.6. An omission as specifically included in the Code
- 2.7. Injury to another

Unit-3. Group Liability

- 3.1. Stringent provision in case of combination of persons attempting to disturb peace
- 3.2. Common intention
- 3.3. Abetment
 - 3.3.1. Instigation, aiding and conspiracy
 - 3.3.2. Mere act of abetment punishable
- 3.4. Unlawful assembly
 - 3.4.1. Basis of liability
- 3.5. Criminal conspiracy
- 3.6. Rioting as a specific offence

Unit-4. Stages of Crime

- 4.1. Guilty intention-mere intention not punishable
- 4.2. Preparation
 - 4.2.1. Preparation not punishable
 - 4.2.2. Exception in respect of certain offences of grave nature or of peculiar kind such as possession, counterfeit coins, false weights and measure
- 4.3. Attempt
 - 4.3.1. Attempt when punishable-specific IPC provisions
 - 4.3.2. Tests for determining what constitutes attempt proximity equivocally and social danger.
 - 4.3.3. Impossible attempt

Unit-5. Factors negating guilty intention

- 5.1. Mental incapacity
 - 5.1.1. Minority
 - 5.1.2. Insanity-impairment of cognitive faculties, emotional imbalance
 - 5.1.3. Medical and legal insanity
- 5.2. Intoxication-involuntary
- 5.3. Private defence-justification and limits
 - 5.3.1. When private defence extends to causing of death protection body and property
- 5.4. Necessity
- 5.5. Mistake of fact

Unit-6. Types of punishment

- 6.1. Death
 - 6.1.1. Social relevance of capital punishment
 - 6.1.2. Alternative to capital punishment
- 6.2. Imprisonment for life, with hard labour, simple imprisonment
- 6.3. Forfeiture of property
- 6.4. Fine
- 6.5. Discretion in awarding punishment

6.6. Minimum punishment in respect of certain offences

Unit-7. Specific offences against human body

7.1. Causing death of human beings

7.1.1. Culpable homicide

7.1.2. Murder

7.1.2.1. Distinction between culpable homicide and murder

7.2. Specific mental element requirement in respect of murder

7.3. Situation justifying treating murder as culpable homicide not amounting to murder

7.3.1. Grave and sudden provocation

7.3.2. Exceeding right to private defense

7.3.3. Public servant exceeding legitimate use of force

7.3.4. Death in sudden fight

7.3.5. Death caused by consent of the deceased-Euthanasia

7.3.6. Death caused by person other than the person Intended

7.3.7. Miscarriage with or without consent

7.4. Rash and negligent act causing death

7.5. Hurt-grievous and simple

7.6. Assault and criminal force

7.7. Wrongful restraint and wrongful confinements-kidnapping from lawful guardianship and from outside India

7.8. Abduction

Unit-8. Offences against women

8.1. Insulting the modesty of a woman

8.2. Assault or criminal force with intent to outrage the modesty of a woman

8.3. Causing miscarriage without woman's consent

8.4. Causing death by causing miscarriage without women's consent

8.5. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse

8.6. Buying a minor for purposes of prostitution

8.7. Cruelty by husband or relatives of the husband

8.8. Rape

8.9. Custodial rape

8.10. Marital rape

8.11. Cruelty by husband or relatives of the husband

8.12. Common law remedies to protect against obscene/indecent depiction of woman

Unit-9. Offences against property

9.1. Theft

9.2. Cheating

9.3. Extortion

9.4. Robbery and dacoity

9.5. Mischief

9.6. Criminal misrepresentation and criminal breach of trust

9.7. Criminal trespass

9.8. Forgery

Unit-10. Offences by or relating to public servants

10.1. Public servant taking gratification of other than legal remuneration

10.2. Public servant induced by illegal or corrupt means to do or not to do an act

10.3. Public servant obtaining valuable thing without consideration connection with official functions.

- 10.4. Public servant framing incorrect document without intent to cause injury
- 10.5. Unlawful buying or bidding by public servant
- 10.6. Special legislation dealing with prevention of corruption, prevention of corruption Act, objective and scope
- 10.7. False evidence and offences against public justice

Unit-11. Offences against the State

- 11.1. Waging attempting conspiring to wage or collecting the ammunition to wage war against the Government of India
- 11.2. Assaulting President or Governor of a State with an intent to compel or restrain the exercise of any lawful power
- 11.3. Sedition
- 11.4. War against a power at peace with the Government of India are committing depredations on the territories or such powers
- 11.5. Permitting or aiding or negligently suffering the escape of or rescuing of harbouring, a state of prisoner

Unit-12. Defamation

- 12.1. Defamation
- 12.2. Punishment for defamation
- 12.3. Printing or engraving matter known to be defamatory
- 12.4. Sale of printed or engraved substance containing defamatory matter

SUGGESTED READINGS

- 1 : Gaur.K.D-Criminal Law-Cases and materials (1985 Edn)
- 2 : Ratanlal-Dhirajlal-Law of Crimes (1987) 23rd Edn.
- 3 : Huda-Law Crimes
- 4 : Kenny-Outlines of Criminal Law (Chapt 1to3)
- 5 : Ratanlal-Dhirajlal-The Indian Penal Code
- 6 : Achuthen Pillai.P.S-Criminal Law
- 7 : Nigam,R.C-Law Crimes in India-Vol-I
- 8 : Stewart,S.W-A Modern view of Criminal Law (Pergamon Press Oxford 1969)
- 9 : Gari Sing Gour-Penal Law of India
- 10 : Bhatt,V.R-Essays in Criminal Law
- 11 : Relevant volumes of the Annual survey published by Indian Law institute

PAPER-1.3

LAW OF TORTS AND CONSUMER PROTECTION LAWS

Unit-1. Evolution of law of torts

- 1.1. Its development by courts in England.
- 1.2. Forms of Action.
- 1.3. Emergence of specific remedies from case to case.
- 1.4. Reception of Law of Torts in India.
- 1.5. Principles of Equity Justice and good conscience
- 1.6. Definition, nature, scope and objects
- 1.7. A Wrongful act violation of a duty (in rem) imposed by law, duty which is owned to people generally, Legal damages-*damnum sine injuria and injuria sine damno*

- 1.8. Tort distinguished from crime, breach of contract – The concept of Unliquidated damages-
objects-prescribing standards of human conduct, redressal wrongs by payment of compensation, prescribing unlawful conduct by injunctions.

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Unit-2. Principles of liability in torts:

- 2.1. Fault
- 2.2. Wrongful intent
- 2.3. Negligence
- 2.4. Liability without fault
- 2.5. Violation of Ethical codes
- 2.6. Statutory liability
- 2.7. Fatal Accidents Act-Railway Act-Workmen's compensation Act-Motor vehicles Act-Carrier Acts-Insurance Laws.
- 2.8. Place of motive in torts.
- 2.9. Extinguishments of liability in certain situations:
- 2.10. Death, *Actio personalis mortium cumpersona*-Exceptions-Law reform (Miscellaneous Provisions) Act, 1934.
- 2.11. Waiver and Acquie

Unit-3. Justification in tort:

- 3.1. *Volenti non fit injuria*-What is free consent? Informed consent, mere knowledge and knowledge coupled with assumption of risk.
- 3.2. Necessity, Private and Public.
- 3.3. Plaintiff's default
- 3.4. Act of good and Inevitable Accident
- 3.5. Private defense
- 3.6. Statutory Authorisation
- 3.7. Judicial and Quasi-Judicial Acts
- 3.8. Parental and Quasi Parental Authority

Unit-4. Doctrine of sovereign immunity and its relevance in India

- 4.1. Liability of state-sovereign and non-sovereign functions, Croen proceedings Act of U.K Federal Tort Claims Act of U.S.A.
- 4.2. Constitution of India (Arts 294 and 300)
- 4.3. Act of state

Unit-5. Vicarious liability:

- 5.1. Basis, Scope and Justification
- 5.2. Express Authorization
- 5.3. Ratification
- 5.4. Abetment
- 5.5. Special Relationships
- 5.6. Master and servant-arising out of and in the course of employment who is master? Control test who is servant, borrowed servant independent contractor?.
- 5.7. Principal and Agent
- 5.8. Corporation and Principal Officer

Unit-6. Torts against persons and personal relations:

- 6.1. Assault, Battery, Mayhem
- 6.2. False Imprisonment
- 6.3. Defamation-Libel, slander including law relating to privileges
- 6.4. Marital Relations, Domestic Relations, Parental Relations, Master and Servant Relations.
- 6.5. Malicious prosecution

- 6.6. Shortened Expectation of life.
- 6.7. Nervous shock.
- 6.8. Defenses.
- 6.9. Trespass to land, Trespass *ab initio*, dispossession
- 6.10. Movable property-Trespass to goods, Detinue, Conversion
- 6.11. Torts against Business interests-Injurious Falsehood, Misstatements passing off.

Unit-7. Absolute/strict liability:

- 7.1. Basic concepts
- 7.2. Theories of Negligence
- 7.3. Standards of care, Duty to take care, carelessness inadvertence
- 7.4. Doctrine of contributive Negligence.
- 7.5. *Res ipsa loquitur* and its due to Negligence with special reference to consumer protection law.
- 7.6. Professional liability due to Negligence with special reference to consumer protection law.
- 7.7. The rule in *Ryland v. Fletcher*. Principle for application of these rules.
- 7.8. Storing of dangerous things.
- 7.9. Escape of dangerous things-application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster, Oelum, Gas Escape, Machua Dam Burst, M.C. Mehta sace, Nuclear Installations and their hazards).
- 7.10. Liability under Motor Vehicle Act, Railway Act etc.

Unit-8. Nuisance

- 8.1. Definition, Essentials, Types
- 8.2. Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air.

Unit-9. Legal Remedies:

- 9.1. Legal remedies
- 9.2. Award of damages-simple, special, punitive
- 9.3. Remoteness of damages-foreseeability and directness tests
- 9.4. Injunction
- 9.5. Specific restitution of property
- 9.6. Extra-legal remedies-self help, re-entry in land, re-capture of goods, distress damage feasant abetment to nuisance
- 9.7. Judicial process in Tort-Dilatoriness-Complicated rules of procedures and evidence - Experts in trial process, reports of testing labs-Court fees, problems of access

Unit-10. Common Law and the Consumer:

- 10.1. Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professionals
- 10.2. *Caveat emptor and Caveat Venditor*
- 10.3. Deceit and false advertisement
- 10.4. Liability for hazardous and inherently dangerous industrial activity.
- 10.5. Product liability-EEC directives
- 10.6. Right to common property resources-right to pass and repass on pathways
- 10.7. Consumer Protection Act, 1986.

PAPER – 1.4
CONSTITUTIONAL LAW-I

- Unit-1.** Preamble-Federalism- Secularism-Social justice-Interpretation of preamble
- Unit-2.** The Union and its territory: Name and territory of the union-Admission or Establishment of new States– Formation of a new State- Alteration of areas or boundaries- Names of the existing states
- Unit-3.** Citizenship: Right of citizenship of persons migrated from Pakistan, and persons of Indian origin residing outside of India, voluntary acquiring citizenship of foreign state not to be citizens continuance of the rights of citizenship, citizenship act.
- Unit-4. Meaning and scope of state under Article 12 of Constitution of India**
- 4.1. Local Authority – Municipalities, District Boards, Panchayats Improvement Trust and Mining settlement Boards, Body of Port Commissioners under the control or management of a municipal or local fund.
 - 4.2. Other Authorities – Power to make laws, byelaws, rules, orders or regulations, are called ‘Other authorities’ within the meaning of Article 12.
 - 4.3. State in the light of Fundamental rights.
- Unit-5.** Fundamental Rights - Definition – Laws inconsistent with or in derogation of the fundamental rights- The Right to equality, equality of opportunity- Prohibition of discrimination on grounds of religion, race caste, sex or place of birth.
- Unit-6. Right to Freedoms**
- 6.1. Freedom of Speech and Expression.
 - 6.2. Freedom of the Press.
 - 6.3. Freedom of Speech and Contempt of Court.
 - 6.4. Freedom of Assembly.
 - 6.5. Freedom of Association.
 - 6.6. Freedom of Movement.
 - 6.7. Freedom of Reside and Settle.
 - 6.8. Freedom of Profession/Business, etc.,
 - 6.9. Property and Social Control 1950 to 1978.
 - 6.10. Property and Social Control-After 1978.
- Unit-7.Right against exploitation**
- 7.1. Prohibition of traffic in human beings and forced labour
 - 7.2. Prohibition of employment of children in factories etc
 - 7.3. Protection of interests of minorities
 - 7.4. Right of minorities to establish and administer educational institutions.
- Unit-8.Personal liberty:**
- 8.1. Personal Liberty-meaning and scope
 - 8.2. Rights against self incrimination
 - 8.3. Rights against Retroactive Punishment
 - 8.4. Rights of an accused-Double jeopardy
- Unit-9.Constitutional Remedies**
- 9.1. Enforcement of fundamental rights
 - 9.2. Power of parliament to modify the rights the conferred by this part in their application to forces e.t.c
- Unit-10. Fundamental rights and Directive Principles:**
- 10.1. Directive Principles-Reasons for incorporation.

- 10.2.** Directive Principles-Directions of social change-A new social order.
- 10.3.** Fundamental Rights and directive Principles-Inter relationship-Judicial balancing.
- 10.4.** Constitutional Amendments-Arts. 31-A, 31-B and 31-C to strengthen Directive Principle
- 10.5.** Judicial Policy towards directive Principles Fundamental Duties Art 51-A

PAPER – 1.5

FAMILY LAW-I

Unit-1. Marriage and Kinship

- 1.1. Evolution of the institution of marriages and family
- 1.2. Role of religion, rituals and practices in moulding the rules regulating marital relations
- 1.3. Types of family based upon; lineage-patrilineals, matrilineal, authority, structure patriarchal and matriarchal, location-patrilocal and matrilocal and number of conjugal units nuclear extended, joint and composite.
- 1.4. Applicability of law
 - 1.4.1. Who is a Hindu?
 - 1.4.1.1. Who is s Muslim?
 - 1.4.1.2. Who is a Christian?
 - 1.4.2. Sources of Hindu law, Muslim law and Christian law

Unit-2. Customary practices and the State

- 2.1. Polygamy
- 2.2. Concubinage
- 2.3. Child marriage
- 2.4. Sati
- 2.5. Dowry
- 2.6. State intervention through various legal measures

Unit-3. Conversion and its effect on family

- 3.1. Marriage
- 3.2. Adoption
- 3.3. Guardianship
- 3.4. Succession

Unit-4. Matrimonial Remedies

- 4.1. Non-judicial resolution of marital conflict problems
 - 4.1.1. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution
 - 4.1.2. Divorce under Muslim personal law-Talaq and Talaq-e-tafweez
- 4.2. Judicial resolution of marital conflict problems A general perspective of matrimonial fault theory and principles of irretrievable breakdown of marriage
- 4.3. Nullity of marriage
- 4.4. Option of puberty
- 4.5. Restitution of conjugal rights
- 4.6. Judicial separation
- 4.7. Desertion-a ground for matrimonial relief
- 4.8. Cruelty-a ground for matrimonial relief
- 4.9. Adultery- a ground for matrimonial relief
- 4.10. Other grounds for matrimonial relief
- 4.11. Divorce by mutual consent under Special Marriage Act, 1954, Hindu Marriage Act, 1955 and Muslim law(Khula and Mubaraat)
- 4.12. Bars to matrimonial relief
 - 4.12.1. Doctrine of strict proof
 - 4.12.2. Taking advantage of one's own wrong and disability
 - 4.12.3. Accessory
 - 4.12.4. Connivance

- 4.12.5. Collusion
- 4.12.6. Condonation
- 4.12.7. Improper or unnecessary delay
- 4.12.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief

Unit-5. Alimony and maintenance

- 5.1. Maintenance of neglected wives, divorced wives, minor children, disabled children and parents who are unable to support themselves under the Code of Criminal Procedure, 1973
- 5.2. Alimony and maintenance as an independent remedy-a review under different personal laws
- 5.3. Alimony and maintenance as ancillary relief, alimony, pendente lite and permanent maintenance
- 5.4. Maintenance of divorced Muslim women under The Muslim Women (Protection of Rights on divorce) Act, 1996-a critical review

Unit-6. Child and the Family

- 6.1. Legitimacy
- 6.2. Adoption
- 6.3. Custody, maintenance and education
- 6.4. Guardianship

Unit-7. Family and its changing patterns

- 7.1. New emerging trends
 - 7.1.1. Attenuation of family ties
 - 7.1.2. Working women and their impact on spousal relationship, composition of family, status and role of women and decision making authority structure.
- 7.2. Factors affecting the family-demographic, environmental, religious, legislative
- 7.3. Process of social change in India-Sanskritisation, Westernization, secularization, universalisation, patriarchy and modernization including industrialization and urbanization

Unit-8. Establishment of Family court

Unit-9. Securing of a Uniform Civil Code

- 9.1. Religious pluralism and its implication
- 9.2. Connotations of the directive contained in Article 44 of the Indian Constitution
Impediments to the formulation of the Uniform Civil Code

Paper – 1.6

LEGAL METHODS (H.C – I)

OBJECTIVES OF THE COURSE

The subject aims to impart the fundamental aspects of law. It further provides the basis for developing analytical skills. In par with the requirements of provisional competence, the course adapts to methods of learning law. The beginners in law will be adequately supplemented by tools of understanding on Statutes, Judgments and that of basic research.

Unit-1.INTRODUCTION TO LAW AND LEGAL SYSTEM

What is Law? – Law in relation to concepts of justice, morality, State, citizens, society and the globe – Theories of law – Schools of thought on the nature, function, sources and role of law – Custom and law – Introduction to different legal systems of the World – Common law system – Civil law system – Role and

functions of the legal institutions in such diverse systems – Global Administrative Law – Global Rule of law.

Unit-2. INDIAN LEGAL SYSTEM

Overview of the Indian legal system and legal institutions – Role of the Constitution – Process of legislation – Delegated legislation – Ordinances – Rules – Regulations – Orders – Notifications – Bye laws – Customs having the force of law – Constitutional conventions – Access to Statutes and Bills – Techniques of reading and analyzing the statutes, Rules and Regulations.

Unit-3. JUDICIAL PROCESS

Hierarchy of courts – Judicial review – Stare decisis – Precedent – Law declared by the Supreme Court – Complete justice – quasi – Judicial authorities – Techniques of reading and analyzing judicial decisions – General Principles of Statutory Interpretation – Comparative judicial process – Binding nature of foreign decisions – Legal and logical reasoning.

Unit-4. LEGAL RESEARCH

Concept of Research – Objectives – Types of Research – Social Science Research – Legal Research.

Unit-5. SOCIO-LEGAL RESEARCH

Methodology – Identification of the research problem – Framing of hypothesis – research questions – Data Collection – Legal material, Statutes, Subordinate Legislation, Notifications, Policy statements – Decisional materials, Foreign Judgments, Legal databases, Reports of Commissions & Committees – Statistical and Legal analysis of data – Interpretation and implication of data – Hypothesis testing – Report Writing.

Books for Reference :

1. William J. Goode and Paul K. Hatt – Methods in social Research.
2. Adam Podgorecki – Law and Society.
3. Oaul Oliver – Writing Your Thesis.
4. Prof. Tushar Karti Saha – Legal Methods, Systems, Research.
5. S.K. Verma and Afzal Wani (Editors) – Legal Research and Methodology.

II-SEMESTER

PAPER-2.1

CONTRACTS-II (Special Contracts)

Unit-1. Indemnity and guarantee:

- 1.1. Indemnity and guarantee (Sec. 134, 127) Indian Contract Act 1872
- 1.2. Contract of indemnity
 - A. Definition
 - B. Rights of indemnity holder
 - C. Liability of indemnifier.
- 1.3. Contract of guarantee
 - A. Definition
 - B. Essential characteristics of contract of guarantee
 - C. Distinction between contract of indemnity and contract of guarantee
 - D. Kinds of guarantee
 - E. Rights and liabilities of surety
 - F. Discharge of surety
 - G. Contract of Bailment and (Sec. 148-181 of Indian Contract Act 1872).

Unit-2. Bailment

- 2.1. Definition
- 2.2. Essential requisites of bailment
- 2.3. Kinds of bailment
- 2.4. Rights and duties of bailor and bailee
- 2.5. Termination of bailment
- 2.6. Pledge
 - A. Definition
 - B. Rights and duties of pawnor and pawnee
 - C. Pledge by Non Owners.

Unit-3. Contract of Agency (Sec. 182-238 of the Indian Contract Act 1872)

- 3.1. Definition of agent
- 3.2. Creation of agency
- 3.3. Rights and Duties of agent
- 3.4. Delegation of authority
- 3.5. Personal liability of agent
- 3.6. Relations of principal with third parties
- 3.7. Termination of agency.

Unit-4. Contract of sale of goods (The Indian Sale of Goods Act 1930).

- 4.1. Formation of Contract
- 4.2. Subject matter of Contract of Sale
- 4.3. Conditions and Warranties
- 4.4. Express and Implied conditions and Warranties
- 4.5. *Caveat Emptor*
- 4.6. Property, Possession and Risk
- 4.7. Passing of Property
- 4.8. Sale of non-owners
- 4.9. Delivery of goods
- 4.10. Rights and duties of seller and buyer before and after sale.
- 4.11. Rights of unpaid seller.

Unit-5. Contracts of partnership (The Indian Partnership Act, 1932).

- 5.1. Definition and nature of Partnership
 - 5.2. Formation of Partnership
 - 5.3. Test of Partnership
 - 5.4. Partnership and other Associations
 - 5.5. Registration of Firms
 - 5.6. Effect of non-registration
 - 5.7. Relation of Partners
 - 5.8. Rights and Duties of Partners
 - 5.9. Properties of the Firm
 - 5.10. Relation of Partners to third parties
 - 5.11. Implied authority of a partner
 - 5.12. Kinds of Partners
 - 5.13. Minor as Partners
 - 5.14. Reconstitution of a Firm
 - 5.15. Dissolution of firm.
- Unit-6. Negotiable Instruments Act, 1881**

PAPER-2.2

CONSTITUTIONAL LAW-II

Unit-1. Federalism:

- 1.1. Federalism-Principles-Comparative study of other Federations. Why India has a Federal Government.
- 1.2. Indian Federalism-President of India-Council of state-Process of Constitutional Amendment. Identification of Federal features.
- 1.3. Legislative relations between the Centre and the State
- 1.4. Administrative Relations-Centre States.
- 1.5. Financial Relations-centre-states
- 1.6. Governor's position from the Perspective of Federalism.
- 1.7. Centre's Powers over the States-Art. 356.
- 1.8. J&K-Special status.
- 1.9. Critical problems of Indian Federalism. Sarkaria Commission-Greater Autonomy v. Central Control. One party domination. Emergence of Political Federalism. Growth of Regional Parties.

Unit-2. Parliamentary government:

- 2.1. Westminster Model-Indian experience before independence-Choice of Parliamentary Government
- 2.2. President of India-Election, Qualifications, Impeachment, salary
- 2.3. Council of Ministers-President's constitutional position.
- 2.4. Governor and State Government-Constitutional Relationship
- 2.5. Legislative Process-Privileges, freedom of speech. Practice of law making etc.,
- 2.6. Legislative Privileges v. Fundamental Rights. In re. Art. 143 of the Constitution of India.
- 2.7. Prime Minister-Cabinet System-Collective responsibility Individual responsibility. President-Prime minister relation ship.
- 2.8. Party system-Anti -defection law. Freedom of an A.P./M.L.A to dissent.

Unit-3. Constitutional process of adaptation and alteration:

- 3.1. Methods of Constitutional Amendments-Written-Unwritten, Rigid-Flexible Constitutions. Provisions which can be amended by ordinary procedure, special procedure, Review of Constitutional Amendments.
- 3.2. Limitations upon Constitutional amendments *Shankari Prasad, Sajjari Singh*.
- 3.3. *Golaknath v. Punjab*-Why should federal Rights be immune from the process of Constitutional Amendment.
- 3.4. Basic structure doctrine as a limitation- *Kesavanand Bharathi*.
- 3.5. Development of the Basic Structure Doctrine. Constituent Power of the Supreme Court. *VamanRao v. Minerva Mills*.
- 3.6. *Indira Gandhi v. Raj Narain*; Judicial Consensus on Basic Structure Doctrine.
- 3.7. Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine. Special Bench to Reconsider the Basic Structure Issue. Forty- second Constitutional Amendment. Forty fourth Constitutional Amendment .
- 3.8. *Minerva Mills* and subsequent developments of the Basic Structure Doctrine. Responsibility of the Court; Activism v. Restraint.

Unit-4. Emergency:

- 4.1. Emergency-need for such a provision. Types of Emergencies, Experience in other democracies.
- 4.2. Proclamation of emergency-conditions-Art. 352-Effect of Emergency on Centre-State Relations.
- 4.3. Emergency and suspension of Fundamental Rights Arts. 358, 359- *Makhan Singh Tarasikha to A.D.M. Jabalpure*.
- 4.4. Financial emergency.

Unit-5. Services under the constitution.

- 5.1. Doctrine of Pleasure (Art. 310)
- 5.2. Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art. 311)
- 5.3. *Tulsiram Patel*-Exceptions to Art. 311.

Unit-6. Judicial process under the constitution.

- 6.1. Judicial Review-Art. 32, 226, 227.
- 6.2. Nature of Judicial Review.
- 6.3. Court system in India: Backlogs, Arrears, Alternatives, LokAdalats, etc.,
- 6.4. Judges, Appointments, Conditions of service etc.,
- 6.5. Subordinate Judiciary.
- 6.6. Jurisdiction of Supreme Court and High court.
- 6.7. Advisory Jurisdiction of the Supreme Court.
- 6.8. Public interest Litigation.

SUGGESTED READINGS

1. Basu.D.D -Commentary on the Constitution of India.
2. Hidayatullah.M (Ed) -Constitutional Law of India
3. Seervai.H.M -Constitution of India.
4. Austin.G –Indian Constitution A cornerstone of a Nation.
5. Banerjee.A.C –Constitutional History of India.
6. Khanna.H.R –Making of India’s Constitution
7. Shiva Rao.B –Framing of India’s Constitution.
8. Jain.M.P –Indian Constitutional Law.

Relevant volumes of the Annual survey published by Indian Institute.

PAPER-2.3
ENVIRONMENTAL LAW
(Including Wild Life Protection Act)

Unit-1. The meaning of environment and pollution:

- 1.1. Definition, as defined in the Environment Protection Act: 1986 Sec. 2(a); “Pollution” as defined in the same Act, Sec 2(a), (b), (c), (d), (e); and in the water (Prevention and Control of Pollution) Act, 1974. “Forests”, as defined in the Indian Forest Act, 1927, and the Forest conservation Act, 1980. the intended meaning of environment in Constitution, Articles 15(2) (b), 24, 39 (a), (b), (c),(e), (f), 47, 48 A, 49.
- 1.2. Causative factors of Pollution.

Unit-2. Subject matter of environmental laws:

Unit-3. Types and functions of environmental laws

- 3.1. Primary Protective Laws
 - 3.1.1. For human-beings: Laws pertaining to: (a) Water (b) Air, (c) Noise, (d) Nuclear radiation, (e) Toxic substances.
 - 3.1.2. For non human-beings: Laws pertaining to (a) Wild life (b) Marine life, (c) Forests, (d) Minor-forests, e) restrictions on trade.
- 3.2. Primary planning laws
 - 3.2.1. For production :: Laws pertaining to : (a) Land use (b) Irrigation, (c) Industries, (d) Mining, (e) Grazing-land, (f) Catchments areas, (g) Wet land, (h) Estuaries.
 - 3.2.2. For distribution :: Laws pertaining to : (a) Land ceiling (b) Town planning/zoning, (c) Slums, (d) Housing, (e) Recreational areas, (f) Parks, (g) Sanctuaries, (h) Biospheres.

Unit-4. Secondary laws:

- 4.1. Pertaining to the administration and functioning of Pollution Control Boards; Water- Boards; the Factories Acts, Forest Act Land Reform and Development Acts, industries Act, etc.,
- 4.2. Laws relating to the administration within the Ministry of Environment and forest.
- 4.3. Laws relating to the collection, dissemination and publication of data by the Boards of Ministry, concerning. : a) Hazardous material, b) Endangering industries, c) Levels of pollution; and d) Types of safety measures available and implemented.
- 4.4. Laws relating to the role of the lower courts (including the Forest Courts).

Unit-5. Tertiary laws:

- 5.1. Constitutional provisions concerning inter-state relations that concern acquisition, regulation and distribution natural resources, (Water, Forests, Mines, Oil) (with special emphasis on Art. 14, 19, 31-A, 31-B, 31-C, 39(b)&(c); Union list; 6, 52, 56, 57. State list: 17, 18, 21, 23. Concurrent List: 17, 17-A, 17-B, 18, 20, and Ninth Schedule.
- 5.2. Constitutional provisions: The Constitution of India Art. 14, 15, 2(b), 19(e), 21, 31-c, 32, 38, 39, 32, 37, 48-A, 49, 51, 51-A(g).

Unit-6. International parameters of environment:

- 6.1. Stockholm Declaration and its impact.
- 6.2. Rio Summit
- 6.3. United Nations Environmental Programme (UNEP).

6.4. State responsibility for environmental pollution

6.5. North South Perspective.

Unit-7. Legal strategies regulation

7.1. Deterrence through criminal liability, strict liability, Absolute Liability and Vicarious liability.

7.2. Principles of calculating penalties and economic sanctions against offenders.

7.3. Principles and methods of standardization

7.4. Managerial

7.4.1. Principles of tortuous liability

7.4.2. Estoppel

7.4.3. Strategies of incentives, through non-taxation, deductions etc.,

7.4.4. Methods of recovery through insurances, sureties, bonds etc.,

7.5. Environmental courts/Tribunals

Unit-8. Rights in common law:

8.1. Basis of occupancy, usufruct and group or collective rights of indigenous communities in national and international laws.

Unit-9. Natural rights theories and its advocacy in environment related issues:

9.1. Right to life.

9.2. Right to livelihood

9.3. Right to reside

9.4. Right to development

9.5. The rights of future generations

Unit-10. Multinational corporate liabilities:

In the legal responsibilities of multinational funding agencies.

Judicial activism and environment:

PAPER-2.4 **JURISPRUDENCE**

Unit-1. Need to study Jurisprudence; Its relationship with political; power structures and just society.

Unit-2. What is a Concept?

2.1. Concept; Ideas and Notions

2.2. What is Theory? Difference between theory; hypothesis; conjecture; and opinions .

Unit-3. What is a Norm?

3.1. Difference between maxims, rules, principles and customary rules

3.2. Differences between Primary Rules and Secondary Rules.

3.3. What is a Normative System

Unit-4. Concept of Law; Its difference with laws of natural science, social sciences, statistics, history

4.1. Laws on obligation

Unit-5. Why are Laws obligatory?

5.1. Define and discuss the following legal concepts: liability, obligation, sanction, coercion, compulsion, duty, estoppel, promise, Dharma with case material

5.2. Contractarian Theories: General-will theories and Free-will theories and Autonomous theories particularly Positivist theories connected development of

Austin onwards: Reference to Dworkin; Rawls and Marxian terms of the Doctrine of withering away of state, including Transcendental Theories.

- 5.3. Whom does the law obligate? Personality; people; state-with particular reference to Directive Principles of State Policy; *locus standi*, Randhir Singh, Golaknath and other relevant cases.

Unit-6. Theories of Authority

- 6.1. Types of authority; legislative, judicial and customary-their binding nature.
6.2. Bindingness with regard to Precedent. Determination of ratio and methods of Wanbaugh, Salmond, Good Hart, Simpson's approach in Jacob's case. Also the studying factors of Ilewlyn (information to be provided that there is no distinction between making and declaring, basing on Gestalt psychology. (Ref: Peter Brett)

Unit-7. Limits on Legislative Authority

- 7.1. Positivist view that there are no limits. Discuss with reference to Austin, Kelsen, Golaknath and D.C Wadhwa's case.
7.2. Natural Law view that the limits are defined by principles of morality or natural justice; the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis.
7.3. The Rationalists view that the limits are set by rational principles of justice. Discuss with reference to Kant, Rawls.
7.4. The Basic Structure Doctrine-that the limits are set by the Basic Structure of the Constitution or the law itself; any legislation contrary to the basic structure is non-law (ref: *Kesavananda Bharati's case*)
7.5. Define and discuss the basic legal Concept of Reasonableness with reference to Indian cases.
State of Madras v. V.G. Row (1952 SC 196).
Dwaraka Prasad Laxmi Narayan v. State of U.P (AIR 1954 SC 224).
Krishan Chanda Arora v. Commissioner of Police (1961 3 SCR 135).
Hardhan Shah v. State of West Bengal (1975 3 SCC 198).
Air India v. Nargesh Meerza (AIR 1987 SC 1829).
Maneka Gandhi v. Union of India (1978 2SCR 621).

Unit-8. The Functions of Law

- 8.1. Law as the upholder of the moral order in the society
8.2. Concept of Dharma and connection between Law and Morality
8.3. Law for bringing efficiency and social stability; the utilitarian views
8.4. The differences between the ends of a legal order, a political order and a religious order. Are they interchangeable? Can one replace another? Issue concerning the dialectics of law
8.5. Law as a means of Social Control
8.6. Law as Volksgeist

PAPER-2.5

ADMINISTRATIVE LAW

Unit-1. Evolution, Nature and Scope of Administrative Law

- 1.1. From a *Laissez Faire* to a Social Welfare State; State as regulator of private interest; State as provider of services; Other functions of Modern State; Relief; Welfare

- 1.2. Evolution of Administration as the fourth branch of government; Necessity for delegation of powers on administration
- 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration
 - 1.3.1. Regulatory Agencies in the United States
 - 1.3.2. Conseil d'Etat of France
 - 1.3.3. Tribunalization in England and India
- 1.4. Relationship between Constitutional Law and Administrative Law and Public Administration
- 1.5. Separation of Powers: To what extent relevant to administrative functions?
- 1.6. Rule of Law and Administrative Law
- 1.7. Definitions of Administrative Law
- 1.8. Scope of Administrative Law
- 1.9. Emerging trends: Positive duties of administration under the modern social welfare legislation and compulsions of planning

Unit-2. Bureaucracy in India

- 2.1. Nature and Organization of civil service; Central and State
- 2.2. It's hierarchical character; Accountability and Responsiveness
- 2.3. Powers and Functions
- 2.4. Attainment of developmental and social welfare goals through bureaucracy; Problems and perspectives
- 2.5. Class character and Structure
- 2.6. Administrative deviance; Corruption; Nepotism; Mal-administration; Disciplinary proceedings and Prosecutions under Prevention of Corruption Act.

Unit-3. Legislative powers of administration

- 3.1. Necessity for delegation of legislative power
- 3.2. Constitutionality of delegated legislation; Powers of exclusion and inclusion an power to modify statute.
- 3.3. Requirements for the validity of delegated legislation
 - 3.3.1. Consultation of affected interests and public participation in decision making
 - 3.3.2. Publication of delegated legislation
- 3.4. Administrative directions; circular and policy statements
- 3.5. Legislative Control of delegated legislation
 - 3.5.1. Laying procedures and their efficacy
 - 3.5.2. Committees on delegated legislation-their constitution-function and effectiveness
 - 3.5.3. Hearings before Legislative Committees
- 3.6. Judicial Control of delegated legislation-Doctrine of *Ultra Vires*
- 3.7. Sub-Delegation of legislative powers

Unit-4. Judicial powers of administration

- 4.1. Need for devolution of adjudicatory authority on administration
- 4.2. Administrative Tribunals and other adjudicating authorities their *ad hoc* character-Compare administration of justice in court with that of Tribunals (Ref.Robson)
- 4.3. Nature of Tribunals; Constitution; Procedure; Rules of evidence, etc., with special reference to the following:
 - 4.3.1. Central Board of Customs and Excise
 - 4.3.2. MRTP Commission
 - 4.3.3. ESI courts

- 4.3.4. Service Tribunals
- 4.4. Jurisdiction of Administrative Tribunals and Other authorities; Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the Supreme Court
- 4.5. The Right to Hearing; Essentials of hearing process, Bias (no one can be a judge in his own cause); Oral Hearing, etc.,
- 4.6. Rules of Evidence- No evidence; Some evidence and Substantial evidence rules
- 4.7. Requirements regarding Reasoned Decisions.
- 4.8. The Right to Counsel
- 4.9. Institutional Decisions
- 4.10. Administrative Appeals
- 4.11. Council on Tribunals and Inquiries in England
- 4.12. US Regulatory Agencies and Administrative Procedures Act, 1946
- 4.13. Emerging trends of Tribunalization in India as a means to relieve congestion in the courts and utilization of administrative expertise

Unit-5. Judicial Control of Administrative Action

- 5.1. Preliminary
 - 5.1.1. Courts as the final authority of determine legality of administrative action; Problems and Perspectives
 - 5.1.2. Exhaustion of Administrative Remedy
 - 5.1.3. Standing; Standing for Social Action Litigation
 - 5.1.4. Laches
 - 5.1.5. *Res Judicata*
- 5.2. Grounds of Judicial Review: Scope of judicial review
 - 5.2.1. Jurisdictional error/*ultra vires*
 - 5.2.2. Abuse and non exercise of jurisdiction
 - 5.2.3. Error apparent on the face of the record
 - 5.2.4. Violation of Principles of Natural Justice
 - 5.2.5. Primary jurisdiction
 - 5.2.6. Absence of ripeness
 - 5.2.7. Political Question
 - 5.2.8. Doctrine of Legitimate Expectation
- 5.3. Methods of Judicial Review
 - 5.3.1. Statutory Appeals
 - 5.3.2. *Mandamus*
 - 5.3.3. *Certiorari*
 - 5.3.4. *Prohibition*
 - 5.3.5. *Quo-warranto*
 - 5.3.6. *Habeas corpus*
 - 5.3.7. Declaratory Judgment and Injunctions
 - 5.3.8. Specific Performance and civil suits for compensation
 - 5.3.9. Fact-finding Commissions

Unit-6. Administrative Discretion

- 6.1. Need for administrative discretion
- 6.2. Administrative discretion and Rule of Law
- 6.3. Malafide exercise of discretion
- 6.4. Constitutional imperatives and use of discretionary authority
- 6.5. Irrelevant Considerations
- 6.6. Non-exercise of discretionary power
- 6.7. Discretion to prosecute or to withdraw prosecution

- 6.8. Limiting, confining and restructuring discretion-general discretion, technical discretion
- Unit-7. Liability for wrongs: (Tortious and Contractual)**
- 7.1. Tortious Liability: Sovereign and Non-sovereign functions
- 7.2. Crown Proceedings Act of UK and Torts Claims Act of US
- 7.3. Statutory Immunity
- 7.4. Act of State
- 7.5. Contractual liability of Government
- 7.6. Government privilege in legal proceedings; State secrets, Public interest, etc.,
- 7.7. Right to Information and Open government
- 7.8. *Estoppel* and Waiver
- Unit-8. Corporations and Public undertakings**
- 8.1. State Monopoly; Remedies against arbitrary action or for action against public policy
- 8.2. Liability of public and private corporations of departmental undertakings
- 8.3. Legal Remedies
- 8.4. Accountability; Committee on public undertakings, Estimates committee, etc.
- Unit-9. Informal methods of settlement of disputes and grievance redressal procedure**
- 9.1. Conciliation and mediation through Social Action Groups
- 9.2. Use of media, lobbying and public participation in policy making
- 9.3. Public inquiries and Commissions of inquiry
- 9.4. Ombudsman, Parliamentary Commissioner
- 9.5. *Lok pal, lokayukta*
- 9.6. Vigilance Commission
Congressional and Parliamentary Committees

Paper – 2.6

HUMAN RIGHTS LAW AND PRACTICE (H. C. – II)

OBJECTIVES OF THE COURSE:

The objective of the course is to introduce the Human Rights Law and facilitate the students to understand the working of both National and International Human Rights Law. Students will be introduced to theories of Human Rights and its practice. The detailed syllabus has given an overview of Legal aspects of Human Rights to understand the nuances of the subject.

Unit-1.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-2.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-3. 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-4. 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-5. 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.
8. Paras Diwan – Human Rights and Law.

Books for Reference:

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

III-SEMESTER

Paper – 3.1

PROPERTY LAW

(Including Transfer of Property Act and Easement Act)

Unit-1. Jurisprudential contours of property

- 1.1. Concept and Meaning of Property: New Property; Governmental largesse
- 1.2. Kinds of property: Movable and Immovable property; Tangible and Intangible property; Intellectual property; Copyright; Patents and Designs; Trademarks
- 1.3. Private and Public property: Natural resources as property; Privatization of public property
- 1.4. Capitalist and socialist analysis of property: Property in means of Production
- 1.5. Possession and ownership as man; property relationship; Finder of lost goods
- 1.6. Social Functions of Property

Unit-2. LAW RELATING TO TRANSFER OF PROPERTY

- 2.1. General Principles of transfer of Property
- 2.2. Specific Transfers
 - 2.2.1. Sale

Unit-3. Mortgage

- 3.1. Mortgage
- 3.2. Kinds of Mortgages, Simple Mortgage, Mortgage by conditional sale; distinguished from sale with a condition for repurchase. Usufructuary Mortgages, English Mortgage.
- 3.3. Distinguished from Mortgage by conditional sale, Mortgage by deposit of title deeds;
- 3.4. When registration is necessary? Anomalous Mortgage
- 3.5. Systematic constraints; When formalities are required? Formalities effect of non - Registration; Debt may be proved
- 3.6. Rights of Mortgagor; Right to Redeem; distinction between “Due” and “Payable”; Clog on redemption; Partial redemption; Accession to mortgaged property and Improvements; Mortgagor’s power to lease
- 3.7. Rights and liabilities of Mortgagee; Right to Foreclosure or Sale; Rights to sue for mortgage money; Accession to mortgaged property; Rights of mortgagee in possession; Substituted Security
- 3.8. Liabilities of a Mortgagee in possession
- 3.9. Postponement of Prior Mortgage
- 3.10. Marshalling and Contribution
- 3.11. Who may Sue for redemption?
- 3.12. Conventional Subrogation; Legal Subrogation; “Redeem Up and Foreclose Down”

Unit-4. Actionable Claims, Security Interests in Immovables

Unit-5. Charges

Unit-6. Leases

Unit-7. Exchange

Unit-8. Gifts

Unit-9.

- 9.1. Easements
- 9.2. Creation of Easements

9.3. Nature and Characteristics of Easements

9.4. Extinction of Easements

9.5. Riparian Rights

9.6. Licenses

Unit-10. Recordation of Property Rights

10.1. Law relating to Registration of documents affecting property relations;
Exemption of leases and mortgages in favor of Land Development Bank from registration

10.2. Recordation of rights in agricultural land with special reference to respective states

10.3. Investigation of title to property

10.4. Law relating to Stamp Duties

10.5. Of the liability of instruments to duty

10.6. Duties by whom payable

10.7. Effect of not only duty stamping instruments; examination and impounding of instruments; inadmissibility on evidence impounding of instruments

Paper – 3.2
LABOUR LAW-I

Unit-1. HISTORICAL PERSPECTIVES OF LABOUR

1.1. Labour through the ages; Slave labour; guild system; Division on caste basis; Labour during feudal days

1.2. Colonial labour law and policy

1.3. Labour capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganized labour, surplus labour, division of labour and super specialization, lack of alternative employment

1.4. International Labour Standards and their implementation

1.5. From laissez faire to welfare state: transition from exploitation to protection and from contract to statute

Unit-2. TRADE UNIONISM

2.1. Labour Movement as a counter measure to exploitation,

2.2. History of Trade Union Movement in India Right to trade union as part of human right to freedom of association, amalgamation, rights and liabilities, dissolution

2.3. Legal Control, and protection of trade union, registration, amalgamation, rights and liabilities; dissolution

2.4. Problems, multiplicity of unions, over politicization intra – union and inter – union rivalry, outside leadership, closed shop and union – shop, recognition of unions

Unit-3. COLLECTIVE BARGAINING

3.1. Concept of collective bargaining

3.2. International norms, conditions precedent; merits and demerits

3.3. Bargaining process

3.3.1. Negotiation

3.3.2. Pressurization: Strike and Lockout, go slow, work to rules, gherao

3.4. Structure of bargaining: plant, industry and national levels

3.5. Duration and enforcement of bipartite agreement

3.6. Reforms in law

Unit-4.STATE REGULATION OF INDUSTRIAL RELATIONS

4.1. Theoretical foundations social justice, labour welfare, public interest, productivity, Industrial peace and development, price control

4.2. Methods of regulation

4.2.1. Recognition of mutual arrangements

4.2.2. Assistance to bipartite settlements: conciliation, voluntary arbitration, formulation of standing orders

4.2.3. State prescription of machinery: reference for adjudication (the political overtones), adjudicatory mechanisms (how do they differ from courts?) award, its binding nature, judicial review of awards

4.2.4. State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings

4.3. The Conceptual conundrum: industry, industrial dispute, workmen

4.4. Unfair Labour Practices

Unit-5.Discipline in Industry: restrains on managerial prerogatives

5.1. Doctrine of Hire and Fire: history of management's prerogative

5.2. Fairness in disciplinary process

5.2.1. Punishment for misconduct: meaning of misconduct

5.2.2. The right to know: the charge sheet

5.2.3. The right to defined: domestic enquiry, notice, evidence, cross examination, representation, unbiased inquiry officer and reasoned decision

5.2.4. renatal (permission) and Postnatal (approval); control during pendency of proceedings (S.33 of the I.D.Act.)

Unit-6.Legal Control and protection of trade unions: Indian Trade Union Act of 1926:

6.1. Registration , rights and liabilities of trade union.

6.2. Amalgamation and dissolution of trade union.

6.3. Problems; multiplicity of unions, over politicization, intra – union and inter – union Rivalry, outside leadership, closed shop and union- shop.

6.4. Recognition of unions.

6.5. Amendments to Trade Union Act and reforms in law.

Unit-7.Law relating to service conditions:

7.1. Industrial employment (standing Orders) Act, 1946- Scope and Object of the Act,

7.2. Model Standing Orders, and matters to be incorporated in standing orders (Schedule to the Act)

7.3. Submission of draft standing order, certification and modification of standing orders :

7.4. nterpretation of standing orders and power of appropriate Government to make rules

7.5. Concept of misconduct, disciplinary action and punishment for misconduct.

Unit-8.Law relating Industrial Disputes: Industrial Disputes Act, 1947-

8.1. Conceptual conundrum: industry, industrial dispute, workmen;(Sec.2 'J'K' and 'S');

Unit-9.Law relating Industrial Disputes: Industrial Disputes Act, 1947

9.1. Disputes settlement machinery

9.2. Conciliation officers,

9.3. Board of Conciliation,

9.4. Labour court,

- 9.5. Industrial Tribunal and National Tribunal – duties and powers; (Sec.3-10)
- 9.6. Reference for adjudication Voluntary Arbitration (Sec 10 & 10A).
- 9.7. Award its binding nature and Judicial review of awards. (Sections 18 & 11-A).
- 9.8. Statutory limitations on strikes and lock-outs; unfair labour practices – prohibition and penalties, (Sec.22-31 & 25-T, 25U).
- 9.9. General and special provisions relating to lay-off, retrenchment and closure (Sections 25A- 25S and 25K – 25R).
- Unit-10.** Recommendations Second Labour Commission on Industrial Disputes.

Paper – 3.3

COMPANY LAW

- Unit-1.** Meaning of Company, essential characteristics, corporate personality and lifting the corporate veil, Forms of Corporate and non-Corporate Organisations; Corporations, partnerships and other associations of persons, state corporations, government companies, public sector private sector, their-role, functions and accountability of companies
- Unit-2.** Incorporation, Memorandum of Association - various clauses - alteration therein - doctrine of ultra vires, Articles of Association - binding force alteration - its relations with memorandum of association - doctrine of constructive notice and indoor management exceptions, Prospectus - issue - contents - liability for misstatements -statement in lieu of prospectus, Promoters - position - duties and liabilities
- Unit-3.** Shareholders: Shares - general principles of allotment statutory restrictions - share certificate its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer - role of public finance institutions - relationship between transferor and transfers - issue of shares at premium and discount, Shareholder - who can be and who cannot be a shareholder modes of becoming a shareholder calls on shares - forfeiture and surrender of shares - lien on shares rights and liabilities of shareholder, Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.
- Unit-4.** Directors - position - appointment - qualifications, vacation of office - removal, resignation - powers and duties of directors -meeting, registers, loans remuneration of directors - role of nominee directors-compensation for loss of office - managing directors and other managerial personnel, Meetings - kinds procedure – voting.
- Unit-5.** Dividends, Debentures, Borrowing Powers: Dividends - payment - capitalization of bonus shares, Audit and accounts, Borrowing - powers - effects of unauthorised borrowing - charges and mortgages - loans to other companies investments - contracts by companies, Debentures - meaning- floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holders.
- Unit-6.** Majority rule: Protection of minority rights, Prevention of oppression and mismanagement, who can apply - when can he apply, powers of the court and of the Central Government.

Unit-7.Other Allied Aspects: Private companies - nature advantages conversion into public company foreign companies, government companies, holding and subsidiary companies, Investigations– Powers, Reconstruction and amalgamation, Defunct Companies. National company Law Tribunal, powers and functions.

Unit-8.Law and Multinational Companies: Collaboration agreements for technology transfer, Control and regulation of foreign companies taxation of foreign companies, share capital in such companies.

Unit-9.Winding Up: Winding up - types - by court - reasons - grounds - who can apply - procedure, powers of liquidator - powers of court consequences of winding up order- voluntary winding up by members and creditors winding up subject to supervision of court.

Unit-10. Winding up proceedings: appointment of liquidator, powers and duties of official liquidator; Liability of past members - payment of liabilities - preferential payments, unclaimed dividends - winding up of unregistered company.

Statute Prescribed:

Companies Act, 2013

Books Recommended:

1. Avatar Singh: Company Law, Eastern Book company, Lucknow
2. Anantha Raman, lectures on company Law, Wadhwa and Company
3. KailashRai, Company Law , Allahabad Law Agency, Allahabad
4. Majumdar, Company Law, Taxman Publications
5. Tandon M.P. ,Company Law, Allahabad Law Agency, Allahabad
6. Palmer, Company Law
7. .Gover, Company Law
8. Ramaih, A Guide to Companies Act, Wadhwa Publications

Paper – 3.4

PUBLIC INTERNATIONAL LAW

Unit-1.STATES AS SUBJECTS OF INTERNATIONAL LAW

- 1.1. Nature of International Law
- 1.2. Evolution nature of state as a subject of International Law
- 1.3. Criteria of Statehood
- 1.4. Distinction between State and Governments
- 1.5. Recognition of States and Governments
- 1.6. The notion of State Succession

Unit-2.STATES AS MAKERS OF INTERNATIONAL LAW

- 2.1. Custom- Creation through State Practice
 - 2.1.1. Concept of “State practices” creative of “Custom”
 - 2.1.2. Types of Custom
 - 2.1.3. Proof of Custom
 - 2.1.4. Place of customary International Law in the evolution, and for the future, of international law
 - 2.1.5. Treaties

- 2.1.6. Concept of treaties
- 2.1.7. Types of treaties (bilateral/regional/multilateral; dispositive/non dispositives; Law – creating)
- 2.1.8. Authority to enter into treaties which special reference to India and SAARC
- 2.1.9. Essential of a valid treaty, with special reference to Jus Cogens
- 2.1.10. State Succession to treaties
- 2.1.11. Selected problems in treaty interpretation
- Unit-3. International adjudication**
 - 3.1. General principles of civilized nations and juristic writing (publicists) as acknowledged Subsidiary
 - 3.2. International Law Creating Act.
 - 3.3. The Resolution of the General Assembly as Law Creating Acts
 - 3.4. The Status of Specialized United Nations Agencies
 - 3.5. The role of international NGO's in international law creation
- Unit-4. Individuals, non state communities and peoples in international law**
 - 4.1. The traditional discourse concerning Individual as a subject and object of international law
 - 4.2. The basic modification, post charter, in the position of the individual
- Unit-5. Equitable resource utilization and just world order**
 - 5.1. The traditional concepts of State Jurisdiction
 - 5.2. The reformulation of the law of the common heritage or mankind
 - 5.2.1. From mare liberum to the common heritage of mankind
- Unit-6. SEA LAW**
 - 6.1. Territorial Waters
 - 6.2. Continental Shelf
 - 6.3. Sea – bed and Ocean – floor
 - 6.4. Special problem of Antarctica.
- Unit-7. AIR LAW**
 - 7.1. The law of outer space, the moon Treaty, Geo Stationary object in outer space
 - 7.2. Problems of liability in the case of hazards
 - 7.3. The emerging law concerning trans – boundary pollution accident (Chernobyl, Basse and Bhopal)
- Unit-8. INTERNATIONAL ECONOMIC LAW**
 - 8.1. The IBRD, The IMF
 - 8.2. The GATT
 - 8.3. The UNCTAD; W.T.O
- Unit-9. INTERNATIONAL ORGANISATION**
 - 9.1. INTERNATIONAL ORGANISATIONS
 - 9.1.1. League of Nations
 - 9.1.2. United Nations
 - 9.1.3. The General Assembly
 - 9.1.4. The Security Council
 - 9.1.5. The International Court of Justice (ICJ)
 - 9.1.6. The Economic and social Council
 - 9.1.7. The Tursteeship Council
 - 9.1.8. The Secretariat
 - 9.2. Specialised Agencies
 - 9.2.1. International Labour Organisation (ILO)
 - 9.2.2. World Health Organisation (WHO)

9.2.3. United Nations Educational, Scientific and Cultural Organisation
(UNESCO)

Unit-10. International Law - Terrorism

PAPER –3.5
INTERPRETATION OF STATUTES
(Optional – I)

Unit-1.INTRODUCTION

- 1.1. Difference between construction and interpretation
- 1.2. Concept and power of interpretation
 - 1.2.1. Literal construction
 - 1.2.2. Other principles of interpretation
- 1.3. General principles of interpretation
 - 1.3.1. The Primary rule: literal construction
 - 1.3.2. The other main principles of interpretation
 - 1.3.3. Reading words in their context: the external aspect
 - 1.3.4. Reading words in context: the statutory aspect

Unit-2.BENEFICIAL CONSTRUCTION

- 2.1. Restrictive construction
 - 2.1.1. Consequence to be considered
 - 2.1.2. Presumption against changes in the common law
 - 2.1.3. Mens rea in statutory offences
- 2.2. Construction to prevent evasion of abuse
 - 2.2.1. Consequence to prevent evasion
 - 2.2.2. Construction to prevent abuse of powers

Unit-3.

- 3.1. Theoretical or ideological approaches to interpretation
- 3.2. Judicial restraint
- 3.3. Judicial activism
- 3.4. Juristic restraint

Unit-4.PRESUMPTIONS REGARDING JURISDICTION

- 4.1. Presumptions against ousting established jurisdictions
- 4.2. Presumptions against creating new, and enlarging established jurisdictions
- 4.3. How far statutes affect the crown
- 4.4. Further presumptions regarding jurisdiction
 - 4.4.1. Territorial extent of British legislation
 - 4.4.2. How far statutes conferring rights affect foreigners
 - 4.4.3. Presumptions against a violation of international law

Unit-5.CONSTRUCTIVE TO AVOID COLLISION WITH OTHER PROVISIONS

- 5.1. Construction most agreeable to justice and reason
 - 5.1.1. Presumption against intending what is inconvenient or unreasonable
 - 5.1.2. Presumption against intending injustice or absurdity
 - 5.1.3. Presumption against impairing obligation, or permitting advantage from one's own wrong
 - 5.1.4. Retrospective operation of statutes
- 5.2. EXCEPTIONAL CONSTRUCTION
 - 5.2.1. Modification of the language to meet the intention

- 5.2.2. Equitable construction
- 5.2.3. Strict construction of penal laws
- 5.2.4. Statutes encroaching on rights or imposing burdens

Unit-6.SUBORDINATE PRINCIPLES

- 6.1. Usage and contemporanea exposition
- 6.2. Construction imposed by statute
- 6.3. Construction of words in bonam partem
- 6.4. Change of language
- 6.5. Understanding associated words in a common sense, and the expressio unius rule
- 6.6. Generic words following more specific
- 6.7. Meaning of some particular expression

Unit-7.Intentions attributed to the legislature when it expresses none

- 7.1. Imperative and directory enactments
- 7.2. Absolute and qualified duties
- 7.3. Impossibility of compliance
- 7.4. Waiver
- 7.5. Public and private remedies

Unit-8.STARE DECISIS

- 8.1. The doctrine as inherited by us
- 8.2. Techniques of innovation (subversion) of stare decisions
- 8.3. Supreme Court's authority to overrule its own decisions (e.g. The Antulay's Case)
- 8.4. Advisory jurisdiction and its import on precedent
- 8.5. Prospective overruling in India
- 8.6. Objections to judicial review as anti majoritarian

Unit-9.STATUTORY INTERPRETATION AS ASPECTS OF JUDICIAL PROCESS

- 9.1. Rules of statutory interpretation their judge made character
- 9.2. Legalism and rule of literal interpretation
- 9.3. Creativity: mischief and golden rule
- 9.4. Self discipline: rules of construction in Fiscal and Criminal Statutes
- 9.5. Technicality rules as to necessary and implied repeal: Rules for interpretation of codifying, consolidating and amending statute
- 9.6. Values and interpretation

Unit-10. CONSTITUTIONAL INTERPRETATION

- 10.1.Differentiation from statutory interpretation; Rex Vs. Burah as example
- 10.2.Literal interpretation
- 10.3.Harmonious construction
- 10.4.Reference to Constituent Assembly debates
- 10.5.Pith and Substance
- 10.6.Occupied field
- 10.7.Residuary power
- 10.8.Repugnancy
- 10.9.Amending power

Directive Principles as sources of Constitutional Interpretation

Paper – 3.6
REGULATORY LAWS (H.C. – III)

OBJECTIVES OF THE COURSE

Economic Liberalization in India made many changes regulating public and private equally. The regulatory authorities are part of the executive branch of government and possess all nature of control with them. There are legislations relating to regulatory authority like health, safety, quality and quantity. This course primarily covers the legislations to deal with regulation in consumer interest and economic wealth of the country.

Unit-1.INTRODUCTION

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

Unit-2.COMPETITION ACT

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

Unit-3.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-4.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-5.PENSION FUND AND DEVELOPMENT REGULATORY AUTHORITY ACT PFDRA – Powers and functions.

Books Prescribed:

1. Bronwen Morgan – An Introduction to Law and Regulation.
2. S.P.Sathe – Administrative Law
3. The Telecom Revolution in India: Technology, Regulation and Policy – By Indian Institute of Management, Bangalore (IIMB)
4. Sarkar and Bhatnagar – Law of Electricity in India.
5. TRAI – Consumers' Handbook on Telecommunications.
6. A.C. Fernando – Business Ethics: An Indian Perspective.
7. Sarkriya D. – SEBI and Securities Market in India.
8. Avatar Singh – Competition Law.

IV-SEMESTER

PAPER –4.1 LABOUR LAW – II

Unit-1.REMUNERATION FOR LABOUR

- 1.1. Theories of Wages: marginal productivity, subsistence, wages fund, supply and demand, residual claimant, standard of living
- 1.2. Concepts of Wages (minimum wages, fair wages, living wages, need based minimum Wages)
- 1.3. Components of Wages: dearness allowance, principles of fixation
- 1.4. Disparity in Wages in different sectors: need for rationalization and national approach
- 1.5. Wage determining process: modes and modalities
 - 1.5.1. Unilateral fixation by employer
 - 1.5.2. Bilateral fixation
 - 1.5.3. Conciliation, arbitration and adjudication
 - 1.5.4. Wage Board and Pay Commission
 - 1.5.5. Principles of wage fixation
- 1.6. Concept of bonus; computation of bonus
- 1.7. Protection of Wages: nonpayment, delayed payment, unauthorized deductions, remedial measures

Unit-2.Health and Safety

- 2.1. Obligations for health and safety of workmen legislative controls: factory, mines and plantations
- 2.2. Employer's liability
 - 2.2.1. Workmen's Compensation
 - 2.2.2. Employees State Insurance
 - 2.2.3. Liability for hazardous and inherently dangerous industries; environmental Protection

Unit-3.Labour Welfare

- 3.1. Welfare provided by the employers and through bipartite agreements and by statutory prescription
- 3.2. Provident Fund and Family Pension
- 3.3. Gratuity
- 3.4. Interstate migrant workmen; regulation of employment and conditions of service
- 3.5. Regulation of working hours: Statutory controls
- 3.6. Woman and labour force
 - 3.6.1. Equal Remuneration Law, maternity benefits protective provisions for women under Factories, plantations and mines laws
- 3.7. Employment of young persons: prohibition of employment of children, regulation of employment of young persons

Unit-4.Protection of the weaker sectors of labour

- 4.1. Tribal labour: need for regulation
- 4.2. Beedi workers
- 4.3. Unorganized labour like domestic servants: problems and perspectives
- 4.4. Bonded labour: socio – economic programmes for rehabilitation
- 4.5. Contract labour regulation
- 4.6. Constitutional dimensions of labour standards

Unit-5. Law relating to wages and bonus :Theories of wages: marginal productivity , subsistence, wage fund , supply and demand , residual claimant , standard of leaving concepts of wages (minimum wage, fair wage, leaving wage, need-based minimum wage): Constitutional provisions : Components of wages:

- 5.1. Minimum wages Act, 1948: Objectives and constitutional validity of the Act: procedure for fixation and revision of minimum rates of wages: exemptions and exceptions :
- 5.2. Payment of wages Act, 1936: Regulation of payment of wages Authorized Deductions ,
- 5.3. Payment of Bonus Act,: Bonus- Its Historical back ground , present position and exemptions , Payment of Bonus (Amendment) Act, 2007

Unit-6. Social Security against employment injury and other contingencies :

- 6.1. Concept and development of social security measures :
 - 6.1.1. Concept of ‘Accident arising out of’ and ‘in the course of the employment ‘: Doctrine of notional extension and doctrine and added peril:
 - 6.1.2. Total and partial disablement:
 - 6.1.3. Quantum and method of distribution of compensation
- 6.2. Employers liability to pay compensation for employment injury: Legal Protection : Workmen’s Compensation Act, 1923
 - 6.2.1. Benefits provided under the Act:
 - 6.2.2. Employees State Insurance Fund and Contributions:
 - 6.2.3. Machinery for the implementation of the Act:
 - 6.2.4. ESI Court and appeal to High Court
- 6.3. Employees State insurance Act, 1948:

Unit-7. Law relating to retirement benefits :

- 7.1. Employees Provident Fund and Miscellaneous Provisions Act, 1952; Family Pension Scheme 1971 and Employees Pension Scheme 1995:
 - 7.1.1. The changing rules regarding Employees Provident Fund and Pension Schemes;
- 7.2. Payment of Gratuity Act, 1972 – Concept of gratuity, Eligibility for payment of gratuity, Determination of Gratuity, Forfeiture of gratuity

Unit-8. Contract Labour:

- 8.1. Problems of Contract Labour: Process of Contractualisation of labour
- 8.2. Legal Protection: Contract Labour (Regulation and Abolition) Act, 1970; Controversy regarding Abolition of contract labour and their absorption; Land mark cases: Air Indian Statutory Corporation. V. United Labour Union, (1977) & SAIL case (2002);
- 8.3. Proposed amendment and its impact on the contract labour.

Unit-9. Unorganized Sector:

- 9.1. Problem of Definition and Identification; Unionization problems
- 9.2. Historical backdrop of proposed bills on social security for unorganized sector (2004, 2005 & 2007)
- 9.3. Unorganized Sector Worker’s Social Security Act, 2008.

Unit-10. LAW REFORMS

PAPER -4.2

FAMILY LAW – II

Unit-1. JOINT HINDU FAMILY (MITHAKSHARA AND DAYABHAGA)

- 1.1. Mithakshara Joint Families
- 1.2. Mithakshara coparcenary – formation and incidents, Property under Mithakshara law – separate property
- 1.3. coparcenary properties
- 1.4. Dayabhaga coparcenary - formation and incidents
- 1.5. Property under Dayabhaga law Kartha of the Joint Family – his position, powers privileges and obligations
- 1.6. Alienation of property – separate and coparcenary
- 1.7. Debts – Doctrine of Pious Obligation and antecedent debt
- 1.8. Partition and Re – union

Unit-2. Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws in it

Unit-3. INHERITANCE

- 3.1. Hindus
- 3.2. Historical perspective of traditional Hindu Law as background to the study of Hindu Succession Act, 1956.
- 3.3. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956
- 3.4. Devolution of interest in Mithakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956
- 3.5. Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956
- 3.6. Disqualifications relating to Succession
- 3.7. General rules of Succession
- 3.8. Marumakkattayam and Aliyasantana Laws governing people living in Travancore, Cochin and the districts Malabar and South Canara

Unit-4. NEW PROPERTY CONCEPTS, SUCH AS SKILL, JOB ETC, AS NEW FORMS OF PROPERTY

Unit-5. SETTLEMENT OF SPOUSAL PROPERTY:

- 5.1. A need for development

Unit-6. MUSLIM LAW OF INHERITANCE AND SUCCESSION

- 6.1. Rules governing Sunni and Shiva law of inheritance
- 6.2. Differences between Shia and Sunni laws
- 6.3. Administration of Estates

Unit-7. Wills under Muslim Law

Unit-8. INDIAN SUCCESSION LAW

- 8.1. Domicile
- 8.2. Intestate succession

Unit-9. Will – Codicil

- 9.1. Interpretation - re vocation of will
- 9.2. Bequests – Conditional – Contingent or void bequests
- 9.3. Legacies
- 9.4. Pro- Sale and letter of administration
- 9.5. Executor – Administrators
- 9.6. Succession – Certificatio

Paper – 4.3

TAXATION LAW

- Unit-1.** a) Constitutional Provisions – Arts. 265 to 289 – Scope of Tax Laws :
b) Tax and Fee. Capital Receipt and Revenue Receipt distinguished.
- Unit-2.** Direct Tax Laws: a) Income Tax Law: Historical out line,
Definitions – ‘Income’ ‘Agriculture Income” ‘ Previous Year’ and ‘Assessee’
Incidence of Tax and Residential Status.
Statutory exemptions (Ss 10 to 13A)
classification of Income and Heads of Income (Ss 14 to 59):
b) Assessment (Ss.109 to 158)
1. Collection and Recovery of Tax (Ss 19A – 234)
2. Double Taxation Relief/ Clubbing of Incomes (Ss 50-66).
- Unit-3.** Income Tax Authorities, a) Settlement of cases (S.245).
b) Appeals and Revisions (Ss246-269),
c) Penalties, offences and Prosecution (Ss270 -280).
- Unit-4.** Wealth Tax Act: Definitions of Asset, Net Wealth. Valuation Date , Deemed Assets . Exempted Assets.
- Unit-5.** Indirect Tax Laws:
- Unit-6.** a) Central Sales Act.1956 – Historical outline – Definitions – A detailed study of S. 4 to 6A – Registration of Dealers –Liability in special cases (Ss 16 to 18):
- Unit-7.** A.P. General Sales Tax Act, 1957 –Definitions: Business – Dealer-Casual Dealer – Total turnover – Registration of dealers (S. 12)
- Unit-8.** VAT, Scope of VAT, problems and prospects in its application,
- Unit-9.** Sales Tax Authorities (Ss3 and 4)
- Unit-10.** Reforms in Law

Paper – 4.4

INTELLECTUAL PROPERTY RIGHTS LAWS

(OPTIONAL -II)

- Unit-1. Introduction**
- 1.1. The meaning of intellectual property
 - 1.2. Competing rationales of the legal regimes for the protection of intellectual Property
 - 1.3. The main forms of intellectual property; copy right, trademarks, patents, designs, geographical indicators, merchandise, franchise and forms of unfair competition
 - 1.4. The competing rationales for protection of rights in
- Unit-2.** Copyright - Trademarks - Patents – Designs
- 2.1. Introduction to the leading international instruments concerning intellectual Property rights:
 - 2.2. The Berne Convention, Universal Copyright Convention,
 - 2.3. The Paris Union the World Intellectual Property Rights Organization (WIPO)
 - 2.4. UNESCO
 - 2.5. TRIPS
 - 2.6. TRIMS
 - 2.7. WTO

Unit-3.SELECT ASPECTS OF THE LAW OF COPYRIGHT IN INDIA

- 3.1. Historical evolution of the law
- 3.2. Meaning of copyright
- 3.3. Copyright in literary, dramatic and musical work
- 3.4. Copyright in cinematograph films
- 3.5. Ownership of copyright
- 3.6. Assignment of copyright
- 3.7. Author's special rights
- 3.8. Notion of infringement
- 3.9. Criteria of infringement
- 3.10. Infringement of copyright by films of literary and dramatic works
- 3.11. Importation and infringement
- 3.12. Fair use provisions
- 3.13. Video piracy
- 3.14. Aspects of copyright justice

Unit-4.Remedies, especially the possibility of Anton pillar injunctive relief in India

Unit-5.INTELLECTUAL PROPERTY IN TRADEMARKS

- 5.1. The rationale of protection of trademarks as
 - 5.1.1. an aspect of commercial and
 - 5.1.2. of consumer rights
- 5.2. Definition; conception of trade marks
- 5.3. Registration
- 5.4. Distinction between trademark and property mark
- 5.5. The doctrine of honest concurrent user
- 5.6. The doctrine of deceptive similarity
- 5.7. Passing off and infringement criteria of infringement
- 5.8. Standards of proof in passing off action

Unit-6.Remedies

Unit-7.THE LAW OF INTELLECTUAL PROPERTY – PATENTS

- 7.1. Conception of patent
- 7.2. Historical overview of the patents law in India
- 7.3. Patentable inventions with special reference to biotechnology products entailing creation of new forms of life
- 7.4. Process of obtaining a patent: application, examination, opposition and sealing of patents; general introduction
 - 7.4.1. The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
 - 7.4.2. Wrongfully obtaining the invention
 - 7.4.3. Prior publication or anticipation
 - 7.4.4. Obviousness and the lack of inventive step
 - 7.4.5. Insufficient description
- 7.5. Rights and obligations of a patentee
 - 7.5.1. Patents as chose in action
 - 7.5.2. Duration of patent: law and policy consideration
 - 7.5.3. Use and exercise right
 - 7.5.4. Right to secrecy
 - 7.5.5. The notion of abuse of patent rights
- 7.6. Special categories
 - 7.6.1. Employee invention: law and policy consideration
 - 7.6.2. Combination and selection patents

- 7.6.3. International patents, transfer of technology, know how and problems of self reliant development
- 7.6.4. Biotechnology Patents
- 7.6.5. Patents in nuclear power –new varieties of plant breeds and medicinal plants
- 7.6.6. Compulsory licenses
- 7.7. Infringement
 - 7.7.1. Criterial of infringement
 - 7.7.2. Onus of proof
 - 7.7.3. Modes of infringement: the doctrine of colorable Variation
 - 7.7.4. Defense in suits of infringement
- Unit-8.** Remedies
- Unit-9.** Intellectual property and remedies under Criminal Law Consideration of some aspects of reform in the law of intellectual property
- Unit-10.** Information Technology and exclusive marketing rights

Paper – 4.5 –
LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM
(OPTIONAL –III)

- Unit-1.** Ownership of land doctrine of eminent domain
- Unit-2.** Doctrine of Escheat
- Unit-3.** Movement of land reforms
 - 3.1. Pre – independence position zamindari settlements, ryotwari settlement, mahalwari system, intermediaries, absentee landlordism, large holdings
 - 3.2. Post independence reforms
 - 3.2.1. Abolition of Zamindaries
 - 3.2.2. Laws relation to abolition of intermediaries
- Unit-4.** Laws relating to acquisition of property and government control and use of land, Land Acquisition Act. 1894
- Unit-5.** Laws relating to ceiling on land holding
- Unit-6.**
 - 6.1. Urban land ceiling
 - 6.2. Agricultural land ceiling
- Unit-7.** Laws relating to tenancy reforms
 - 7.1. Land to the tiller
 - 7.2. Rent control and protection against eviction
- Unit-8.** Laws relating alienation/ assignment in scheduled areas
- Unit-9.** Laws relating to grabbing
- Unit-10.** Forest laws: Conservation of Forest Act

Paper – 4.6

LAW OF INSURANCE (H.C. – IV)

OBJECTIVE OF THE COURSE

The concept of insurance has significantly developed in the present post privatization era. The study of insurance law has various dimensions. The concepts like insurable interest, good faith criteria, remoteness of cause have been very important in the area of insurance disputes. The IRDA, a new regulator has framed various significant rules for regulating the insurance sector. The objective of the course is to provide the students.

- i. To know of the legal dimensions relating to formation and discharge of insurance contracts.
- ii. To understand and appreciate the aspects of various insurance contracts.
- iii. To learn the redressal mechanisms available pertaining to the insurance sector.

Unit-1.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 fidae, (b) Indemnity, (c) Subrogation, (d) Contribution (e) Proximate cause – Cover note and slip.

Unit-2.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-3.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-4.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-5.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

V-SEMESTER

Paper – 5.1

CIVIL PROCEDURE CODE AND LIMITATION ACT

Unit-1.INTRODUCTORY

- 1.1. Concepts of Civil Procedure in India before the advent of the British Rule
- 1.2. Evolution of Civil Procedure from 1712 to 1901
- 1.3. Principle features of the Civil Procedure code
- 1.4. Importance of State Amendments
- 1.5. Types of procedures – inquisitorial and adversary importance of observance of procedure

Unit-2.SUITS

- 2.1. Concept of laws suit
- 2.2. Order I, Parties to suit
- 2.3. Order II, Frame of suit
- 2.4. Order IV, Institution of suit
- 2.5. Bars and suit; Doctrines of Sub Judice and Res judicata
- 2.6. Place of suing (Sec. 15,20) Territorial jurisdiction
- 2.7. 'Cause of Action' and Jurisdictional bars
- 2.8. Summons (Sections 27,28,31 Orders IV, VI, IX)
- 2.9. Service of foreign summons (sec. 29)
- 2.10. Power for order (sec. 30, order XI)

Unit-3.PLEADINGS: (ORDER VI)

- 3.1. Material Facts
- 3.2. Forms of pleading
- 3.3. Condition precedent
- 3.4. Presumptions of law
- 3.5. Striking out/amendment

Unit-4.PLAINT: ORDER VII

- 4.1. Particulars (esp. in money suits/suits for immovable property)
- 4.2. Showing defendants interest and liability
- 4.3. Ground of Limitation
- 4.4. Return of plaint
- 4.5. Rejection of plaint
- 4.6. Production and listing of documents
- 4.7. Written Statement
- 4.8. Counter claim
- 4.9. Set off
- 4.10. Framing of issues

Unit-5.APPEARANCE AND EXAMINATION

- 5.1. Appearance
- 5.2. Exparte procedure
- 5.3. Default of portion
- 5.4. Summoning and attendance of witnesses
- 5.5. Examination
- 5.6. Admissions
- 5.7. Production, Importing, Return of Documents
- 5.8. Hearing
- 5.9. Affidavit
- 5.10. Order XVII

5.11. Adjournments , judicial discretion and problems arrears

Unit-6.JUDGMENT AND DECREE

- 6.1. Concepts of judgment decree and interim Orders and stay
- 6.2. Injunctions
- 6.3. Appointment of Commissions, Receivers
- 6.4. Costs

Unit-7.EXECUTION (ORDER XXI)

- 7.1. Concept of ‘Execution’
- 7.2. General Principles of Execution
- 7.3. Power for Execution of Decrees (sec.38-46)
- 7.4. Procedure for Execution (sec51-54)
- 7.5. Enforcement: Arrest and Detention (sec 55-59)
- 7.6. Attachment (sec 60-64)
- 7.7. Sale (sec 65-67)

Unit-8.SUITS IN PARTICULAR CASES:

- 8.1. Suits by or against Government (sec 79-82)
- 8.2. Suits by aliens and by or against foreign Rulers Ambassadors (Sec 83,87(a))
- 8.3. Suits relating to public matters (sec 91,93)
- 8.4. Incidental and supplementary proceedings (sec75-78, 94-95)
- 8.5. Suits by or against minors, persons with unsound mind, indigent persons etc.
- 8.6. Inter pleader suits

Unit-9.APPEALS AND COMMISSION

- 9.1. Appeals from Original Decrees (sec. 96-99A) and Order XLI
- 9.2. Appeals from Appellate Decrees (Sec 100-103)
- 9.3. Appeals from Orders (sec 101-106) (Order XLIII)
- 9.4. General Provisions Relating to Appeals (sec 107-108)
- 9.5. Appeals to the Supreme Courts (sec109)
- 9.6. The rationale of Commissions
- 9.7. Order XXVI
- 9.8. Social-legal Commissions of inquiry in : Social Action or ‘Public’ Interest Litigation

Unit-10.LIMITATION

- 10.1. Concept of limitation-why limitation?
- 10.2. General principles of Limitation.
- 10.3. Extension-Sufficient cause-acknowledgement
- 10.4. Legal Disability-condo nation-when comes to an end?
- 10.5. Limitation Act of 1963 (excluding Schedules)

PAPER-5.2
LAW OF CRIMES – II
(Criminal Procedure Code)

Unit-1.INTRODUCTORY

- 1.1. The rationale of Criminal Procedure: The importance of Fair Trail
- 1.2. Constitutional perspectives: Articles 14,20 and 21
- 1.3. The variety of Criminal procedures
- 1.4. The organization of Police, prosecutor, Defense, Counsel and Prison Authorities and their duties, functions and powers

- 1.5. Types of procedures-inquisitorial and Advisory-importance of observance of procedure

Unit-2.PRE-TRIAL PROCESS ARREST :SEARCH AND SEIZURE

- 2.1. The distinction between cognizable and non-cognizable offences: relevance and adequacy problems
- 2.2. Steps to ensure accused's presence at trial: Warrant and summons cases
- 2.3. Arrest with and without warrant (sec 70-73 and 41)
- 2.4. The absconder's status (sec82-85)
- 2.5. Rights to arrest
 - 2.5.1. Rights to be informed of the grounds of arrest (sec.55,60(1),75)
- 2.6. Rights to be taken to the Magistrate without delay (sec56-57)
- 2.7. Rights of not being detained for more than 24 Hours (sec 57 Article 22(2) of the Constitution of India)
- 2.8. Rights to consult legal practitioner and legal aid
- 2.9. Rights to be examined by a medical practitioner (sec54)
- 2.10. Search warrant (sec.83,94,97,98)and Searches without warrant (sec.103)
- 2.11. Police search during investigation (sec, 153, 165,166)
- 2.12. General Principles of search (sec.100)
- 2.13. Seizure (sec.102)
- 2.14.** Constitutional aspects of validity of search and seizure proceedings

Unit-3.PRE – TRIAL PROCESS: FIR

- 3.1. FIR (sec.154)
- 3.2. Evidentiary value of FIR (sec. 145,157 of Indian Evidence Act)
- 3.3. Pre – trial process: Magisterial power to take cognizance (sec.195-199 Cr.P.C.)

Unit-4.TRIAL PROCESS AND FAIR TRIAL

- 4.1. Commencement of proceedings (sec.200, 201,202)
- 4.2. Dismissal of complaint (sec. 203,204)
- 4.3. Bail
 - 4.3.1. Bailable and non – bailable offences (sec.436,437,439)
 - 4.3.2. Cancellation of bails (sec.437(5))
 - 4.3.3. Anticipatory Bail (sec.438)
 - 4.3.4. Appellate Bail powers – suspension of sentence (sec.389(1),395(1), 437(5))
 - 4.3.5. General Principles concerning bond (sec.441-450)
 - 4.3.6. Constitutional principles regarding bail
- 4.4. Conception of fair trial
- 4.5. Presumption of innocence
- 4.6. Venue of trial (sec.177-189) jurisdiction of criminal courts
- 4.7. Right of accused to know the accusation (sec.221-224)
- 4.8. The trial must generally be held in accused's presence (sec.205, 273, 317)
- 4.9. Right of cross examination and to offer evidence in defense
- 4.10.** Constitutional interpretation of Article 21 as a right to speedy trial

Unit-5.CHARGE

- 5.1. Form and content of charge (sec.211, 212, 216)
- 5.2.** Separate charges for distinct – offences (sec.218, 219, 220, 221, 223)

Unit-6.PRELIMINARY PLEAS TO BAR THE TRIAL:

- 6.1. Jurisdiction (Sec.26, 177-188, 461, 462, 479)
- 6.2. Time limitations – Rationale and scope (sec.468, 473)
- 6.3. Pleas of autrefois acquit and autrefois convict (sec.300, 22(d))
- 6.4.** Issues – estoppel

Unit-7.TRIAL BEFORE A COURT OF SESSION

(Procedural steps and substantive rights under sec.226- 236)

Unit-8.JUDGEMENT

- 8.1. Form and content (sec.354)
- 8.2. Summary trial (sec. 260-265)
- 8.3. Post conviction orders in lieu of punishments; emerging panel policy(ss.360, 361, 31)
- 8.4. Compensation and cost (sec.357, 358)
- 8.5. Modes of providing judgment (sec.353, 362, 363)**

Unit-9.APPEALS AND REVISION

- 9.1. No appeal in certain cases (sec.372, 375, 376)
- 9.2. The rationale of appeals, review, revisions
- 9.3. The multiple range of appellate remedies
 - 9.3.1. Supreme Court of India (sec. 374, 379, Articles 132, 134)
 - 9.3.2. High Court (sec.374)
 - 9.3.3. Sessions Court (sec.374)
 - 9.3.4. Special right to appeals (Sec. 380)
 - 9.3.5. Governmental appeal against sentencing (sec.377, 378)
 - 9.3.6. Judicial power in disposal of appeals (sec.168)
 - 9.3.7. Legal aid in appeals**

Unit-10.PROBATION AND PAROLE AND PROCEDURE UNDER PROBATION OF OFFENDERS ACT AND SPECIAL PROCEDURES IN CRIMINAL MATTERS

- 10.1.Problems and principles
- 10.2.Suspension of sentence
- 10.3.Meaning of Parole
- 10.4.Authority granting parole
- 10.5.Supervision
- 10.6.Conditional release
- 10.7.Procedure under Juvenile Justice Act.
- 10.8. Juvenile Justice system
- 10.9.Treatment and rehabilitation of juveniles
- 10.10. Juvenile – adult crimes
- 10.11. Protection juvenile offenders, legislative and judicial role
- 10.12. Concept of juvenile delinquency

Paper – 5.3

LAW OF EVIDENCE

Unit-1.INTRODUCTORY

- 1.1. Conceptions of evidence in classical Hindu and Islamic Jurisprudence
- 1.2. Evidence in Customary Law Systems (Non – state law)
- 1.3. The introduction of the British ‘Principles’ of evidence
- 1.4. The main features of the Indian Evidence Act.
- 1.5. Other Acts. Which deal with evidence (special reference to CPC, Cr.P.C., Central Act. Such as Banker’s Book Evidence Act., Fiscal and Revenue Laws etc.,
- 1.6. Problem of Applicability of Evidence Act.
 - 1.6.1. Administrative Areas

- 1.6.2 Administrative Tribunals
- 1.6.3 Industrial Tribunals
- 1.6.4 Commissions of Enquiry
- 1.6.5 Court – martial
- 1.6.6 Need for industrial Tribunals, Commissions of Enquiry, Court Martial, Unfair means of examination, Arbitration, Disciplinary proceedings

Unit-2.CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

- 2.1 Facts: Sec. 3; Definition, distinction (relevant facts/ facts in issue)
- 2.2 Evidence: Oral and documentary (is ‘real’ or ‘material’ evidence Covered by this) – Primary and Secondary evidence
- 2.3 Circumstantial Evidence, Direct Evidence and Hearsay evidence
- 2.4 Presumption (sec.4)
- 2.5 ‘Proved’ ,’Disproved’ and Not Proved.
- 2.6 Witness
- 2.7 Appreciation of Evidence

Unit-3.FACTS: RELEVANCY

- 3.1 The Doctrine of Res Gestae (sec.6,7,8,9)
- 3.2 Evidence of Common Intention (sec.10)
- 3.3 The problems of relevancy of ‘Otherwise’ Irrelevant become Relevant Facts (sec.11)
- 3.4 Relevant facts for proof of custom (sec. 13)
- 3.5 Facts concerning bodies and metal state (sec.14 & 15)

Unit-4.ADM ISSIONS AND CONFESSIONS

- 4.1 General principles concerning Admissions(sec. 17-23)
- 4.2 Differences between ‘Admission’ and ‘Confession’ The problems of non – admissibility of confessions Caused by inducement, threat or promise (sec. 24)
- 4.3 Inadmissibility of Confession made before a Police Officer (sec.25)
- 4.4 Admissibility of ‘Custodial’ Confessions (sec 26)
- 4.5 Admissibility of ‘information’ received from an accused Person in custody; with special reference to the problem of discovery based on ‘Joint statement’ (sec. 27)
- 4.6 Confession by Co – accused (sec. 30)
- 4.7 The problems with the judicial action based on a ‘Retracted Confession’

Unit-5.DYING DECLARATION OTHER STATEMENTS BY PERSONS WHO CAN NOT BE CALLED AS WITNESSES

- 5.1 The justification for relevance on dying declaration (sec. 32)
- 5.2 The judicial standards for appreciation of evidentiary value of dying declarations
- 5.3 Section 33(2) to (8); General Principles
- 5.4 Special problems concerning violation of women’s rights In marriage in the Law of Evidence (sec. 32 (6))

Unit-6.RELEVANCE OF JUDGMENTS

- 6.1 General principles (sec. 40 – 44)
- 6.2 Admissibility of Judgments in civil and criminal matters (sec. 43)
- 6.3 ‘Fraud and “Collusion” (sec.44)

Unit-7.EXPERT TESTIMONY

- 7.1 General Principles (sec. 45- 50)
- 7.2 Who is an Expert? Types of Expert Evidence
- 7.3 Opinion on Relationship especially proof of marriage (sec. 50)

7.4 The Problems of Judicial defense to expert testimony

Unit-8. ORAL AND DOCUMENTARY EVIDENCE

8.1 General Principles concerning oral evidence (sec. 59 -60)

8.2 General principles concerning documentary Evidence (sec. 67 – 90)

8.3 General Principles Regarding Exclusion of oral by Documentary Evidence

8.4 Special problems regarding Hearsay Evidence

8.5 Estoppel in relation to oral and Documentary Evidence

Unit-9. WITNESSES, EXAMINATION AND CROSS EXAMINATION

9.1 Competency to Testify (sec. 118)

9.2 State Privilege (sec. 123)

9.3 Professional Privilege (sec. 126,127, 128)

9.4 Approver Testimony (sec.133)

9.5 General Principles of Examination (sec. 135 – 166)

9.6 Leading Questions (sec. 141- 143)

9.7 Lawful Questions in Cross Examination (sec. 146)

9.8 Compulsion to answer questions put to witness (sec. 147, 153)

9.9 Hostile Witness (sec. 154)

9.10 Impeaching of the standing or credit of witness (sec. 155)

Unit-10. BURDEN OF PROOF AND ESTOPPEL

10.1 The General and Special Exceptions to Probandi (sec. 101)

10.2 General and Special Exceptions to Onus Probandi

10.3 The justification of presumptions of the Doctrine of Judicial Notice

10.4 Justification as to presumption as to certain offences (sec. 113- A)

10.5 Presumptions as to Dowry Death (sec. 113 – B)

10.6 The Scope of the Doctrine of Judicial Notice (sec. 114)

10.7 Why Estoppel? Introduction as to the Rationale (sec. 115)

10.8 Estoppel, Resjudicata and Waiver: and Presumption

10.9 Estoppel as a matter of

10.10 Estoppel by Deed

10.11 Estoppel in fair

10.12 Equitable and promissory Estoppel

10.13 Questions of corroboration (sec. 156, 157); Accomplice

Improper admission and of witness in civil and criminal cases - Arising out of discussion of these areas the class should take Up issues of law reform. The Sixty Ninth Report on the Indian Evidence Act by the Law Commission of India proposes many Changes. Some of these must by promotion of Human Rights in the administration of justice

Paper – 5.4

PRIVATE INTERNATIONAL LAW (H.C – V)

OBJECTIVE OF THE COURSE:

In this 21st century, Liberalisation, Privatisation and Globalization (LPG) work beyond national barriers. The course creates an understanding on the conflict of laws under various legal systems pertaining to jurisdiction, marriage, divorce, adoption, maintenance, property. The course also covers torts and contracts laws. The course also covers enforcement of foreign judgments and arbitral awards.

Unit-1.

Introduction – Scope of Private International Law – Theories of Private International Law – Conflict of Law or Private International Law – Codification of Private International Law – Hague Conventions – Distinction between Public International Law and Private International Law.

Unit-2.

Jurisdiction – Choice of Law – Domicile – Residence – Renvoi – Forum Conveniense.

Unit-3.

Cases involving Private International Law – Marriage – Divorce – Adoption – Guardianship and Maintenance.

Unit-4.

Contract – Negotiable Instruments – e-contracts – Private International Law Relating to Corporations – Jurisdiction over Corporations – Insolvency Jurisdiction and effects of Foreign insolvency proceedings.

Unit-5.

Enforcement of Foreign Judgements and Decrees – Enforcement of Foreign Arbitral Awards – Evidence and Procedure – Stay of Proceeding – Proof of Foreign Laws.

Books Prescribed:

1. v.c. Govindaraj – The conflict of Law in India.
2. Paras Diwan – Private International Law.
3. Setalvad – Conflict of Laws.

Books for Reference :

1. Cheshire, North and Fawcett – Private International Law

PAPER – 5.5

WOMEN AND CRIMINAL LAW (H.C – VI)

Objectives:

It is now for centuries that the women in India have suffered in the society. Even after 50 years of Adoption of the Constitution, for women, equality with man appears to be a distant mirage to be reached. Effective political representation of women in Legislature and other forums too has become a difficult proposition to be acceptable. Breach of her personality, through various forms of violence, too has not subsided. The course will study, what are the legal provisions enacted to ameliorate these situations with special emphasis on Indian Municipal Law and what is the scope and shortcomings in the existing legal regime in this regard.

Unit-1.**Women in Pre-Constitution Period:**

Social and Legal Inequality; social reform movement in India; Legislature response in India.

Women & children in Post-Constitution Period.

Provisions Of Constitution of India

Preamble, Art.14,15,23, and Part IV

Legal Measures in relating to Child Labour

Women and Political Representation.

Unit-2.

Different Personal Laws-Unequal Position of Indian Women-Uniform civil code; Sex Inequality in Inheritance Rights: Right of Inheritance by birth for sons and not for Daughters; Inheritance under Christian Law; Inheritance under Muslim Law; Matrimonial Property Law; Right of women to be Guardian of her minor sons and daughters.

Unit-3.

Law of Divorce-Christian Law-Discriminatory Provision; Muslim Law-Inheritance divorce.Women and social Legislature: Dowry Prohibition Law; Sex Determination Test, Law relating to Prevention of Immoral Trafficking in Women Act.

Unit-4.

Women and Criminal Law: Adultery; Rape; Outraging the Modesty of women; Kidnapping; Sati Prohibition Law; Law relating to Domestic Violence; Law relating to Eve-Teasing; Indecent Representation of Women Act.

Unit-5.

Women and Employment: Factories Act- Provisions relating to women; Maternity Benefit Act; Equal Remuneration Act; Law Relating to Sexual Harassment at working place; N.C.W-Aims, Functions and Performance.

Prescribed Books:

1. Indu prakash singh-Women, Law and Social Change in India.
2. Paras Dewan-Dowry and protection to Married Women.
3. S.P.Sathe-Towards Gender Justice.
4. Dwarka Nath Mitter-Position of Women in Hindu Law.
5. Shaukat Nasir-Muslim Women and their Rights.

Reference material:

1. Relevant provisions of Constitution of India.
2. Relevant Provisions of Indian Penal Code.
3. S.125,Criminal Procedure Code.
4. National Commission on Women Act,1990.
5. Matrimonial Property-Private Members Bill Introduced in parliament.
6. Towards Equality-Report of Committee on the status of Women(Govt.of India)
Chapter IV and section IV. General Conclusions and Recommendations.

Paper –5.6
BANKING LAW
(Optional Paper – IV)

Unit-1. The Nature and Development of Banking

- 1.1. History of Banking in India – Evolution
- 1.2. Constitutional perspectives – Union list entries 36,37, 38,43,44,45 And 46 State list, entry 30 of List ii

Unit-2. RELATIONSHIP OF BANKER AND CUSTOMER

- 2.1. Banker, banking business, meaning of customer, types of accounts
- 2.2. Contract between banker and Customer, general relation, legal relation, their rights and duties
- 2.3. Banker's Lien
- 2.4. Banking instruments, bank notes, bankers drafts, deposit receipts, Letter of credit, indemnities, traveler's cheques, postal order, Dividend warrants, bonds

Unit-3. LAW RELATING TO BANKING COMPANIES IN INDIA

- 3.1. The Banking Companies Act. 1949, Extent and application, business of Banking companies, control and management by reserve bank, suspension of business and winding up of banking companies, special provisions for speedy disposal of winding up of proceedings

Unit-4. The Banking Regulation Act. 1948, extent and application business of Banking companies, provisions for winding up

Unit-5. Reserve Bank of India Act. 1934 characteristics, and functions, objectives legal status and organizational structure, functions such as; banking, Currency, banker to government, exchange control over non banking companies and supervision of other banks (see sections 17,18 and 42). Co – operative banking law: Banking Regulation (Co- operative Societies) Rules, 1966 – Co –operative Credit Society Act. 1904 and 1970

Unit-6. NATIONALISATION OF BANKS:

- 6.1. Banking Companies (Acquisition and Transfer of undertaking) Act. 1969 and 1970
- 6.2. Legislative competence for nationalization: Entries 43, 44 and 45 of List – I Entry 42 of List – III, Entry 7 and 52 of List – I, Entries 24, 26, 27 of List – II, 33 of List – III: Entries 54, 56 of List – I: Articles 19(1) (f), 19(5), 31, 31 (1)
- 6.3. Banks before and after nationalization: growth, assets and liabilities, efficiency and profitability, recovery frauds in banks, bank robberies

Unit-7. FOREIGN EXCHANGE CONTROL AND BANKING FOR NON-RESIDENTIAL INDIANS

- 7.1. FERA , 1974, authorized dealers in foreign exchange, restrictions on dealing on payment (Sections 3 to 10, 13 to 17, 19 22 to 27 only)

Unit-8. Law relating to negotiable instruments: Negotiable Instruments Act. 1881

- 8.1. Meaning, Kinds of negotiable instruments, promissory notes
- 8.2. Bills of exchange, holder, holder in due course, parties
- 8.3. Negotiation, presentment, discharge from liability
- 8.4. Dishonour, noting and payment forhonourcheques, crossing of cheques, pledge land II stocks, shares, life policies, documents of title to goods, guarantee and hypothecation

Unit-9. Reforms in Indian Banking Law: The Indian banking commission and banking laws, committee of Government of India, A review of their Recommendations

BOOKS RECOMMENDED FOR STUDY

1. Sheldon, Law of Banking
2. Tunner, Law of Banking
3. Gulati, Banking Companies Act.
4. Maheswari, Banking Law and Practice
5. Ravi. R Mehta, Fundamentals of Banking
6. Promod Kumar Mukherjee, Modern Banking Theory
7. S.G.Panandikar, Banking in Indi

PAPER – 5.7 **MEDIA LAW WITH RTI ACT**

(OPTIONAL PAPER – V)

Unit-1. Mass media – Types of – Press Films, Radio Television. Ownership patterns – Press – Private – Public, Ownership patterns – Films – Private, Ownership Patterns – Radio & Television, Public, Difference between visual and non – visual media – impact on peoples minds.

Unit-2. Press – Freedom of speech and Expression – Articles 129 (1) (a): Includes Freedom of the press, Laws of defamation, obscenity, blasphemy and sedition, Law relating to employees wages and service conditions, Price and page Schedule Regulation, Newsprint and Control Order, Advertisement – is it included with in freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act

Unit-3. Films -How far included in freedom of speech and expression? Censorship of films – Constitutionally, The Abbas Case, Difference between films and press – Why Pre censorship valid for films but not for the press? Censorship under the cinematography Act.

Unit-4. Radio and Television – Government Monopoly; Why Government department? Should there be an autonomous corporation? Effect of television on people. Report of the Chanda Committee, Government Policy, Commercial advertisement, internal security of serials, etc. judicial Review of Doordarshan decisions: Freedom to telecast.

Unit-5. Constitutional Restrictions; Radio and television subject to law of defamation and obscenity, Power to legislate – Article 246 read with the seventh schedule, Power to impose tax – licensing and license fee.

Unit-6. Right to Information: Development of RTI in India

Unit-7. Right to Information Act , 2005; its implementation

Unit-8. Right to Information Decisions; Decisions of Judiciary

Unit-9. RTI and Decisions of Chief Central Information commissions and State Information Commission under the RTI Act, 2005.

Unit-10. Law Reforms in India

Books Recommended :

1. M.P.Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol.1. (199)Tripathi, Bombay.
3. Rajeev Dhavan “On the law of the Press in India” 26Jl.L/288(1984).

4. Rajeev Dhavan, “Ligitimating Government Rehtoric: Reflections on some Aspects of the Second Press commission “ 26 J. L /391 (1984)
5. Soil Sorabjee, Law of person Censorship in India (1976).
6. Justice E.S. Venkatramaiah, Freedom of Press: some Recent Trends (1984)
7. D.D. Basu, The Law of Press of India (1980)
8. Right to Information Act, 2005, SP Sathe, 2006.
9. Right to Information in India, Solu Nigam

Paper – 5.8

PROBATION, PAROLE AND PRISON ADMINISTRATION

Syllabus:

Unit 1: Probation

- 1.1 Definition of Probation
- 1.2 Object of Probation
- 1.3 Origin of Probation system India

Unit 2:

- 2.1 Probation in USA
- 2.2 Probation in UK
- 2.3 Probation under Criminal Procedure Code (S.360)
- 2.4 The Probation of Offender’s Act, 1958

Unit 3: Parole

- 3.1 Definition of Parole
- 3.2 Object of Parole
- 3.3 Origin of Parole in India

Unit 4

- 4.1 Parole in USA
- 4.2 Parole in U.K.
- 4.3 Judicial Trends
- 4.4 Differences between Parole and Probation

Unit 5: Essentials of Parole System

- 5.1 Parole Board
- 5.2 Condition of Parole system

Unit 6: Prison Administration

- 6.1 Prison in India
- 6.2 Role of Prison in Modern Penology
- 6.3 Self Government in Prison
- 6.4 The Prison Community and Classification of Prisoners

Unit 7: Problems in Prison

- 7.1 Overcrowding in Prison
- 7.2 Prison Discipline
- 7.3 Prisoner’s Health
- 7.4 Criminality in Prison

Unit 8: Prison Reforms

- 8.1 Indian Jail Reform Committee, 1919-20

Unit 9: Judicial Mandates

- 9.1 Judicial Mandates for Prisoners and Detainees
- 9.2 Judicial Mandates for General Administration of Prisons
- 9.3 The Repatriation of Prisoners Act, 2003

Unit10: International Penal and Penitentiary Commission and Prison Reforms

10.1 The Repatriation of Prisoners Act, 2003

Recommended Books:

1. N.V. Paranjape, Criminology and Penology
2. Sutherland, Principles of Criminology
3. Siddiqui, Criminology
4. Sethna, Society and Criminal
5. Jones, Crime and Penal System
6. Howard Jones : Paul cornes's Open Prisons
7. Louis P. Carney: Introduction to Correctional Science, 2nd ed
8. Carter and Wilkins : Probation, Parole and Community
9. Relevant Provisions of the following Acts/Rules
Prisoners Act, 1900
Prisoners Act, 1984
Bostal Act, 1926
The Good Conduct Prisoners Probational Release Act, 1926 and 1927

Paper – 5.9(a)

LOCAL SELF GOVERNMENT INCLUDING PANCHAYET ADMINISTRATION

Unit-1. Concept and Development

Democratic decentralization- Grass root democracy

Historical perspective

Early Period

Gram Swaraj: The Gandhian Concept

Balwant Raj Mehata Committee recommendations

Ashok Mehata Committee Report

The 73rd and 74th Constitutional Amendment

Unit-2. Constitutional Scheme

Directive Principles: Article 40

Part IX of the Constitution of India

Constitution and Composition of Panchayats

Power, Authority and Responsibilities of Panchayats

Financial Powers

Levying Taxes

Licensing Power

Financial Resources and Powers

Elections to the Panchayat

Part IXA of the Constitution of India

Constitution and Composition of the Municipalities

Power, Authority and Responsibilities of the Municipalities

Financial powers

Levying Taxes

Licensing Power

Financial Resources and Powers

Elections to the Municipalities

Unit-3.State Law relating to Local Self Government

The A.P. Municipal Act, 1965

The A.P. Panchayat Raj Act, 1994.

Unit-4.Judicial and Quasi-judicial Powers of the Local Bodies

Pre-litigation conciliation by Panchayat

Unit-5.Working of Local Self Government.

Suggested Readings

1. Dr. J.N. Pandey Constitution Law of India
2. V. N. Shukla Constitution Law of India
3. M.P. Jain Indian Constitution
4. BasantiLal Babel Constitution of India

Paper – 5.9(b)

WHITE COLLAR CRIME

Unit-1.

Emergence of White Collar Crime

Concept and Nature of White Collar Crimes

Sutherland's, view on white collar crimes and its analysis

Unit-2.

Causes of White collar crimes

Distinguish between white collar and Blue collar crimes

Courts and White collar crimes in India

Unit-3.

White collar crimes in India

Hoarding Black marketing and Adulteration

White collar crimes in certain Professions – Medical Profession, Legal profession, Educational institutions, Engineering.

White collar crimes in business deals.

Fake Employment Placement Rockets

Remedial Measures

Unit-4.

Prevention of Corruption Act, 1988

Objects and reasons of the Act,

Definition – Public duty, Public Servant

Power to appoint special judges, case triable by special judges, procedure and powers of special judges.

Offences and penalties – Public servant taking gratification other than legal remuneration in respect of an official Act, Criminal misconduct by a Public Servant.

Suggested Readings:

1. Mahesh Chandra : Socio-Economic Crimes
2. Marshal B. Clinard : Crime in Developing Countries
3. N.V. Pranjape : Criminology and Penology.
4. Prevention of Corruption Act, 1988
5. 47th Report of Law Commission in India.
6. Trial and Punishment of Socio-Economic Offences.

Annual Report Criminal Law Review

VI-SEMESTER

Paper – 6.1

PRACTICAL TRAINING – I DRAFTING, PLEADING AND CONVEYANCING

A DRAFTING:

General Principles of drafting and relevant substantive rules shall be taught.

B PLEADINGS:

1 CIVIL

- 1 : Complaint
- 2 : Written statement
- 3 : Interlocutory Application
- 4 : Original Petition
- 5 : Affidavit
- 6 : Execution Petition
- 7 : Memorandum Petition
- 8 : Petition under Articles 226 and 32 of the Constitution of India

2 CRIMINAL

- 1 : Complaints
- 2 : Criminal Miscellaneous Petition
- 3 : Bail Application and

3. Memorandum of appeal and revision

C CONVEYANCING:

- 1 : Sale Deed
- 2 : Mortgage Deeds
- 3 : Lease Deed
- 4 : Gift Deed
- 5 : Promissory Note
- 6 : Power of attorney
- 7 : Will

Drafting and pleadings will include 15 exercises and carries 45 Marks,
conveyancing will include 15 exercises and carries 45 Marks.

These 30 exercises shall be recorded.

Each student shall be served with different Problems for the purpose of exercise.

Paper – 6.2

PRACTICAL TRAINING – II

PROFESSIONAL ETHICS AND ACCOUNTING SYSTEM

Unit-1.

1.1. Law and legal profession – development of legal profession in India

1.2. Right to practice – a right or privilege? Constitutional guarantee under article 19 (g) and its scope

Unit-2.

- 2.1. Regulation governing enrolment and practice. Practice of law – Whether a business?
- 2.2. Solicitors firm – whether and industry
- 2.3. Elements of advocacy

Unit-3. ETHICS

- 3.1. even lamps of advocacy
- 3.2. Advocates duties towards public, clients, court, towards other advocates and legal aid
- 3.3. Bar Council code of ethics

Unit-4. DISCIPLINARY PROCEEDINGS:

- 4.1. Professional misconduct – disqualifications
- 4.2. Functions of Bar Council of India/ State Bar Councils in dealing with disciplinary proceedings
- 4.3. Disciplinary committee
- 4.4. Disqualification and removal from rolls

* 50 Selected opinions of the Disciplinary Committee of Bar Councils And 10 major judgments of the Supreme Court on the subject to be Covered

Unit-5. Bar – Bench relations

Unit-6. ACCOUNTANCY OF LAWYER

- 6.1. Nature and functions of accounting
- 6.2. Important branches of accounting
- 6.3. Accounting and law
- 6.4. Use of knowledge of accountancy in legal disputes especially arising out of law of contracts, tax law etc.
- 6.5. Accountancy in lawyers office / firm
 - 6.5.1. Basic financial statements
 - * Income & Loss accounts
 - * Balance sheet – interpretation thereof
 - Feature of Balance sheet
 - 6.5.2. Standard costing

Paper – 6.3 **PRACTICAL TRAINING – III** **ALTERNATIVE DISPUTE RESOLUTION**

Alternative Dispute Resolution (ADR) paper is by written examination for 50 marks and for 50 marks, a student is required to participate and learn

- Negotiation skills
- Conciliation skills

- Arbitrational practice including international arbitrational and arbitration rules by simulation programmes and case studies to be conducted by either by a legal practioner or a senior teacher.
- The third component of this paper will be Viva Voce examination on all the above two aspects. This will carry 10 marks

Unit-1.Judicial dispute resolutions ; Characteristics, Operation Principles, Party participation and Control Short focus on issue, Reasoned Decision, Finality, Adversary Process, what course do and do not do effectively? Advantages and Disadvantages of such resolution.

Unit-2.Alternative dispute resolution , Alternative to formal adjudication – Techniques processes, Unilateral – Bilateral – Triadic (Third party) Intervention, Advantages – Limitations, Distinction between arbitration – conciliation and negotiation, Distinction between judicial settlement and alternative dispute resolution.

Unit-3.Self help, avoidance and lumping Negation mediation ,conciliational, arbitration and distinctions in between Alternate models in dispute resolutions, Role of Panchayat, Role of GramaSabhas, Lokpal, LokAdalats, Family Courts,

Unit-4.The Arbitration and conciliation Act, 1996. Background of the Act, Definitions of “Arbitration”, “Arbitrator”, Arbitration agreement”, Appointment of “Arbitrator”, grounds for changing the arbitrator, termination of Arbitrator.

Unit-5.Proceedings in arbitral tribunals and enforcement of awards, Arbitral Award Termination of Proceedings, Setting aside of arbitral award, Finality and Enforcement, Appeals, enforcement of foreign awards, New York and Geneva Convention Awards.

Unit-6.Section 89 and O-10, R-1-AB and C of CPC Conciliation, Meaning and definition conciliation agreement, appointment of conciliator, powers and function of conciliator, techniques of successful conciliation proceedings, enforceability.

Unit-7.Other Alternative modals of dispute resolution, Family Courts, Family Courts Act, 1984,family council ling techniques, Tribunals, Motor Accent.

Unit-8.Tribunals, MV Act, relevant provisions, Administrative Tribunals, Consumer Forms.

Unit-9.Legal Services Authority

Unit-10. Role of NGO’s in Dispute resolutions.

Paper – 6.4
PRACTICAL TRAINING –IV
MOOT COURT EXERCISE AND INTERNSHIP

This paper will have **three components of 30 marks each and viva voice is 10 marks**

A MOOT COURT (30 MARKS)

REQUIREMENTS:

1. Three Moot Courts in the year
2. 10 Marks for each
3. The Moot Court shall be based on assigned problem to be prepared by the faculty Concerned.
4. Evaluation by principal/ head concerned, an advocate and teacher concerned Out of 10 Marks allotted for each problem 5 Marks are to be allotted for written Submission and 5 Marks for oral advocacy
 - a. Written submission shall include brief summary of facts, issues involved provisions of law agreements, citation, prayer etc.
 - b. Marks for oral advocacy may be awarded for communications skills, presentation, language, provisions of law, authorities quoted, court manners etc.

B OBSERVANCE OF TRIAL in two cases, one Civil case minimum and record his observations step by step of different stages of litigations/ proceedings in the 2/3 years of 3 years law course of 4/5 year in 5 years law course

C INTERVIEWING TECHNIQUES AND PRE- TRIAL PREPARATIONS

(30 Marks)

REQUIREMENTS:

1. Each student has to maintain a diary to record Interaction with clients, preparation of documents and court papers
2. The students should observe two interviewing sessions with clients at lawyers office/ legal Aid Office this shall be recorded in the diary which will carry 15 Marks
3. Each student will further observe the preparation of documents and court paper and record such observance in the diary. This carries 7.5 Marks
4. Each student shall observe the procedure for filling the petition and record the same in the diary. This carries 7.5 Marks
5. The diary shall clearly indicate the dates on which the above observations are made and shall be authenticated by the advocate concerned Evaluation of the above diary shall be made by the teacher concerned and the advocate
6. There shall be a viva – voce examinations all the above three components. This carries 10 Marks

Paper – 6.5

PENOLOGY AND VICTIMOLOGY

(Optional Paper – VI)

Unit-1. Dimensions of Crime in India, Nature and extent of Crime in India

- 1.1. Reporting of Crime Statistics and problem of accurate reporting of Crime
- 1.2. Victim Studies, self – reporting
- 1.3. Costs of Crime, some factors for evaluating the rate of crime in India-
- 1.4. Territory: Population: Heterogeneity: Human values
- 1.5. General approaches to crime control

- 1.6. Continental approaches: Social defense
- 1.7. Social approaches: Crime Prevent Control
- 1.8. Crimes of the powerful, Organized crime-smuggling, traffic in narcotics
- 1.9. White collar crime:- corruption in public life, Socio
- 1.10. Economic crime: Adulteration of Food and Drugs: fraudulent trade practices
- 1.11. Crimes in the professions – Medical, Legal Engineering
- 1.12. State Criminality
- 1.13. Perpetrators of ordinary crime
- 1.14. The situation criminal
- 1.15. The chronic offender
- 1.16. Criminality of Women
- 1.17. Young offenders
- 1.18. Criminal gangs
- 1.19. Crimes of the marginalized with special reference to i. Forest offences; ii. States offenders, vagrants, prostitution.

Unit-2. The Police and to Criminal Justice

- 2.1. The Police System
- 2.2. Structural organization of Police at the center and the states
- 2.3. Mode of recruitment and training
- 2.4. Powers and duties of police under the police acts
- 2.5. Criminal Procedure Code and other laws
- 2.6. Arrest, search and seizure and Constitutional imperatives
- 2.7. Methods of police investigation
- 2.8. Third degree methods, Corruption in police
- 2.9. Relationship between police and prosecution
- 2.10. Liability of police for custodial violence
- 2.11. Police Public relations, Select aspects of National Police Commission Report.

Unit-3. Punishment of Offender some discarded modes of punishment

- 3.1. Corporal punishment: Whipping and flogging
- 3.2. Mutilation and Branding
- 3.3. Transportation Exile
- 3.4. Public execution
- 3.5. An appraisal of these modes of punishment
- 3.6. Punishments under the Indian Criminals Law
- 3.7. Capital punishment
- 3.8. Imprisonment, Fine, Cancellation or withdrawal of licenses, etc,

Unit-4. The Prison system

- 4.1. Administrative organization of prisons
- 4.2. Mode of recruitment and training
- 4.3. The Jail Manual, Powers of prison officials
- 4.4. Prisoners classification – Male, Female: Juvenile and Adult: Under trial
- 4.5. Constitutional imperatives and prison reforms and convicted prisoners
- 4.6. Open Prisons
- 4.7. Violation of prison code and its consequences
- 4.8. Appraisal of imprisonment as a mode of punishment.

Unit-5. Treatment and correction of Offenders

- 5.1. The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment,

- 5.2. Classification of offenders through modern diagnostic techniques
- 5.3. The role of psychiatrists, psychoanalysts and social workers in the prison
- 5.4. vocational and religious education and apprenticeship programmes for the offenders
- 5.5. Group counseling and re-socialization programmes
- 5.6. Prisoners Organizations for self-government.
- 5.7. Participation of inmates in community services,
- 5.8. An appraisal of reformative techniques suggested forms of treatment of offenders under the IPC (Amendment) Bill, 1972
- 5.9. Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

Unit-6.Re-socialization processes

Unit-7.Probation, The Probation of Offenders Act, 1958.

- 7.1. The attitude of judges towards probation, Mechanism of probation and standards of probation services,
- 7.2. Problems and prospects of probation,
- 7.3. The suspended sentence.

Unit-8.Parole, Nature of Parole

- 8.1. Authority for granting parole
- 8.2. Supervision Paroles
- 8.3. Parole and conditional release
- 8.4. Release of the offender
- 8.5. Problems of the released offender
- 8.6. Attitudes of the Community towards released offender
- 8.7. Prisoner Aid Societies and other voluntary Organization
- 8.8. Governmental action
- 8.9. An appraisal.

Unit-9.Nature and Development,

- 9.1. Its expanding dimensions, typology of victims, compensation, compensation by application of Article 21 and 300A
- 9.2. Victim and criminal justice, emerging trends and policies.

Unit-10. Law Reforms

INTRODUCTION:

1. Criminology: Meaning and Definition
2. Criminology: Its Nature and Scope
3. Criminology: Whether a Science
4. Criminology and criminal Law
5. Criminology and Penology
6. Criminology,penology and Criminal Law.

Paper – 6.6

INTERNATIONAL TRADE LAW (H.C. – VII)

OBJECTIVE OF THE COURSE:

In this 21st century, the concept of Liberalisation, Privatisation and globalization (LPG) works beyond the trade barriers. This course helps to understand the dominant role of developed countries in exploiting the developing countries. It conglomerate the finer version of International Economic Law, in particular the notion of New International Economic Order, the object of economic integration

with that of the pragmatic approaches of the International Trade Regime. As a matter of compliance of International Trade Practices, various bilateral and regional agreements exist in this scenario. International Trade Agreements and Conventions explore the balanced growth with the regulatory effect in transacting international trade in municipal spheres including Dispute Settlement Bodies. This subject provides basic inputs in International Trade Law.

Unit-1.Genesis of international trade law

Origin and Development – Theories – UN Conventions – Unification of International Trade Law – International Commercial Contracts – International Sale of Goods – Foreign Direct Investments (FDI) – Transnational Companies – Electronic Business Transactions – Elements of International Taxation – Risk Analysis of International Trade.

Unit-2.INTERNATIONAL ECONOMIC INSTITUTIONS

Structure and Functions of International Economic Institutions – International Trade Organisation (ITO) – Brettonwood Conference – Various Rounds of WTO – General Agreement on Tariff and Trade (GATT) – New International Economic Order (NIEO) – International Monetary Fund (IMF) – International Bank for Reconstruction and Development (IBRD) – International Investments.

Unit-3.WORLD TRADE ORGANISATION (WTO)

Structure and Functions of WTO – WTO and Covered Agreements – Subsidies – Dumping and Anti-dumping – General Agreements of Trade and Services (GATS) – Trade Related Intellectual Property Rights (TRIPS) – Trade Related Investment Measures (TRIMs) – Trade in Agriculture – Technical Barriers of Trade (TBT) United Nations Committee on Trade and Environment (UNCTE) – United Nations Committee on Trade and Development (UNCTAD) – Summits of the WTO.

Unit-4.BILATERAL AND REGIONAL TRADE

Regional Arrangements under the United Nations – Most Favoured Nation (MFN) Clause – South Asian Association for Regional Cooperation (SAARC) – Association for South Eastern Asian Nations (ASEAN) – European Union (EU) – Organisation for Petroleum Exporting Countries (OPEC) – North American Free Trade Agreement (NAFTA) – South Asian Free Trade Agreement (SAFTA)

Unit-5.SETTLEMENT OF DISPUTES IN INTERNATIONAL TRADE

Methods of Dispute Settlement – Alternative Dispute Resolution (ADR) and International Trade – UNCITRAL –International Arbitration, Conciliation, Mediation and Litigation – Online Dispute Resolution – Dispute Settlement Body in WTO – Appellate Body (AB) – Consultation – Trade and Environment Controversies – Enforcement and Compliance.

Books for Reference:

1. Autar Krishen Koul – Guide to the WTO and GATT.
2. C. Singhanian – Foreign Collaborations and Investments in India Law and Procedure.
3. Correa, Carlos. M – IPRs, The WTO and Developing Countries.

4. Day, D. M. and Griffin, Bernardette – The Law of International Trade.
5. Anupam Goyal – The WTO and International Environmental Law: Towards Conciliation.
6. Gupta. R.K., - World Trade Organisation – (2 Volumes)
7. Indira Carr, Peter Stone – International Trade Law.
8. Clive M. Schmitthoff – Export Trade: The Law and Practice of International Trade.
9. Jayanta Bagachi – World Trade Organisation: An Indian Perspective.
10. Petersmann, Ernst Ulrich – The GATT/WTO Dispute Settlement Systems: International Law, International Organisations and Dispute Settlement.

Paper – 6.7

BANKRUPTCY AND INSOLVENCY LAWS (H.C. – VIII)

Objectives Of the Course

The main concern of law is the regulation and balancing of socio-economic and political interests. In regulating the economic front, law has to take into account of negative economic impact in the situations of socio-legal problems. The bankruptcy law becomes relevant in this context. The Constitution confers on the union and the states to legislate on bankruptcy-the inability to pay debts. The Indian laws contain elaborate provisions on the status of insolvent person, legal conditions of insolvency, insolvency proceedings, distribution of property of the insolvent and on litigation by and against insolvent person. These laws have to be looked at with a comparative approach. The course excludes questions of bankruptcy in relation to company and partnership since they are dealt with in the compulsory papers.

Syllabus

Unit-1.Introductory

- 1.1. The concept : inability to pay debt
- 1.2. Comparative Perspectives
 - 1.2.1. England: Insolvency Act, Bankruptcy Act
 - 1.2.2. United States
- 1.3. India: concurrent jurisdiction-the central and state Legislation

Unit-2.Insolvency jurisdiction

- 2.1. Courts
- 2.2. Powers of court

Unit-3.Accts of Insolvency

- 3.1. Transfer of property to a third person for benefit of creditors Generally
- 3.2. Transfer with intent to defeat creditors.
- 3.3. Fraudulent preferences in transfer of property.
- 3.4. Absconding with intent to defeat the creditors.
- 3.5. Sale of property in execution of decree of court.
- 3.6. Adjudication as insolvent
- 3.7. Notice to creditors about suspension of payment of debt.
- 3.8. Imprisonment in execution of a decree of a court.

Unit-4.Insolvency Petition

- 4.1. By Creditor

- 4.2. By debtor
- 4.3. Contents of the Petition
- 4.4. Admission
- 4.5. Procedure

Unit-5.Appointment Of interim receiver

Unit-6.Interim Proceedings against the debtor

Unit-7.Duties of Debtors

Unit-8.Release of debtor

Unit-9.Procedure at hearing

Unit-10. Dismissal of petition filed by a creditor

Unit-11. Order of adjudication

- 11.1. Effect
- 11.2. Publication of order

Unit-12. Proceedings, Consequent on order of adjudication

- 12.1. Protection order from arrest or detension
- 12.2. Power to arrest after adjudication per attempt abscond
- 12.3. Schedule of creditors
- 12.4. Burden of creditors to prove the debt.

Unit-13. Annulment of adjudication

- 13.1. Power to annul
- 13.2. Effect
- 13.3. Failure to apply for discharge

Unit-14. Post adjudicatory scheme for satisfaction of the debt

Unit-15. Discharge of debtor

Unit-16. Effect of insolvency on antecedent transaction

- 16.1. On rights of creditor under execution
- 16.2. Duties of court executing decree on the property taken in Execution
- 16.3. Avoidance of voluntary transfer
- 16.4. Avoidance of preference

Unit-17. Realization of property

- 17.1. Appointment of receiver
 - 17.1.1. Duties and powers
 - 17.1.2. Appeal against receiver

Unit-18. Distribution of property

- 18.1. Priority of debts
- 18.2. Dividends

Unit-19. Offences by debtors

Unit-20. Disqualification of insolvent

Unit-21. Appeal

Unit-22. Indigent persons

- 22.1. Suit by indigent persons

Select bibliography

1. The Provincial Insolvency Act.1920
2. Insolvency Acts of various states
3. Halisbury's Laws of England, Vol.3(2) on Bankruptcy and Insolvency(1989)
4. Henry R. Cheeseman,Business Law,Ch.28(1998),Prentice Hall,New Jersey
5. C.K.Thakker,Code of civil Procedure(2000)Eastern,Lucknow.
6. Aiyar.s.k.,Law of Bankruptcy(1998) Universal,Delhi.

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

FIRST SEMESTER

PAPER 1.1 – CONTRACTS-I

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Floating offer
2. Wagering agreement.
3. Unlawful consideration.
4. Coercion.
5. Privity of contract.
6. Duress.
7. Fundamental error.
8. Cross offer.
9. Restitution.

PART-B (Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Define consideration and briefly discuss its elements.
11. Explain the concept of frustration in the matters of contracts. To what extent is the doctrine of frustration application to mercantile transactions?
12. How is anticipatory breach of contract? How does it differ from actual breach?
13. How far contracts entered into by the Union Government are enforceable?

PART-C (Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. 'Ramu' a dealer in fruits delivers a packet containing fruits at Raju's house by mistake instead of delivering it at some other address who ordered from the fruits. Raju consumer those fruits. Can Ramu recovery money? Decide.
15. 'X' applied to a banker for a loan at a time where there is stringency in the money market the banker decline to make the loan except at an unusually high rate a interest. 'X' accepts the loan on these terms. Discuss whether the contract is induced by undue influence? Decide.
16. 'X' has agreed to deliver the goods to 'Y' for certain price on 1-12-2012. Time is essence of the contract. 'X' fails to deliver the goods on 1-12-2012. Y rescinds the contract. And file a suit to claim damages. Decide.
17. 'x' and 'y' entered into an agreement whereby 'x' should pay Rs. 1,00,000/- to "Y" if it rains on specified day, otherwise. 'Y' should pay Rs. 1, 00,000/- to 'x'. It rains on that specific day can 'Y' recover the amount from the court of Law.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIRST SEMESTER**

**PAPER 1.2 – LAW OF CRIMES (Criminal Law-1)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Preparation.
2. Instigation.
3. Rioting.
4. Counterfeit coin.
5. Public servant.
6. Mistake of fact.
7. Unlawful assembly.
8. Marital rape.
9. Extortion.

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Critically examine the territorial and extra-territorial jurisdiction of Penal code.
11. What is criminal conspiracy ? How does it differ from abetment?
12. What is hurt? When it becomes grievous hurt.
13. Explain the essentials of Mischief with illustrations.

PART-C

(Case Comment Type Questions)

(Marks: 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Ramu, who is a citizen of India commits a murder of an U.S. Citizen While in U.S.A. Discuss whether he can be tried and convicted of Murder in any place in India.
15. Krishna, a person of unsound mind kills Rama under the impression That Rama was about to kill him. Discuss the liability of Krishna.
16. 'X' Climbs a roof with the help of a ladder.'Y' quietly removes the Ladder. Discuss the liability of 'Y'.
17. Raju places men with fire-arms at all the out-jets of a building in Which suresh was residing and tells them to shoot at suresh if he Attempts to leave building. Discuss the ability of raju.

MODEL QUESTION PAPER

Q.P. Code: .

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

FIRST SEMESTER

**PAPER 1.3 – LAW OF TORTS AND CONSUMER PROTECTION LAWS
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Volent non fot injuria.
2. Wrongful intent.
3. Quasi Parental Authority.
4. Public necessity.
5. Violation of Ethical Code.
6. No Fault Liability.
7. Caveat emptor.
8. Nervous Shock.
9. Assault.

PART-B

(Essay Type Questions) (Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. 'Every injury imports damage, but every damage is not injury' Discuss the statement in light of decided cases.
11. Define Negligence. Explain the essential elements of 'legal duty to take Care'.
12. What is tortious liability? Distinguish between intention, motive and Malice.
13. What are the trends in modern law in protecting the consumer?

PART-C

(Case Comment Type Questions) (Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. 'Y' a cartoonist drew caricature resembling 'X', a politician, which Depicted that 'X' was involved in a liquor scam. What wrong if any Committed by 'Y'. What is his liability?
15. 'Y' a doctor, working in a hospital rendering free medical services, Treated the plaintiff for malaria. Due to wrong diagnosis, the Plaintiff had to undergo prolonged treatment and was put to great Suffering. Plaintiff sued for damages. Discuss the chances of his Success under the Consumer Protection Act.
16. 'Y' was admitted in a hospital for treatment of surgery of eye. Due to the negligence of Ophthalmologist surgeon, Y' lost his sight. Discuss the liability of the hospital authorities.
17. 'Y' was imprisoned in a jail. The jail staff was negligent in guarding the jail. Certain miscreants entered the jail with the help of a Ladder at night and hurled bombs on inmates, resulting in the death of 'Y'. The relatives of 'Y' claimed compensation. Decide.

MODEL QUESTION PAPER

Q.P. Code: .

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

FIRST SEMESTER

**PAPER 1.4 – CONSTITUTIONAL LAW - I
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Federalism.
2. Social Justice
3. Freedom of Movement
4. Double jeopardy
5. Protection against arbitrariness
6. Security of the State.
7. Separation of Judiciary from Executive.
8. Freedom of profession.
9. Self incrimination.

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Discuss the principles of equality as laid down under Article 14 of the Constitution of India.
11. Discuss the fundamental rights of minorities under the Indian Constitution.
12. Critically examine the primary status of fundamental rights over the directive principles of state policy.
13. Write a Critical note on Public Interest Litigation.

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. The State Government detained large number of persons under the Narcotic Drugs Act without trial. The under trial prisoners questioned the validity on the ground of violation of Article 21 of the Constitution of India-Decide.
15. In a State,there were a large number children working in a stone quarries and hazardous industries.How you advice these children to protect themselves under the Constitution of India.
16. A medical college made admission of candidates on the basis of oral Interview after a written test.High marks were allocated for oral test and candidates were interviewed only for 2 to 3 minutes. 'X' got high marks in written test,but low marks in oral test.He wants to challenge this-Decide.
17. 'X' a student of a particular sect of Christian community refused to Sing national anthem in the school as it was against his faith.The School authorities expelled him for not singing the national anthem. Whether 'X' had got right to challenge before the court.Decide with Relevant case laws.
18. 'X' was arrested by police with a suspicion that he was a Naxalite. 'X' was not produced in before a magistrate for about a were.Later 'X' dies in police station.Discuss the legal position.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIRST SEMESTER**

**PAPER 1.5 – FAMILY LAW-1
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Grounds of judicial separation.
2. Testamentary guardian.
3. Sapinda relationship.
4. Permanent alimony.
5. Who is a Hindu.
6. Polygamy.
7. Option of puberty.
8. Unilateral divorce.
9. Kinship.

PART-B

(Essay Type Questions) (Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Discuss in detail the composition, powers and functions of Family Court.
11. What is the doctrine of relation back. Explain with the help of case Law.
12. Explain the effect of a conversion of a Muslim on his/her marriage and Succession rights.
13. Explain the scope of divorce by mutual consent under the Special Marriage Act, 1954.

PART-C

(Case Comment Type Questions) (Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. 'X', a Muslim, acknowledges 'Y' as his legitimate son. Subsequently, 'X' revokes it. Is the revocation valid?
15. 'X' began to live separately from her husband 'Y' unable to bear drinking habit of 'Y'. 'X' claimed maintenance from 'Y' but insisted that he will not maintain her unless she comes back to the matrimonial home.
16. 'A' a Hindu husband is suffering from consistent diseases one after another for a long period. 'B' his wife wants to take divorce. Discuss the remedies available for 'B' under the Hindu Marriage Act.
17. 'X' a Hindu female dies leaving behind her husband, son, daughter, mother, and father. Assign their shares.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIRST SEMESTER**

**PAPER 1.6 – LEGAL METHODS (HC-I)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Subordinate legislation
2. Null hypothesis
3. Henry VIII
4. case-study methods
5. Habeas corpus
6. Theory of separation of power
7. Socio-legal research
8. Orders
9. Regulations

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

11. Explain the difference between doctrinal and non-doctrinal research.
12. What are the requisities of valid custom?
13. Elucidate the steps involved in formulation of legal research problem.
14. Explain the Kelson's theory of law.

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

15. What are the techniques of reading and analyzing judicial decisions.
16. 'The purpose of law in any society is to maintain order and ensure justice'-
Comment.
17. Explain the relevance of 'Ratio Decidendi' as a source of data in legal research.
18. Discuss the 'Doctrine of Basic structure' formulated by the supreme court of india
In kesavananda bharti's case.

MODEL QUESTION PAPER

Q.P. Code: .

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

SECOND SEMESTER

PAPER 2.1 – CONTRACTS-II

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Hire-Purchase agreement
2. Caveat emptor
3. Dissolution of a firm
4. Bailee
5. Persons competent to pledge
6. Implied conditions
7. Passing of
8. Effect of non-registration of partnership
9. Negotiable Instrument-definition

PART-B (Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Give a detailed note of the right and duties of partners interse
11. Under what circumstances a surely will be discharged from Liability?
12. Explain the law pertaining to rights of an unpaid seller against The goods
13. what are the ways in which an agency is terminated

PART-C (Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Kesav and Balaji run a business as partners. They allow another person, Ramesh to represent himself as their business Partner. Narayana, believing on such representation advances Rs.1/- lakh to Ramesh. Subsequently Ramesh is declared Insolvent. Narayana sues kesav and Balaji for the money. Will He succeed?
15. "X" agrees to indemnify "y", a newspaper proprietor, against Claims arising out of the libels printed in the newspaper Concerning a person of repute. Is this a valid agreement Under contract of Indemnity? Give your reasons.
16. A producer of a film borrowed a sum of money from a Finance-distributor, and agreed to deliver the final prints of The film when ready. Discuss whether there is a valid pledge In this transaction by interpreting and applying the law Relating to pledge.
17. A Railway Company is in possession of goods as a carrier When an unpaid seller gives notice of stoppage in transit. The Buyer of the goods owes money to the Railway Company also. Can the railway company exercise the right of lien over the Goods in violation of the right of stoppage in transit of the Seller? Apply the relevant provision of law.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SECOND SEMESTER**

**PAPER 2.2 – CONSTITUTIONAL LAW -II
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Art. 375
2. West Minister
3. PIL
4. Collective responsibility
5. Planning commission
6. Difference between Tax and fees
7. Presidential form of Government
8. Constituent power
9. Residuary power

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

**Answer any TWO of the following questions
Each question carries 15 marks**

10. “The constitution of India is neither purely federal nor purely unitary, but a combination Of both”---comment.
11. What are parliamentary privileges? Explain the need for and importance of codification of Parliamentary privileges
12. Discuss the constitutional provisions relating to Union-state Administrative relations in The light of sarkaria commission’s recommendations.
13. Explain the nature and scope of the doctrine of pleasure under Indian Constitution.

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

**Answer any TWO of the following questions
Each question carries 16 marks**

14. Golaknath vs state of Punjab 1967
15. A.D.M. Jabalpur vs S.Shukla 1976
16. S.R. Bommai vs Union of India 1994
17. Indira Gandhi v.Raj narain 1975

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SECOND SEMESTER**

**PAPER 2.3 – ENVIRONMENTAL LAW
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Bio-sphere
2. Ozone Depletion
3. Green Tribunal
4. Rio summit
5. Public trust doctrine
6. Stockholm Declaration
7. Coastal Regulation Zones
8. Environmental Courts
9. Hazardous substances

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Discuss the developmental and environmental conflicts associated with The mega projects?
11. What is the legal regime of forests in India?
12. Is the 'Right to clean environment' a legal right or moral right? Discuss With reference to case law?
13. Elucidate the contribution of United Nations in preservation of global Environment

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Ramesh purchased a Nano car from Tata company. The car was emitting Smoke and the road transport authorities refused to give pollution under Control certificate to ramesh. Ramesh filed a case in consumer Forum Asking for replacement of the car---Decide.
15. State has given permission for construction of a power plant in a huge Public park. public resisted and moved the court for cancellation of the Permit. Will they succeed? Decide.
16. A mining company 'M' limited, obtained a mining lease from the Government of A.P. In 1972 for a period of 30 years. The lease is for Mining "bauxite" from a forest land. The state government renewed the Contract in 2002 for a term of ten years. Is this valid?
17. The government has closed down several limestone quarries for non Compliance of environmental regulations. The workers who have lost Their jobs filed a writ petition on the closure of the quarries as it Violates their right to livelihood under Article 21 of the constitution. Decide.

MODEL QUESTION PAPER

Q.P. Code:
THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SECOND SEMESTER
PAPER 2.4 – JURISPRUDENCE
(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Obligation and its kinds
2. Concept of state
3. Grundnorm
4. Locus standi
5. Command
6. Primary rules
7. St. Thomas Aquinas
8. Whithering away of state
9. Moral order

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. What is jurisprudence? Why one has to study jurisprudence?
11. “Where there is law, there human conduct is made in some sense non- Optional or obligatory”. Explain the above theory of Prof. Hart.
12. “Law grows with the growth and strengthens with the strength of the People, and finally dies away as the nation loses its nationality”--- Savigny. Elucidate.
13. What is meant by ‘ratio’. Discuss how ‘ratio’ is identified in a judicial Decision.

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. The union legislature wants to pass a law conferring unbridled Authority on the prime minister to appoint judges of the supreme Court without laying down any procedure. This law is challenged as Violating the basic structure of the constitution— Discuss the validity of such a law.
15. A military truck carrying ammunition through a school zone knocked Down a student crossing the road. The military authorities are sued By the parent of the deceased student for compensation on the Ground of negligent driving—Discuss the liability issues?
16. Parliament enacts a law making Hindi as compulsory and official Language for all transactions and prohibits use of Telugu and other Languages in the schools, government offices etc. Discuss the validity of law and elaborate on the limitations of legislative authority of Parliament.
17. There was a large scale leakage of deadly gas from a private Industry located in the heart the city. As a consequence of this Leakage, a number of people died and several others were affected. An action was brought before the supreme court, through a writ Petition seeking compensation to the victims. Discuss the nature, Scope and extent of the liability of private industry.

MODEL QUESTION PAPER

Q.P. Code: .

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SECOND SEMESTER**

**PAPER 2.5 ADMINISTRATIVE LAW
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Ultra vires
2. Audi Alterampartem'
3. Reasoned decision
4. Resjudicata
5. Locus standee
6. Mandamus
7. Notice
8. Red light theory
9. Henry VIII clause

PART-B

(Essay Type Questions) (Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Describe the role of welfare state in protecting socio-economic rights of the subjects. How does it differ from laissez faire state?
11. Explain and distinguish subordinate, conditional and delegated Legislations. Explain the permissible limits of delegated legislation
12. "Discretionary power gives scope for abuse". How judicial review acts As a check on abuse.
13. Explain how far government is vicariously liable for the tortious acts Committed by its servants. Explain whether you support the judicial Opinion on the subject or whether you suggest any change in the law.

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Liquor permit of a soldier was cancelled summarily as he was caught Red-handed while Selling defence liquor to a civilian. The soldier Pleads denial of "hearing"-Decide.
15. The legislature of state of A.P. by a law delegated power to the Executive to modify the provisions of the law and also to repeal A corresponding law in force. Discuss the validity of the law.
16. The Municipal corporation of Hyderabad with a view to promote under Ground Drainage system imposed heavy charges on the users and Issued a circular to that effect requiring them to pay the amount Within 15 days from the publication of the circular in the local papers, Failing which power and water will be disconnected. Residents want to Challenge the circular as arbitrary, Advice.
17. There were newspaper reports that there was leakage of question Paper in the LL.B examinations. There were also some anonymous Complaints to the vice-chancellor about the same. All this material was placed before the executive council of the university which Ordered for cancellation of the examination in that subject and directed another examination be held as it was satisfied that there has been a leakage of questions. Discuss the validity of the decision Of the Executive Council.

MODEL QUESTION PAPER

Q.P. Code: .

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SECOND SEMESTER**

**PAPER 2.6 HUMAN RIGHTS LAW AND PRACTICE (H.C-II)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Right to Development
2. Right against self -incrimination
3. Right against untouchability
4. Equal pay for equal work
5. Human Rights watch
6. Gender Discrimination
7. Amnesty International
8. Magna carts
9. Cultural rights.

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Government of India is second to none in implementing the international norms of Human Rights. Comment.
11. Explain the role played by the NHRC in solving the problems of displaced people through the construction of Major dams.
12. "Everyone has the right not to be subject to Torture, Cruel or inhuman treatment" Comment
13. Explain the role played by United nations High Commissioner in monitoring human rights violations.

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. In village 'X', the youth belonging to Scheduled Castes wanted to worship Lord Ganesh in the local temple on the occasion of Ganesh Chaturdi. The priest of the temple and other landlords in the village object to these youth entering the temple. Despite the objection the Schedule Caste youth enter the temple. Enraged at the defiance, the landlords attack the youth. What offence is committed by the landlords and the priest? What has to be done in this case?
15. In the District jail, of district 'X' in the state. One Mr. Satish aged 26 Year, an under trial prisoner, lodged in session lock up was assaulted with knife and rozor by three co-prisoners in lock up. Satish received serious injuries and was referred to government hospital, where he succumbed to the injuries during the course of treatment. Discuss whether this is human right violation? How far the state is responsible?
16. Mr. 'X' a convict prisoner was in government hospital for treatment. While on hospital bed he was chained to the bed. A news paper reporter took a photograph of this and sent a complaint to the National Human Rights Commission. Is it a human rights violation? What directions can be issued?
17. Mr. 'X', a leader of political party alleges that the state government is systematically denying permissions to his and his party to hold public meetings in the state. Discuss?

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

THIRD SEMESTER

PAPER 3.1 PROPERTY LAW(Including Transfer of Property Act and Easement Act)

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Legal status of property in a socialist State
2. Natural resources as property
3. Fraudulent transfer
4. Dominate owner
5. Private and public property
6. Equitable mortgage
7. Types of Lease
8. Onerous gift
9. Subrogation

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Distinguish between Marshalling and Contribution citing legal provisions and Case law
11. Discuss essentials of lease. State how leases are made.
12. What are the various kinds of property? Define and distinguish between “Movable and Immovable property”, “Tangible and Intangible property” with Suitable illustrations?
13. What steps do you follow for investigation of title to property?

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. "X" has an apartment in tirupati and also 2 acres of land in chittoor. He mortgages his apartment and his land to "Y". He later mortgages his apartment to "Z" also. Discuss the legal position of "Z" in claiming the apartment as his security for the discharge of his debt.
15. Ram is the owner of two contiguous plots nos.10 and 11 in a colony. On plot no. 10 Ram has his house with windows overlooking plot no.11. Now Ram sells Plot no.11 to Ramesh. Ramesh starts building on plot no.11 purchased by him. This construction will block the light to the windows of the house on plot no.10. The light is necessary for Ram for the enjoyment of his house on plot no.10. So Ram files a suit to restrain Ramesh from continuing the building. Ramesh contends when Ram sold plot no.11 to him, Ram did not retain expressly any easement. Is Ramesh's contention valid and why?
16. "X" an old lady owned six flats. She executed a registered gift deed in respect of all flats in favour of her daughter "Y", giving immediate and absolute Possession of four flats."Y" accepted the gift deed and took possession of the four flats. As to the remaining two flats "X" retained their possession in order to enjoy the rents of those two flats till her death after which "Y" would take Possession of those two flats. Is the gift in respect of the two flats good?
17. On the partition between two brothers A and B of an ancestral house, a well went to the share of A. The partition deed however provided that A will allow B, Out of brotherly affection, to take the water from the well. What is the right of B.

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

THIRD SEMESTER

PAPER 3.2 LABOURLAW - I

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Works Committee
2. National Industrial Tribunal
3. Conciliation Officer
4. Immunities available to the trade unions
5. Go-slow
6. Principles of Natural justice.
7. Health, safety and welfare measures
8. Child labour
9. Definition of industry

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Discuss about the enforceability of awards and the scope of its judicial review
11. Review the history of trade union movement in India.
12. What are the restrictions imposed in the law relating to lay off, retrenchment and closure of undertakings
13. Discuss strike as a weapon in the process of collective bargaining and comment on its legality of latest trend of decisions of the apex court

PART-C
(Case Comment Type Questions)
(Marks: 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

13. A trade union leader was imprisoned for 5 years for an offence involving moral turpitude and 5 years have not elapsed since his release. He wants to be chosen as an office-bearer of a registered trade Union. Advise
14. The workers of company X were demanding the higher wages which had been agreed under a settlement with the company which was not being enforced. The workers union gave a strike call. During the strike some of the workers resorted to go-slow tactics and irresponsible behavior. The management decided to lock out all the workers. After several conciliation efforts and two other settlements the matter was resolved to some extent and lock out was lifted. However about 20 of the workers were not allowed to join duty while the other workers resumed work. The matter was referred to a labour tribunal for adjudication. Pending adjudication the workers union entered into a settlement with the management of the company by which 10 workers were allowed to return to work and the others 10 worker's services were terminated with compensation. Discuss the validity of the settlement in lieu of the provisions of the Industrial Disputes Act citing relevant case law.
15. The workers of a company called for a meeting on the premises of the company which was specifically prohibited by the management of the company. The management proceeded to dismiss all the workers involved in the meeting alleging that not only they had violated an express order given by employer but had also indulged in sabotage and other illegal activities. A domestic enquiry conducted absolved the workers of the charges of sabotage and illegal activities but chief manager overruled the domestic enquiry report and dismissed the workers. Decide the legality of the action of the management.
16. The government of Delhi declined to order a reference of a dispute regarding the removal of a worker on the ground that the person was not a worker at all and hence no reference could be made of the dispute under the relevant provisions of the Industrial Disputes Act. Discuss the remedies available to the worker in such cases.
Discuss the power of reference of the appropriate government under the Industrial Disputes Act and its limitations.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
THIRD SEMESTER
PAPER 3.3 COMPANY LAW
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Registrar of Companies
2. Red-herring prospectus
3. Doctrine of constructive notice
4. Statement in lieu of Prospectus
5. Doctrine of Ultra vires
6. Floating charge
7. Official Liquidator
8. Lifting Corporate veil
9. Statutory books

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. "The Memorandum and Articles of Association of a company cannot be altered except in the mode and manner provided in the Companies Act, 1956" – Explain.
11. What are the powers of Directors? Explain the ways in which such powers can be exercised by them.
12. What is a debenture? What remedies are available to the debenture holders for realization of their security?
13. State the Circumstances in which a company may be wound by the court.

PART-C
(Case Comment Type Questions)
(Marks: 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. A banking Company had a power in its Articles to issue bonds under the authority of an ordinary resolution. The directors issued bonds to Mr. 'A' without the requisite resolution. Mr. 'A' sued the company for the recovery of the money under the bonds. The suit was resisted on the ground that there was no requisite resolution of the company. Will Mr. 'A' succeed?
15. A company issued a prospectus containing misstatements on which action could be taken against the company. A person purchased shares in the market relying on the prospectus and filed a suit. Discuss.
16. Some of the creditors of M/s. XYZ Company private Limited have complained that the company was formed by the promoters only to defraud creditors. In this context they seek your advice as to meaning of corporate veil and when the promoters can be made personally liable for the debts of the company.
17. The Board of directors of XYZ Ltd., a public company, has duly delegated its power to approve the annual accounts of the company for the year 2011-12 to a committee considered the annual accounts and approved the same before the accounts were handed over to the statutory auditor of the company. Will you accept such approval of annual accounts?

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

THIRD SEMESTER

PAPER 3.4 PUBLIC INTERNATIONAL LAW

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. SAARC
2. De Jure Recognition
3. Jus Cogens
4. WTO
5. J.G. Starke
6. Hijacking
7. Sources of international law
8. Continental Shelf
9. Pactasuntservenda

.PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. “ Law of nations or International Law is the name for the body of customary and treaty rules which are considered legally binding by civilized states and their intercourse with each other” –Oppenheim. Discuss the nature of International Law and comment on the criticism that International Law is not law.
11. Discuss the law making character of the resolution of General Assembly with reference to leading cases.
12. ‘ In the modern period, international treaties have become the chief source of international law’ – Discuss the relative importance of sources of international law with illustrations.
13. Explain the composition, powers and jurisdiction of the international Court of Justice.

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

1. A diplomat of State ‘Y’ was arrested in the state ‘Z’ on charge of spying. State ‘Y’ requested for return of the Diplomat. Discuss
2. An Indian citizen approaches the Supreme Court of India claiming certain certain rights under Child Rights Convention on the ground that India was a party to the Convention of the Rights of the Child. Decide
3. States ‘X’ ‘Y’ and ‘Z’ entered into an agreement. States ‘X’ ‘Y’ ratified the agreement without any reservations. State ‘Z’ ratified with reservations. Explain the mutual obligations under the agreement.
4. A war ship belonging to another State “X” passes through Indian territorial waters. The Indian Navy intercepts the ship and forces the crew to stop and they were brought to shore for questioning. The State “X” protests the action of Indian Navy and claims right of innocent passage through territorial waters of another state under international law. Discuss the law applicable?

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
THIRD SEMESTER
PAPER 3.5 INTERPRETATIONS OF STATUTES (Optional –I)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Stare decisis
2. Equitable interpretation
3. Rule of 'ejusdem generis'
4. Historical interpretation
5. Retrospective operation of Statutes
6. Mischief Rule
7. Ratio decidendi
8. Interpretation and construction
9. Literal interpretation

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. India Supreme Court interpreted certain Directive principles of State Police as 'undamental rights'. Explain the importance of Directive principles as a source of constitutional interpretation citing relevant cases.
11. Do you agree that the courts have power, in the process of interpretation, to modify the language of statutory provisions in order to meet the intention of the legislature
12. Beneficial construction is a tendency rather than a rule'-Discuss.
13. Explain the rule literal construction and specify the cases where the courts would be justified in departing from this rule.

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. Two provisions of an Act passed by the legislature are irreconcilably contradictory. If you have to decide the case, what rule of interpretation would you apply?
15. Doctrine of 'Pith and substance' is useful in interpreting the statutes made by the state and Union to decide the respective legislative powers and encroachment of powers. Discuss this doctrine citing cases or supply your own hypothetical to explain the doctrine.
16. Section 17(1) of the Industrial Disputes Act, 1947 requires the Government to publish every award of a Labour Tribunal within thirty days of its receipt and by subsection (2) of Section 17, the award on its publication becomes final. Section 18(1) of the Act provides that a settlement between employer and workmen shall be binding on the parties to the agreement. In a case where a settlement was arrived at after receipt of the award of a Labour Tribunal by the Government but before its publication, the question arose whether the Government was still required by section 17(1) to publish the award. Decide in the light of these two equally mandatory provisions.
17. Selling of adulterated butter is an offence under the Prevention of Food Adulteration Act, 1954. Under the Act, the term butter is defined as "butter prepared exclusively from milk or cream of cow or buffalo or of both". X, who is being prosecuted for selling adulterated butter, argues that the butter which he is selling is neither prepared from milk nor cream, but from the curd and therefore not covered within the definition of butter under the Act. He also argues that it being a penal provision should be construed strictly in his favour. How would you decide?

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
THIRD SEMESTER**

**PAPER 3.6 REGULATORY LAW (H.C-III)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Product and enterprise
2. Global deposits
3. Fairness in competition
4. Legal remedies for environmental degradation
5. Public trust doctrine
6. The electricity regulatory commission act, 1998
7. Economic liberalization
8. Competition advocacy
9. New telecom policy

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

**Answer any TWO of the following questions
Each question carries 15 marks**

10. Discuss the important features of telecom regulatory authority
11. Write a note on industrial policy resolutions from constitutional perspective
12. Trace the rationale of government regulations from constitutional perspective
13. Central electricity regulatory commission

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

**Answer any TWO of the following questions
Each question carries 16 marks**

14. Examine the agreements prohibited under competition act
15. Enumerate the composition and powers of commission of india
16. Examine the need for regulation of economic enterprises
17. Enumerate the organization of electricity authorities in a state

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

FOURTH SEMESTER

PAPER 4.1 LABOUR LAW-II

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Marginal productivity
2. Supply and Demand
3. Living wages
4. Bilateral fixation
5. Gratuity
6. Equal Remuneration
7. Domestic servants
8. Concept of wage fund
9. Computation of bonus

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Briefly discuss the provisions for health,safety and welfare of workers Under the Factories Act,1948
11. What are the problems relating to contract labour legislation from an Employer's perspective?
12. " What are the benefits payable under the Employees State Insurance Act,1948?Give details.
13. What do you understand by un-organised labour?Briefly explain the Problems and perspectives of unorganized labour.

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. 'X' the owner of a factory failed to pay minimum wages to workers on the ground that he has no capacity to pay minimum wages. Workers disputed this contention.Advise.
15. 'Y' a daily wage women employee of public sector claimed maternity Benefits under maternity benefits Act on rejection of the claim by Public sector on the ground of inapplicability of Maternity Benefits Act, The women employees approached court of law.Decide
16. A teacher of an educational institution is dismissed from service by The management for an alleged misconduct,without conducting any Disciplinary enquiry.The teacher wants to approach the labour court. Advice him
17. 'y' an apprentice fitter,was injured while cleaning a dangerous part of a machine which had been manufactured in the factory.This machine was unfenced and safeguards of substantial nature was not provided. Is the manager or the occupier guilty of an offence?

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

FOURTH SEMESTER

PAPER 4.2 FAMILY LAW-II

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Unprivileged Will.
2. Distinction between a will and a deed
3. Doctrine of Radd
4. Aliyasanthana law
5. Hindu joint family
6. Revocation of will
7. Agnate
8. Letters of administration
9. Intestate succession

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. 'Inheritance is never in abeyance'-Discuss
11. Distinguish the Mitakshara joint family from Dayabhaga joint family and from joint tenancy in English law.
12. Once only is partition made-Manu.Discuss the dictum.
13. What are the debts which are outside the scope of doctrine of pious Obligation?

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. A Hindu widow alienated to a stranger a portion of her husband's Property for a purpose not binding on the reversioner, and then Surrendered the remaining property to the next reversioner. Is the Surrender valid.
15. An undivided Mitakshara family consists of a father and three sons. One of the sons is adjudicated an insolvent. How are the rights of the Assignee in insolvency and the insolvent's creditors affected by
 - a) The death of the insolvent
 - b) The death of one of the insolvent's brother
 - c) The birth of another son to the insolvent's brother
16. Distribute the inheritance according to Hanafi law and Shia law:
Father, Mother, Daughter, brother
17. 'A' executes a mortgage in favour of 'B' to secure an advance to Rs.1,50,000/-. In order to pay-off B's mortgage 'A' borrows Rs. 2,00,000/- from 'C' and executes in his favour a mortgage deed. Are the two mortgages binding on A's son. Refer to decided case Laws.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LLB DEGREE EXAMINATION
FOURTH SEMESTER
PAPER 4.3 TAXATION LAW**

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. How are assesses classified according to residential status.
2. Details of clubbing of incomes
3. Explain about deemed and exempted assets in wealth tax
4. When a non-resident is liable to pay tax.
5. Write about Income tax Laws
6. List about sales tax authorities
7. Explain the procedure for Reinstatio of dealers under CST Act.
8. Explain the importance of PAN
9. Definition of TDS

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

**Answer any TWO of the following questions
Each question carries 15 marks**

10. state the procedure in the computation of total income.
11. What is agriculture income?When is it liable to tax.
12. Explain about the problems and prospects in the application of VAT.
13. What are the provisions of Income Tax Act relating to advance Payment of tax

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Particulars Chandu's incomes are as under compute tax liability for Current assessment year:

- a) Income from agriculture --Rs.700,000
 - b) Income from business --Rs.145,000
 - c) Short-term capital gains --Rs.700,000
 - d) Income from other sources --Rs.121,000
- Deductible allowance from GTI Under sec.80
- i) Rs.15000 Under sec.80
 - ii) Rs. 12000 Under sec.80L
 - iii) Rs. 28000 Under sec.80E

Chandu has deposited 60000 in PPF and premium paid on life policy Rs.10,000 on a policy amount of 100000. Advance tax paid 12500 And tax deducted at source on income from the other sources Rs.500.

15. Mr. 'A' is a foreign citizen. He submits the particulars of his income for The previous year

2011-12 as under:

- a) Profit earned on sale of plant in Delhi was 102000. Out of it half was received in London.
- b) Profit earned on sale of plant in London was 146000. Out of it, half was received in India.
- c) Agricultural income earned in Australia was 60,000. Half of the amount was sent to India.
- d) He received a salary of 100000 from Indian company in London. Out of it, half

was

paid to him for the services rendered in India. Compute gross total income if he is

- i) Resident
- ii) Not ordinarily resident
- iii) Non-resident

16. Discuss the provisions of law relating to Appeals and Revisions.

17. Explain about the Central sales Act, 1956 and its liability in Special cases under sec.16 to sec.18

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FOURTH SEMESTER
PAPER 4.4 INTELLECTUAL PROPERTY RIGHT LAWS (Optional –II)**

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Non patentable inventions.
2. copyright justice
3. Infringement of copyright
4. universal copyright convention
5. Developing countries and IPR.
6. TRIPS
7. Dramatic works
8. Definition of copyright
9. Doctrine of honest current user

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. What is traditional Knowledge? Can traditional knowledge be patented or copyrighted?
11. Distinguish between Trade mark and Geographical Indication?
12. 'Today everything can be patented, under the sun, which is made by man' Explain the Statement in the light of patenting of biotechnology.
13. What are remedies available for infringement of exclusive marketing rights?

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. 'X' a citizen of a foreign country which does not grant the citizens of India the right to Make a patent application in that country makes an application to the patent office in Delhi. The controller accepts the application. Is the controller's decision lawful? If so Give reasons, if not explain why?
15. 'Y' an author of a novel filed a suit against 'Z' alleging that 'Z' has copied from a novel Of foreign author. Whether the judge can punish 'Y' or 'Z' or both for violation of copy Right.
16. 'X' a student copied some material from a published book and stated as his own, without Mentioning name of publishers. Whether 'X' liable under I.P. law, if not state the reasons.
17. 'X' a company is the registered proprietor of the trade mark 'Niacin' a pharmaceutical Preparation. They brought a suit against 'Y' company for permanent injunction Restraining them from using a deceptively, similar mark 'Niasin' in respect of the same Kind of preparation. would plaintiff 'X' company succeed. Decide.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FOURTH SEMESTER**

**PAPER 4.5 LAND LAW INCLUDING TENURE AND TENANCY SYSTEM
(Optional –III)**

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Remission of rent
2. Land grabbing
3. Zamindari settlement
4. Rent controller
5. Urban land ceiling
6. Eminent domain
7. Large holdings
8. Land acquisition
9. Ryotwari settlement

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Explain the law relating to tenancy reforms?
11. Explain the law relating to abolition of Intermediaries?
12. Explain the procedure to acquire private land for public purpose, How can the land be acquired if Needed urgently?
13. Examine different directives given by the Apex court to oversee the enforcement of forest laws In the forest conservation case?

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. 'X' a landlord died intestate, leaving behind him 100 acres of land. He has no legal heirs. what will Happen to his property?
15. The Urban Land ceiling Act has been repealed recently in the state of Andhra Pradesh. What is its Impact on the 'excess holdings' of land?
16. 'X' a tenant has been living in an old building situated in the prime locality of a city of the land 12 Years on reasonably charged rental basis. In the wake of spurt in rents after software boom, the Owner increased the rent 700 times more, what he was setting as rent. Advice the tenant as to Legal remedies available to him.
17. The government of Andhra Pradesh acquired a piece of land belonging to 'X' in the year 2010, While the possession of the property was taken in the year 2011. However, no compensation Has been paid to 'X' inspite of repeated representations made by him. Advice him as to his Rights under the Land Acquisition Act.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FOURTH SEMESTER**

**PAPER 4.6 LAW OF INSURANCE (H.C – IV)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Premium
2. Uberrimea fidei
3. Fire
4. Insurance and wager
5. No fault liability
6. Salvage
7. Contributions
8. Floating policy
9. Voyage policy

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. What is a contract of insurance? Explain the fundamental principles of insurance?
11. Discuss the power and functions of IRDA?
12. What is assignment under life insurance policy? How does it differ from nomination?
13. Discuss the constitution and functioning of the claims tribunals under motor vehicles Act

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. A insurance his house against fire for Rs 40,000 with B and for Rs 60,000 with C. A fire occurs and a loss is estimated at Rs 14,000. A recovers Rs.14,000 from B. what are the right of B against C?
15. A owes B Rs.5000 B insures A's life for a like amount. A pays the debt to B. After sometimes A dies. B claims Rs.5000 From the insurer on the policy. Is the insure liable to pay?
16. X insure his house hold goods against risk of fire. While smoking in his bed, he falls asleep and goods catch fire. He escapes with a few burns. Can he recover under the policy?
17. How far is the general principles of law of contract are applicable to law of insurance?

MODEL QUESTION PAPER

Q.P. Code:

THREE YEAR LL.B(HONS) DEGREE EXAMINATION

FIFTH SEMESTER

PAPER 5.1 CIVIL PROCEDURE CODE AND LIMITATION ACT

(CBCS REGULATIONS W.E.F.2016-2017)

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Frame of suit
2. Material fact
3. Return of plaint
4. Decree
5. Forms of pleading
6. Framing of Issues
7. Affidavit
8. Power of court to issue commissions
9. Non-joined of parties

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Examine the salient features of Limitation Act?
11. State the procedure of institution of by and aging minors or persons of unsound mind
12. What is written statement? When can set-off and count-claim be pleaded?
13. Define inter-pleader suit. Explain the conditions and procedures relating to an inter-pleader suit

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. An A.S.I. was dismissed from service by the D.I.G. challenged the said decision by filing a writ petition in the High court on the ground the he was not afforded a reasonable opportunity .The writ petition was dismissed. He then filed a civil suit and raised additional plea that he was appointed the I.G.P. and therefore D.I.G. being lower in rank, was not was barred by res judicata-Decide
15. 'A' files a suit in the name and on behalf of his minor ward 'B' against 'C' under O.32 During pendency of the 'B' attains majority and seeks your advice for further course of action.Advice 'B'. If 'B' happens to be a Co-plaintiff, does any difference?
- 16.'X' and 'Y' got married at Tirupati and resided for some time at Vijayawada. 'X' did not care For Visakhapatnam 'Y' want to file maintenance and restitution of conjugal rights. Advise 'Y' the proper place where she can file the suit.
17. 'X' could not file an appeal against the judgment given by the subordinate court within the Prescribed time limit due to serious illness. Advise 'X' regarding condonation of delay.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER
PAPER 5.2 LAW OF CRIMES-II (Criminal Procedure Code)
(CBCS Regulations W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

(Marks 6x4=24)

1. Ex post facto law
2. Charge
3. Juvenile offender
4. Warrant case and summons case
5. Cognizable and non-cognizable offence
6. Revisions
7. Parole
8. Anticipatory bail
9. Rehabilitation of juveniles.

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Discuss the constitutional safeguards provided to an person
11. Distinguish between bailable and non-bailable offences .When an anticipatory bail can Be granted.
12. Explain the judicial approach to probation
13. Explain the provisions of the criminal procedure code relating to reference and revision.

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. 'X' Was a minor girl living in a village near Tirupati with her parents are farmers engaged in cultivation of land. On 1st January 2014 the father of the girl 'X' leaves the village to Bangalore on some work. On the evening of that day, 'X' was raped by 'A', her neighbor when she went to his house to fetch water. 'A' threatened her not to disclose the matter to anyone. The girl After returning home narrates the incident to her mother. Her mother waits For her husband's return from Bangalore after two day and informs him. They first approach the village elders and as no justice was done to their satisfaction, a complaint was given to the police on 5th January 2014 i.e. 5 days after the crime was committed. Discuss the evidentiary value of in the light of delay.
15. Police bring an accused in their custody to the court and request the concerned magistrate 'M' to record a confession that the accused is willing to make. 'M' sees the accused bleeding with injuries on face and hands, but without any warning, records the confession. Discuss the validity of confession with reference to law practice.
16. 'X' and 'Y' assisted 'Z' to kill 'A' by providing 'Z' weapons used to kill 'A'. can 'X', 'y' and 'Z' be charged jointly for the same offence or separately?
17. 'H' is the husband of 'W1', 'H' undergoes second marriage with 'W2'. His wife 'W1' wants to claim maintenance from 'H'. Advise 'W1'

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER**

**PAPER 5.3 LAW OF EVIDENCE
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Re-examination
2. Latent ambiguity
3. Definition of document
4. Scandalous questions
5. Secondary evidence
6. Res gestae
7. Refreshing memory
8. Leading question
9. Accomplice evidence

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. 'Burden of proof is shifting in character' –Explain.
11. Is expectation of death necessary for a dying declaration? Explain the Value of dying declaration.
12. Define estoppel. Explain the different kinds of estoppels.
13. Explain the presumptions in cases of dowry deaths and rape cases.

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. There is dispute whether a give road is public way or not 'X' a Deceased headman of the village stated earlier during his life time That' the road was public'. Is this statement relevant?

15. The question is whether 'X' committed a New Delhi on certain day. The fact that on that day, 'X' was present in a court proceeding at Hyderabad. Is this fact relevant? Refer to legal provisions and case Law.

16. 'X' is charged with murder of 'y' by shooting him with a pistol. 'X' Claims that he had to shoot 'Y' as 'Y' was leading a communally Frenzy mob armed with deadly weapons and was about to breaking Open the shutters of prove his right of private defence beyond all doubt Is it enough if he can raise a doubt in the mind of the judge? Discuss With reference to case law and legal provisions.

17. 'A', 'B', 'C', 'D' and 'E' together commit a crime. As there no eye witness And as there is no direct evidence, 'E' is promised pardon and induced to become an approver and depose against the rest of the accused. Examine the relevancy, admissibility of the evidence of 'E'? can his Evidence be relied and other convicted solely on that. What is the law

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER
PAPER 5.4. PRIVATE INTERNATIONAL LAW (H.C-V)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Domicile
2. Selection of Lex Causae
3. Classification of the Cause of action
4. Residence of Corporations
5. Lex Fori
7. Assumed Jurisdiction
8. Renvoi
9. Theories of Private International Law

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. “The proper law of contract is the laws of the parties meant of apply.” Elucidate and examine whether there are any limitation to this rule.
11. Critically examine the various theories regarding choice of law
12. What are various issues under Private International Law relating to inter-country Adoption?
13. Critically examine concept of Divorce under Private International Law.

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. “M” and “W” is domicile in Namibia. “M” elopes to Zambia in order to marry “W”. “W” is only 17 years old and the consent of her parents which was refused, was required for her marriage under Namibian law. Under Zambian law “W” does not need the consent of her parents to get married. “M” and “W” return to Namibia and start living together as husband and wife. “W’s” father is incensed about this and approaches you for advice. He wants the marriage to be declared null and void. **Refer relevant case law.**

15. A company was incorporated in England with a view to operate in Italy. Its practical business of manufacturing and selling was done in Italy by an Italian delegate. The managing directors also were Italian resident. By the memorandum of Association, the Board of director in London controlled the sales, order, direction and management of company. Decide the residence of the company. **Refer relevant case law.**

16. A partnership business, consisting of two sisters and a brother carried on in Vienna. One of the sisters residing in England did not participate in the Business. Plaintiff obtained a judgment from an Austrian court against the partnership for the amount accepted by the brother on behalf of partnership. Under the Austrian law a separate action has to be filed against the sister to make her personally liable, which was not made.

Can the sister be made liable in English court in\ if the plaintiff obtains a judgment from Austrian Court against the partnership.

17. “A” who is an Indian marries “B” in India according to rituals mentioned under section 5 of the Hindu Marriage Act. “A” obtained a decree of divorce from a Court in USA. Explain whether foreign judgment is enforceable in Indian court.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER
PAPER 5.5 WOMEN AND CRIMINAL LAW (H.C-VI)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Nationalist movement
2. Equality before law
3. Right of inheritance by birth under Muslim law
4. Sri-Dhan
5. Doctrine of Puberty
6. Custody of Children
7. Remarriage under Christian law
8. Equal Remuneration for Women
9. Dowry Death

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Explain the Constitutional provisions for the protection of women.
11. What are the significant changes introduced in the Hindu Succession Act, 1956 ?
12. Briefly discuss the discrimination provisions relating to matrimonial relations under Hindu and Muslim personal law.
13. Explain the provisions relating to women in the Factories Act, 1948.

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. Lathika was a writer. She and her husband sent applications for the allotment of the bank bonds. Both lathika and her husband decided that lathika will act as a natural guardian for their children and later when lathika applied to RBI for the allocation of funds on behalf of the minors and signed in the place of natural guardian. RBI refused her application stating that she is not the natural guardian. Comment and Substantiate with case law.
15. A Hindu marries another woman with the consent of his first wife during her life time. Is he criminally liable for the offence of bigamy. Comment.
16. A, a women died after five years of marriage with Y. A was having burns and marks all over the body and the neighbours gave evidence that 'A' was brutally tortured, harassed by 'Y' from the initial days of marriage. Comment with the provisions under which 'Y' can be tried in the court of law.
17. X', a women was deceived by a man T. on promising to marry her, T has sexual intimacy with X. after X Conceive, T refuses to marry X. Explain with provisions relating to this issue involved and with case laws.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER**

**PAPER 5.6 BANKING LAW (Optional –IV)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Special banking services
2. Classification of letter of credit
3. Foreign Exchange control
4. Crossed cheque
5. Garnishee order
6. Characteristics of Negotiable Instrument
7. Assignment and Negotiation
8. Hypothecation
9. Customer duties towards banker

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. 'Nationalization of bank is only for the social of bank' -comment.
11. Explain the rules relating to presentment of bill of exchange .when Presentment is unnecessary?
12. Define Customer. Discuss the special relationship between a and customer.
13. Explain the statutory protection available to the bank while paying the customer's cheque.

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. 'A' a minor son of 'B' wanted open a Savings Account in Andhra bank and submitted the application form along with all requisites. But the bank manager refused to allow him to open account. Advice 'A'.
15. An open bearer cheque for Rs.2,00,000/- favoring 'Y' company is presented for cash payment at the counter by an unknown person. Can The Cheque be honored? Examine the legal position.
16. 'X' a customer of State Bank of India had a habit of examining and verifying each and every Entry in the pass book regularly. Suddenly, after six month he detected that a wrong debit was there in pass book for Rs.1,00,000 \- Can 'X' challenge this wrong entry.
17. 'X' pays into his bank a cheque drawn on another banker payable to 'Y' and crossed 'Not Negotiable'. Should 'X' s bank take such a cheque in spite of such a crossing? Explain the legal position.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER
PAPER 5.7 MEDIA LAW with RTI Act (Optional –V)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Certification of films
2. Slander
3. Sedition
4. Akashwani
5. Chanda committee Report
7. Monopolistic Undertaking
8. Visual media
9. Community Radio

PART-B

**(Essay Type Questions)
(Marks: 2×15=30)**

**Answer any TWO of the following questions
Each question carries 15 marks**

- 10 “Narrate how television is useful for developmental purposes.
11. 'press is considered to the fourth pillar of democracy'. Evaluate the about the above proposition in light of experience.
12. Evaluate the newsprint policy in pages and increase in circulation.
13. Freedom of press is specific and separate right provided under the India constitution.
Write your answer with the help of appropriate case laws

PART-C

**(Case Comment Type Questions)
(Marks : 2×16=32)**

**Answer any TWO of the following questions
Each question carries 16 marks**

14. Explain power and functions of Central Information Commission under RTI Act.
15. What is Broadcasting Council. Enumerate its function under Prasar Bharathi Act.
16. Explain brief history of press in India role in Democracy.
17. What is the constitutional validity of Information.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER
PAPER 5.8 PROBATION, PAROLE AND PRISON ADMINISTRATION
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Define probation
2. Origin of Parole in India
3. Difference between parole and probation
4. The position of parole in India
5. Prison in India
6. Prison discipline
7. Parole in USA
8. Probation in UK
9. Prisoners health

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

**Answer any TWO of the following questions
Each question carries 15 marks**

10. Role of judiciary in prison reforms
11. Define prison and discuss the Evaluation of Prisoners system in India
12. State and Explain the objective of probation offender Act 1958
13. What is parole? Mention various factors for success or failure

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

**Answer any TWO of the following questions
Each question carries 16 marks**

14. Discuss the objective of prison Administration
15. Discuss about the rights of the prisoners
16. Explain the origin and development of probation
17. Evaluate the success of parole as a methods of correctional administration

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER
PAPER 5.9(a) - LOCAL SELF GOVERNMENT INCLUDING PANCHAYAT
ADMINISTRATION
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Grama swaraj
2. Asshoke mehata committee
3. Article 40 of Indian constitution
4. Financial power of panchayats
5. Electronics to municipalities
6. Pre- litigation conciliation by panchayat
7. Working of local self government
8. Financial power of municipalities
9. Role of NGO's in local self government

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Panchayat raj is an instrument of grass routes development in India discuss
11. Discuss the 73rd and 74th constitutions amendments in respect of panchayat raj system in India
12. Discuss about the power, authority and responsibilities of the municipalities
13. Discuss about the powers of laying taxes and licensing Power of the grama panchayat and municipalities

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Panchayat raj reforms and empowerment of grass routes democratic institutions in India discuss
15. Discuss about The AP Pandchayat Raj Act, 1994 in relation to local self government
16. Discuss about the evaluation of local self government in India
17. The real power and responsibilities of panchayat raj institution in India

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
FIFTH SEMESTER**

**PAPER 5.9(b) – WHITE COLLAR CRIMES
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. White collar crimes
2. Causes of white collar crime
3. Prevention of corruption Act, 1988
4. Sutherlands view on white collar crime
5. Occupational crimes
6. Organized crimes
7. Fake employment placement, Rockets
8. Discuss white collar crimes in medical profession
9. Discuss white collar crimes in legal profession

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. What is white collar crime? Explain how the judiciary has changed its attitude towards white collar crime
11. Types of white collar crimes
12. State the crimes under prevention of corruption Act,1988
13. “Crime committed by a person of respectability and high social status in course of his occupation”- critically Explain

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Analyse how basic conons of traditional criminal law are not suitable to deal with new types of crimes
15. What do you understand by white collar crime? How is different form conventional crime
16. Distinguish between white collar crime and blue collar crimes
17. Objects and reasons of prevention of corruption Act,1988
18. Discuss about hoarding black marketing and adulteration. Whether its amounts white collar crime?

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SIXTH SEMESTER
PAPER 6.2.-PRACTICAL TRAINING-II
PROFESSIONAL ETHICS AND ACCOUNTING SYSTEM
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Seven lamps of advocacy
2. Pleadings
3. Para legal
4. Privileged communication
5. Judicial corruption
6. Balance sheet
7. Lawyer-police clashes
8. Disciplinary committee
9. Affidavit

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Differentiate the terms vakil, pleader, notary, advocate, attorney with suitable illustration
11. If advocate do not adhere to legal ethics the legal profession degenerates in to a business – elaborate with reference to ethics and the present state of affairs in the legal profession in the country
12. Review the decisions of a Pex court on the issue of strikes by advocates referring to law and illustration
13. Illustrate various types of professional misconduct and disqualification advocates

PART-C

(Case Comment Type Questions)(Marks: 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. Explain power and functions of Central Information Commission under RTI Act.
15. What is Broadcasting Council? Enumerate it's function under Prasar Bharathi Act.
16. Explain brief history of press in India role in Democracy.
17. What is the constitutional validity of Information?

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SIXTH SEMESTER
PAPER 6.3 – PRACTICAL TRAINING-III
ALTERNATE DISPUTE RESOLUTION
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: One Hour and Thirty

Maximum: 50 Marks

**Answer any FOUR of the following Questions
All questions carry equal marks
(Marks: 4 x 12 ½ = 50)**

1. Discuss the advantages and limitations Alternate Dispute Resolution?
2. Discuss the grounds for setting aside an arbitral award?
3. Discuss the powers, duties and obligation of arbitral tribunal
4. Define public policy and state when can an arbitral award be said be in conflict

5. **Write short notes on any two of the following:**
 - a) Costs of arbitration
 - b) Define of conciliation
 - d) Interim Measures

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SIXTH SEMESTER
PAPER 6.5 – PENOLOGY AND VICTIMOLOGY (Optional -VI)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. National crime record bureau
2. Open prisons
3. Public execution
4. Whipping and flogging
5. Third degree methods
6. Criminal gangs
7. Female criminality
8. Search and seizure
9. RECIDIVISM

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Crime by children are growing in urban pockets of India and we all known that a juvenile was one of the preparation gang rape in moving bus in Delhi. How do you explain for the growing crimes rate among children
11. Examine the rights arrested persons under Indian constitution and code of criminal procedure code
12. Define probation distinguish probation from parole.
13. Define white collar crime and state whether the white collar crime is being properly controlled by the existing laws, policy and machinery for implementation?

PART-C

(Case Comment Type Questions)

(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. X a Police officer was investigation a case and searching for the accused who was absconding. Unable to find him, the police officer picks up the mother of the accused and keeps her in custody. He tells the relative and other members of the polices station discuss all aspect of the case?
15. A village Panchayat hears a case against a women in their village. All the Panchayat elders find the women guilty and as a punishment. What they order that she should be raped by the local males. The orders of the Panchayat was implemented. What remedies are available her? discuss
16. X a child of about 12 year attempts to rape a girl of 10 years of age. Discuss the liability of X
17. P a police officer beats x a theft suspect continuously during the course of interrogation in police custody. After some time X fails unconscious and is admitted in hospital. Where hipness what is the nature of offence committed by P and what procedure is to be followed.

MODEL QUESTION PAPER

Q.P. CODE:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SIXTH SEMESTER
PAPER 6.6 – INTERNATIONAL TRADE LAW (H.C-VII)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 3 marks

(6 × 3 = 18 marks)

1. Theories of international trade law
2. UN attempts of remove the trade barriers
3. Structure of international Economic Institutions
4. International bank for Reconstruction and Development (IBRD)
5. Structure and functions of WTO
6. Summits of WTO
7. North American Free Trade Agreement (NAFTA)
8. European union
9. Dispute settlement Body in WTO

PART-B

(Essay Type Questions)

(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Write a note on the trade practices before the formation of the WTO and the conditions that lead to the formation of WTO. Briefly mention the various rounds of WTO
11. Trace the origin and development of international law. Discuss the steps and conventions made by the UN for the unification of international trade laws.
12. Discuss the structure and functions of WTO. How WTO has dealt with the matters relating to intellectual property rights
13. Discuss about the dispute settlement body under the WTO system

PART-C
(Case Comment Type Questions)
(Marks : 2×16=32)
Answer any TWO of the following questions
Each question carries 16 marks

14. Trace the evolution and development of international trade law.

15. “The International Monetary Fund has been established to promote International Cooperation on Monetary Problems through a Permanent institution.” Examine the above statement in the light of the role and functions of the IMF with special reference to Regulating and promotion of International Trade.

16. Define Dumping as defined under Article VI of the agreement on Anti-dumping and Counter railing duties.

17. The world is going through recession following the financial crises. Domestic markets are being protected from input competition. Discuss these developments in the light of “Free trade and Fair trade” theory.

MODEL QUESTION PAPER

Q.P. Code:

**THREE YEAR LL.B(HONS) DEGREE EXAMINATION
SIXTH SEMESTER
PAPER 6.7 – BANKRUPTCY AND INSOLVENCY LAWS(H.C-VIII)
(CBCS REGULATIONS W.E.F.2016-2017)**

Time: Three Hours

Maximum: 80 Marks

Part A (Short Answer Questions)

Write short notes on any SIX of the following
Each question carries 3 marks

(6 × 3 = 18 marks)

1. Official Assignee.
2. Creditor.
3. Insolvency
4. Commission Agent
5. Final Divident
6. Official Receiver
7. Annulment
8. Contingent Liability
9. Mortgage Suit

PART-B

(Essay Type Questions)(Marks: 2×15=30)

Answer any TWO of the following questions

Each question carries 15 marks

10. Explain the powers of Insolvency Court before and after adjudicatiion.
11. Insolvency, Different types of insolvency and Explain the difference between Liquidation, Insolvency and winding up in India.
12. On which conditions creditor may file petition. Explain.
13. Explain the power of Court to decide disputes arising in insolvency.

PART-C

(Case Comment Type Questions)(Marks : 2×16=32)

Answer any TWO of the following questions

Each question carries 16 marks

14. "X", a trader who is not able to pay his commercial debts on the due dates by reason of his financial instability. Decide whether he can be declared bankrupt.
15. "X", had instructed a construction contractor, Forge Group Construction Pvt Ltd. to design and construct fuel hubs. Forge started to work on the hubs but was placed into liquidation without having finished the job. Advice the construction company.
16. Explain the power of court to make vesting order in respect of disclaimed property.
17. A single creditor can maintain an insolvency petition and discuss briefly the condition on which creditor can file insolvency petition.
