



DEVI AHILYA VISHWAVIDYALAYA, INDORE

School of Law

1.1.2

Minutes of the Meetings and Changes in Syllabus





SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. Ist Semester

B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER – I ENGLISH - I

Course Objectives:

1. To make the students proficient in listening, speaking , reading and writing skills, grammar and its usage, usage and various interactive and communicative skills.
2. To give the students a basic exposure in correspondence and composition skills including formal and informal correspondence.

Unit I Grammar

1. Simple, compound, complex sentences.
2. Tense
3. Phrase and Clause
4. Active – Passive
5. Positive-Negative
6. Interrogative
7. Reported Speech
8. Conditionals

Unit II Grammatical Usage

1. Transformation of sentences
2. Spotting Common Errors

Unit III Communication Skills

1. Short responses in communication
2. Use of question tags in communication

Unit IV Correspondence

1. Formal correspondence
2. Informal correspondence

Unit V Composition Skills

1. Note Taking
2. Paragraph writing

LEARNING OUTCOME

At the completion of the course, the scholars are expected to:

1. Posses basic communication skills in English and develop their ability to write, present, comprehend and comment up on various issues and matters.

Select Bibliography

1. Wren and Martin : ‘English Grammar’
2. J.S. Allen : ‘English Grammar’
3. J.C. Nesfield : ‘English Grammar’
4. Hindi- English Glossary: Vidhi Sahitya Prakashan, Ministry of Law, New Delhi.

B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER –II POLITICAL SCIENCE-I

Course Objective:

The purpose of this course is to help the students understand India's colonial past. The importance and relevance of understanding this past is the fact that the roots of many political institutions and ideas, social and economic structures that are central to politics in India today can be traced back to this past.

Unit I Concept of Political Science

1. Political Science - Nature and Scope.
2. Relation of Political Science to other social sciences-(Sociology, History, Psychology and Geography).

Unit-II State and It's authority

1. State-origin and development,
2. Power and authority,
3. state-essential elements,
4. sovereignty.

Unit III Rights, duties, privileges, civil liberties of citizens

1. Rights of citizens,
2. Theories of rights,
3. Rights and duties.
4. Human rights,
5. Liberty,
6. Equality and law.

Unit IV System of Governance

1. Democracy-Meaning and kinds,
2. Theories of Representation,
3. Development and Welfare state,
4. Legislative, Executive and Judiciary,
5. Theory of separation of power.

Unit V Constitution and Kinds of Government

1. Constitution-meaning and kinds.
2. Kinds of Government - Dictatorship, Parliamentary and presidential,
3. Unitary and federal,
4. Party system,
5. Pressure groups and women's groups.
6. Constitutionalism

Learning Outcome:

1. Students will become familiar with a number of contemporary political issues and better understand their make-up and importance
2. Students will understand how different political issues are assessed by different philosophical and ideological traditions

Select Bibliography:

1. Principles of Politics - Dr. Pukhraj Jain
2. Principles of politics - Garner
3. Principle and Theory - Urmila Sharma & S.K. Sharma
4. Principles of Political Science – Dr. A.C. Kapoor

B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER –III HISTORY I

Course Objectives:

- 1- This paper helps students to understand the present existing social, political, religious and economical condition of the people.
- 2- It creates interest for reading historical figures, characters, events and facts which are found necessary for solving the present problems effectively.
- 3- It help to understand human progress, establishment of empires, administrative system and development of art and architecture, literature, language etc.

Unit I Concept

1. Meaning of History
2. **Nature Scope and Importance in human life**
3. Ancient Indian cultural Heritage
4. Indus Valley Civilization
5. Aryan Civilization with special study of social and political life.

Unit II Ancient History

1. Study of ancient Republic
2. Maurya Administration
3. Central, Provincial Administration, Revenue Policy

Unit III Pre-Islamic History of India

1. Gupta Period-Central provinces, Deccan policy of administration
2. Development of feudal System

Unit IV Islamic State

1. Nature of Islamic State
2. Advent of Islamic rule in India, Impact of Islamic rule on political, social religious and cultural life of India.
3. Interaction between two diversified cultures.

Unit V Administration and various forms – Growth

1. Administration During Sultanate age with reference to cultural administration.
2. Administration during Mughal Period, central administration, provincial administration, local administration and land revenue policy.

Unit V Juridical Systems

1. Legal & Judicial system in ancient Indian Maurya Dynasty, Gupta, Harsh Dynasty.
2. Legal & Judicial system during medieval India, 1206 to 1707 A.D. sultanate age & Mughal period.

Learning Outcomes:

1. Students able to train memory, reasoning, presentation of facts systematically and successfully.
2. They able to co-relate the present administrative system from past.
3. They know the origin of the different cultural, caste and dynasties.

Select Bibliography -

- | | | | |
|----|------------------|---|--|
| 1. | Dr. V.D. Mahajan | - | Ancient India |
| 2. | R.C. Majumdar | - | Ancient India |
| 3. | R.S. Tripathi | - | History of Ancient India |
| 4. | A.K. Khurana | - | Ancient and Medieval History |
| 5. | M.D. Ahmed | - | The Administration of justice
Medival Era |

B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER –IV ECONOMICS-I

COURSE OBJECTIVES

1. To make the students KNOWLEDGEABLE IN basic aspects of macro economics including Basic principles and forms of business organizations, , Law of Demand and supply, determination of price in markets, Labour productivity and factors of production, money, inflation and capital formation.
2. To make the students aware about theories of growth and development, money and banking system, international institutions of money and economic federalism and Centre-State financial relation.

Unit-I Nature and Rationale of Economics

1. Definition and subject matter of economics.
2. **Economic offences and its impact on economy.**
3. Economics as a basis of social welfare and social Justice, economic concentration.
4. Free Enterprise. capitalism. Socialism, Mixed economy and Economic Planning.

Unit-II Basic Concepts and Principles

1. Human wants, necessary comforts and luxuries.
2. The law of Demand-Elasticity of demand.
3. Market-Meaning and types.
4. Determination of price in a market,
5. control of monopolies.
6. Types of Business organisations.

Unit-III Means of Production and respective concepts

1. Factors of production-Labour and its Productivity.
2. Wages-Systems of wage payment, minimum wages.
3. Money-Functions and importance of money, inflation
4. Capital-capital formation.

Unit – IV Development and Theories of Growth

1. Economic Development, problems of economic development.
2. **Development strategies-International comparisons.**
4. Theories of economic growth
5. Stages of economic growth by Rostow Keynes
6. Model of economic development.
6. Economic development model by Nurkse shumpiter

Unit-V Money, Banking, International Institution of Money and Economic federalism

1. Banking-Functions of commercial Banks. Functions of Reserve Bank as central Bank. .
2. Money Market, credit and bank, Rural Money market.
3. Monetary and fiscal policy Taxation.
4. International monetary fund & International bank of reconstruction and development.
5. Centre State financial relations.

LEARNING OUTCOMES

At the completion of the course, the scholars are expected to:

1. Develop an understanding about the fundamental aspects of macro economics and their applicability in practice of various professions including law.
2. To generate awareness about national and international banking and monetary system and revenue sharing in India and analyze the role of banking and monetary institutions in development of various professions including Law.

Select Bibliography

- | | | |
|---|---|------------------|
| (1) Indian Economy Since Independence | - | Uma Kapil |
| (2) Indian Economy | - | Dutt R. |
| (3) Indian Economy | - | Misra & Purl |
| (4) Indian Economy | - | Prasad K.N. |
| (5) Indian Economy Problem of Devlp. Planning | - | Agrawal A.N. |
| (6) Economics of Industrialization | - | Prasad Kedarnath |
| (7) Survey of Indian Economy | - | Munjal S. |
| (8) Encyclopaedia of Economic Development | - | Jalan P.K. |

B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER –V LAW OF TORTS INCLUDING MOTOR VEHICLE
ACCIDENT AND CONSUMER PROTECTION LAWS

Course Objectives:

1. The law of torts is essentially concerned with regulating the means of redressing
2. Losses incurred by a person where the person does not rely on a contractual relationship with that person who caused the loss.
3. The issues considered in this course therefore, concern the type of loss for which the law grants compensation.

Unit-I Evolution of Law of Torts

- 1 England.- Forms of action, specific remedies from case to case
- 2 India - principles of justice equity and good conscience-unmodified character- advantages and disadvantages

Definition, Nature, Scope and Objects of Tort

1. A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem) - damnum sine injuria and injuria sine damnum-doctrine and applicability.
2. Tort distinguished from crime and breach of contract and trusts.
3. The contract of unliquidated damages
4. Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society
5. Objects-prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

Unit-II Justification in Tort

1. Volenti non fit injuria
2. Necessity, private and public
3. Plaintiffs default
4. Act of God
5. Inevitable accident
6. Private defense
7. Statutory authority
8. Judicial and quasi-judicial acts
9. Parental and quasi-parental authority
10. **Extinguishment of liability in certain situations**

Unit-III Doctrine of sovereign immunity and its relevance in India

1. Vicarious Liability
2. Torts against persons and personal relations

3. Defamation
4. Parental relations, master and servant relation
5. Malicious prosecution, wrongful confinement
6. Wrongs affecting property
7. Trespass to land
8. **Constitutional torts and Public liability for victim's compensation.**

Unit-IV Negligence

1. Basic concepts
2. Theories of negligence
3. **Contributory negligence**
4. Special situations of negligence – Lazardous Substance and Machinery product liability, liability towards ultimate transferee.

Nuisance

1. Definition essentials and types
2. Acts of obstructions (view and formation of queues)
3. Absolute and Strict liability
4. Legal remedies
5. Award of damages
6. Injunction
7. Extra-legal remedies

Unit-V Consumer Protection Act

1. Concept and definition of Consumer and service
2. Unfair trade practices
3. Supply of essential commodities and services
4. Enforcement of consumer rights

Motor Vehicle Act

1. Types of Accident, At road intersections, collision, involving children, excessive speed, in floods, pedestrian, Running over cyclist and Hit and run case.
2. Compensation and Right to Just Compensation.
3. Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders.
4. Liability – Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation.

Learning Outcomes:

1. The students would be able to understand the selected aspects of the Law of Torts in the light of judicial pronouncements and relevant legislations.
2. The students become well equipped with the notions of legal rights and difference between compensation and exemplary damages.

Select bibliography

1. Salmond and Heuston - On the Law of Torts (2000) Universal Delhi.
2. D.D. Basu, The Law of Torts (1982), Kamal, Calcutta.
3. B.M. Gandhi, Law of Tort (1987), Eastern, Lucknow
4. P.S. Achuthan Pillai, The law of Tort (199t) Eastern, Lucknow.
5. Ratanlal & Dhirajal, The Law of Torts (1997), universal, Delhi.

B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER –VI LAW OF CONTRACT-I

Course Objectives:

1. The course provides students with an understanding of English/common law and commercial law as a whole, while focusing on some particularly important aspects.
2. This intensive course commences with the basic common law principles governing commercial contracts, including the topic of pre-contractual duties and remedies for breach of contract.

UNIT-I Introduction

1. History and nature of contracted obligations
2. Agreement and contract : definitions, elements and kinds of contract.
3. Proposal and acceptance
4. Consideration
5. Theories of Contract

UNIT-II Capacity to contract

1. Free consent
2. Undue Influence
3. Misrepresentation
4. Fraud
5. Mistake
6. Unlawful considerations and objects
7. Fraudulent.

UNIT-III Void and void able agreements

1. Injurious to person or property
2. Immoral
3. Against public policy
4. Void and void able agreements
5. Contract without consideration

6. Agreements in restraint of marriage, trade etc
7. **Contingent contract, Wagering contract and its exception.**

UNIT-IV Contractual obligations

1. Contractual obligations – remedies, discharge of
2. Damages, remoteness of damages, ascertainment of damages
3. Government Contracts.
4. Quasi Contract - Obligations

UNIT-V Specific Relief Act

1. Specific performance of contract and Specific Relief Act
2. Contract that can be specifically enforced & that cant be enforced
3. Persons against whom specific enforcement can be ordered
4. Rescission and cancellation of contracts and documents
5. Injunctions, temporary, perpetual, Mandatory, Obligatory
6. Declaratory Decree
7. Discretion and powers of court

Learning Outcomes:

The course will enable students to become familiar with the basic principles of law, so that they can apply them to a wide range of commercial transactions, in the light of the policy objectives which legal regulation pursues, and with an understanding of the context of commercial transactions in which the law operates.

Select Bibliography

1. Beasten (ed.) Anson's Law of Contract (27 ed. 1998).
2. P.S. Atiya, Introduction to the Law of Contract 1992 reprint (Clare don Law Series).
3. Avtar Singh, Law of Contract (2000) Eastern, Lucknow.
4. G.C. Cheshire, and H.S. Fifott and M.P. Furmston, Law of Contract (1992) ELBS with Butterworth's.
5. M. Krishnan Nair, Law of Contracts, (1998).
6. G.H. Treltet, Law of Contracts, Sweet & Maxwell (1997 reprint).
7. R.K. Abhichandani, (ed.) Pollock & Mulla on the Indian Contract and the Specific Relief Act (1999) Tripathi.
8. Banerjee, S.C. Law of Specific Relief (1998), Universal.

9. Anson, Law of Contract (1998), Universal.
10. Dutt on Contract (2000), Universal.
11. Anand & Aiyer, Law of Specific Relief (1999), Universal.
12. Kailash Rai, Contract I & Specific Relief Act.



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. IInd Semester

**B.A. LL.B. (HONS.) PART-I SEMESTER - I
PAPER –I ENGLISH -II**

Course Objectives:

1. To make the students proficient in drafting skills, composition and translation skills, comprehension skills and vocabulary and grammar.
1. To train the students in communication aspects of various professional fields including law profession.

Unit-I Vocabulary

1. Foreign words and phrases
2. Set expressions and phrases.
3. One word substitution
4. Words often confused
5. Synonyms and Antonyms, especially Legal words

Unit-II Comprehension Skills

1. Comprehension of Legal texts
2. Common logical fallacies
3. Comprehending legal passages through queries

Unit-III Drafting skills

1. Legal Drafting
2. Preparing legal briefs
3. Precis and summary

Unit-IV Grammar

1. Cohesive Devices, Combination of sentences
2. Sentence structures, verb patterns.
3. Modals
4. Possessives and 'Self' forms

Unit-V Composition and Translation

1. Legal topics for essay writing
2. Translation and Transliteration.

LEARNING OUTCOME

At the completion of the course, the scholars are expected to:

1. determine and analyze elements of communication skills including professional practices of legal and other professional disciplines and various societal responsibilities .

Select Bibliography

1. M.C. Setalwad : Common Law in India.
2. Denning : 'Due process of Law'
3. I. Abidi : 'Law and Language'.
4. Glanville Williams : Learning the law.
5. J.C. Nesfield : 'English Grammar.'

B.A.LL.B. (HONS.)
PAPER – II POLITICAL SCIENCE-II

Course Objectives:

1. To give the scholars basic understanding about the concepts of private and public administration, government and parliamentary system, public finance and Panchayati Raj.

Unit I Introduction

1. Meaning and definition of public administration.
2. Scope & nature
3. Basic principles of Public administration.

Unit-II Private and Public Administration

1. Organisation, Board of Directors, General Manager, Chief Executive Officer (C.E.O.) in private and Public Administration.
2. Line and staff agencies.

Unit III Public Finance, Govt. Services and Parliament

1. Public Corporations
2. Civil Services and Public Service Commission.
3. Recruitment training, Promotion, Transfer increment and retirement
4. Public finance and budget.
5. Financial administration in India.
6. Parliamentary control over finance.

Unit IV Panchayati Raj

1. Centralization and decentralisation.
2. Panchayati Raj in Indian States.
3. Public Administration & Law-Judiciary

Unit V Public Relations and Public Opinion

1. Public Relations.
2. Planning in India.
3. Ombudsman
4. Right to information
5. Public Opinion

LEARNING OUTCOME

At the completion of the course, the scholars are expected to:

1. develop basic understanding about the working of government and administration including public and private administration.

2. Develop an awareness about employment in public organizations, public finance and budgetary system in India, and functioning of panchayatirajs in India.

Select Bibliography

1. R.B. Jain – Public Administration in India – Deep & Deep Delhi.
2. Noshiar Singh – India Administration – Kitabmahal Agra
3. Dr. B.L. Fadia – Public Administration – Pratiyogita Sahitya and Sons
4. S.A. Pakkar – Public Administration – Serials Publication New Delhi.
5. S.L. Goyal - Public Administration - Deep & Deep Delhi.
6. Dr. M.P. Sharma/Dr. R.L. Sharma - Public Administration- Kitabmahal, Allahabad, Agra.

**B.A. LL.B. (HONS.) II SEM.
PAPER-III HISTORY-II**

Course Objectives:

- It helps to know the scholars how India got freedom.
- It helps students to understand Indian constitution development.
- This paper helps students to understand Indian renaissance and social and religious reform movements.
- This paper gives us a body of useful information that is necessary for understanding the current problems.

UNIT-I Introduction

1. Early contact of India with European; Portuguese; Dutch English and French – their trade activities, East India Company, French and others.
2. Establishment of British power in Bengal, Clive, Warren- Hastings, Wellesley, William Bentinck and Dalhousie (Administration & social reforms System).

UNIT-II 1857 First war of Independence and Renaissance

1. Revolt of 1857, causes, results and nature of the revolt
2. Renaissance – Social and religions reforms.
3. Brahmo Samaj, Arya Samaj, Prarathana Samaj, Theosophical Society, Ram Krishna Mission and its impact on Indian Culture.

UNIT-III National Movement

1. National Movement,
2. Rise of National Movement,
3. Causes,
4. Impact of European Liberal thoughts,
5. Establishment of Indian National Congress.
6. A brief History of India with special reference to Lord Lytton, Ripon and Curzon.

UNIT-IV Non Cooperation Movement

1. Role of Mahatma Gandhi in National Movement and some important Movement
2. Non-co-operation Movement
3. Civil Disobedience Movement
4. Khilafat Movement and Quit India Movement
5. Partition of India and Indian Independence.

UNIT-V East India Company

1. Legal and Judicial Systems and reforms during East India Company from 1765-1857.

Learning Outcomes:

Students able understand the present day problems – social , cultural and economical etc.

They able to understand the struggle for freedom by freedom fighters and role of reforms for modern India..

They appreciate and feel proud for Indian heritage, cultural and sacrifices of freedom fighters.

Select Bibliography –

1. British Rule in India and After. – V.D. Mahajan.
2. Modern Indian History. – L.P. Sharma.
3. A New Book of Modern History. – Grover & Sethy.
4. Advanced History of India. – (Majumdar, Roy Chaudhary and Dutt).
5. Freedom Struggle. – Bipin Chandra.
6. The Political, Legal and Military History – H.S. Bhatia.
7. Evolution of Indian Culture. – B.N. Luniya.
8. Land Marks in Indian Legal History. – V.D. Kulsreshth.

**B.A.LL.B (HONS.) II SEM.
PAPER-IV ECONOMICS-II**

Course Objectives:

1. Study of Indian economy allows the lawyers to model real life situations.
2. Need to understand the damages that may result from the uses of the services performed in the economy.
3. Indian economy provides fundamental organizing principles for the whole body of law.
4. It helps in providing the evils of current legal formalism.

Unit-I Introduction to Indian Economy

1. Trends of Population growth and its problems Estimates of National Income in India
2. Post Independence economic policy in India (1991)
3. Unemployment and employment generation schemes in India
4. Poverty and Special study of rural poverty in India.

Unit-II Indian Economic Development

1. Planning process
2. **Priorities between agriculture & Industries**
3. The role of Public, private & Joint sectors. Large, medium & small scale industries.
4. Regulation control of private sector : Role of capital formation.

Unit-III Foreign Investments & Internal finance

1. Deficit financing international investments,
2. International aid, Labour relations in India.

Unit-IV Import and Export Policies

1. Exim Policy,
2. Export promotion & import substitution,
3. Balance of payment
4. Free trade, protection.

Unit-V : Agricultural Economics :

1. Basic characteristics of an under developed economy
2. Evolution of agrarian Relations,
3. Land reforms, causes of low,
4. Agricultural productivity
5. Commercialization of Agriculture.

Learning Outcomes:

The course would help the student to:

1. Analysis of law is a new concept to Indian Economic institutions.
2. Keeping in view of changing socio economics technical, technical and legal environment in developing Countries like India ,there is a need to train scholars in the fields of law and economics.
3. The proposed course provides an opportunity to academicians , technocrats and policy makers to enhance their skills in law and economy of India.

SELECT BIBLIOGRAPHY:

1. Indian Economy – Rudradatta
2. Economic Survey - K.P.M. Sundaram (Govt. of India Recent Edition)
3. Dynamics of Indian Export Trade – Pratima Dikshit
4. Indian Economy - Ruddardatt, K.P.M.
5. Indian Economy Problem of Developing Planning – Sundharam Agrawal A.N.
6. Indian Economy - Maini
7. Economic Survey - Govt. of India Publication
8. Modern Economic Theory - K.K. Dewelt
9. Economic Planning in India - E.S. Mason
10. Discovery of India - Pt. Jawaharlal Nehru
11. The industrial Evolution of India- D.R. Gadgi
12. Population growth & Economic- Wale & Hoover
Development in low income countries
13. Economic reforms in India - Ruddar Dutta
14. The structure of Public - Ramannadham
enterprises in India
15. Privatisation in Developing - V.V. Ramanadhan
countries
16. Public Sector & Privatisation - Rudardatt
17. Economic reforms why-we - P.N. Dhar
need them
18. India's external debt in relation- Arun Ghosh
to Balance of payment

**B.A LL.B (HONS) II SEMESTER
PAPER-V LAW OF CONTRACT-II**

Course Objectives:

1. The course acquaints students with the common law, equitable and statutory rules relating to enforceable agreements and puts those rules in their practical perspective.
2. The course is concerned with the statutory modifications made with respect to specific classes of contract (eg employment, land, consumer finance, etc)
3. The basic conception of a contract is vital not just as a starting point for those statutory models but also for an understanding of everyday commercial agreements.

UNIT-I Indemnity

1. The Concept
2. **Need for indemnity to facilitate commercial transactions**
3. Method of creating indemnity obligations
4. Definition of indemnity
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. Situations of various types of indemnity creations
8. Documents agreements of indemnity
9. Nature of indemnity clauses
10. Indemnity in case of International transactions
11. Indemnity by Governments during interstate transactions

Guarantee

1. The concepts
2. Definition of guarantee: as distinguished from indemnity
3. Basic essentials for a valid guarantee contract
4. The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts
5. Position of minor and validity of guarantee when minor is the principal debtor creditor or surety
6. Continuing guarantee
7. Nature of surety's liability
8. Duration and termination of such liability
9. Illustrative situations of existence of continuing guarantee
10. Creation and identification of continuing guarantees
11. Letters of credit and bank guarantee as instances of guarantee transactions
12. Right of surety:

13. Position of surety in the eye of law
14. Various judicial interpretations to protect the surety
15. Co-surety and manner of sharing liabilities and rights
16. Extent of surety's liability
17. Discharge of surety's liability

Unit-II Bailment

1. Identification of bailment contracts in day-to-day life
2. Manner of creation of such contracts
3. Commercial utility of bailment contracts
4. Definition of bailment
5. Kinds of bailees
6. Duties of bailor and bailee towards each other
7. Rights of bailor and bailee
8. Finder of goods as a bailee
9. Liability towards the true owner
10. LI. Obligation to keep the goods safe
11. Right to dispose of the goods

Pledge

1. Pledge: comparison with bailment
2. Commercial utility of pledge transactions
3. Definition of pledge under the Indian Contract Act
4. Other statutory regulations (State & Centre) regarding pledge, reasons for the same
5. Rights of the pawner and pawnee
6. Pawnee's right of sale as compared to that of an ordinary bailee
7. Pledge by certain specified persons mentioned in the Indian Contract Act

UNIT-III Agency

1. Identification of different kinds of agency transactions in day-to-day life in the commercial world
2. Kinds of agents and agencies
3. Distinction between agent and servant
4. Essentials of agency transaction
5. Various methods of creation of agency
6. Delegation
7. Duties and rights of agent
8. Dope and extent of agent's authority
9. Liability of the principal for acts of the agent including misconduct and tort of the agent'
10. Liability of the agent towards the principal
11. Personal liability towards the parties
12. Methods of termination of agency contract

13. Liability of the principal and agent before and after such termination

Unit-IV Law relating to Partnership

1. Definition and Nature of Partnership/Firm/Duties
2. Relationship between partners mutual rights duties.
3. Implied Authority of Partners, Emergency.
4. Liability of Partners
5. Doctrine of Holding out.
6. Incoming and out going partner – their rights liabilities
7. Dissolution – Kinds, consequences.
8. Registration of firm and Effect of non registration.

UNIT-V Sale of Goods

1. Concept of sale as a contract
2. Illustrative instances of sale of goods and the nature of such contracts
3. Essentials of contract sale
4. Essential conditions in every contract of sale
5. Implied terms in contract sale
6. The rule of caveat emptor and the exceptions thereto under the sale of Goods Act
7. **Changing concepts of caveat emptor**
8. Effect and meaning of implied warranties in the sale
9. Transfer of title and passing of risk
10. Delivery of goods: various rules regarding delivery of goods
11. Unpaid seller and his rights
12. Remedies for breach of contract

Learning Outcomes:

Upon successful completion of this course, the students will be able to:

1. Demonstrate an advanced and integrated understanding of the legal framework for contract law
2. Analyse and research complex problems relating to contract law and make reasoned and appropriate choices amongst alternatives;
3. Demonstrate the intellectual and practical skills needed to justify and interpret theoretical propositions, legal methodologies, conclusions and professional decisions and identify, research, evaluate and synthesise relevant factual, legal and policy issues relating to contract law

Selected Bibliography

1. R.K. Abhichandani (ed.) Pollack and Mullah on Contract and Specific Relief Acts (1999) Tripathi, Bombay.
2. Avtar Singh, Compact Act (2000), Eastern Lucknow.

3. Krishnan Nair, Law of Contract, (1999) Orient.
4. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern Lucknow.
5. J.P. Verma (ed), Singh and Gupta, The Law of partnership in India (1999), Orient Law House, New Delhi.
6. A.G. Guest(ed.), Benjamin's Sale of Goods (1992), Sweet & Maxwell.
7. Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath, Allahabad
8. MS. Parthasarathy (ed), Ansons' Law of Contract, (1998), Oxford, London
9. Saharaya, H.K. Indian Partnership and sale of Goods Act (2000), Universal
10. Ramaninga, The Sales of Goods Act (1998), Universal.

**B.A. LL.B. (HONS.) II SEMESTER
PAPER-VI CONSTITUTIONAL LAW-I**

Course Objectives:

1. A constitution is the blueprint of a nation.
2. It establishes the basic framework for the operation of the state and expresses its important social and political value.
3. Much can be learned about a country by examining its constitutional documents and its approaches to constitutionalism.
4. This is accomplished by studying what is expressly said in those documents, the manner in which it is expressed and, equally, by what is left unsaid.

UNIT-I Introduction

1. Preamble
2. Nature of Indian Constitution
3. Characteristics of federalism
4. Unitary form of Government.

UNIT-II Citizenship, Fundamental Rights

1. Citizenship
2. State
3. Fundamental Rights – Equality, freedom and social control, personal liberty, changing dimensions of personal liberty, cultural and educational rights.
4. Right to constitutional remedies

UNIT-III Fundamental duties, Directive Principles

1. Directive Principles of State policy.
2. Inter relationship between fundamental rights and directive principles.
3. Fundamental duties.

UNIT-IV Union Executive, Legislature and Judiciary

1. Union Executive – the President, Vice President
2. Union Legislature – Council of Ministers
3. Union Judiciary – Supreme Court.

UNIT-V State Executive, Legislature and judiciary

1. State Executive – Governor
2. State Legislature – *Vidhan Sabha – Vidhan Parishad*
3. State Judiciary – High Court.

Learning Outcomes:

1. Through intensive and comparative analysis of case Law, the students are enabled to realize the status and importance of fundamental rights & directive principles.
2. It also helps them to examine the problem involved in their judicial enforcement.

SELECTED BIBLIOGRAPHY –

1. V.N. Shukla Constitution of India
2. J.N. Pandey Constitutional law of India
3. D.D. Basu Constitution of India
4. M.P. Jain Constitution of India
5. H.M. Seervai Constitution law of India (Vols. 3)
6. Lippman Constitution law
7. Kauper Constitution law Cases and Materials
8. Woll Constitution law Cases and Comments
9. Basu Select Constitutions of the World
10. Carwin Constitution of U.S.
11. Lane An Introduction to the Constitution law.
12. Kailash Rai Constitutional Law of India



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. IIIrd Semester

**B.A. LL.B. (HONS.) PART-II SEMESTER - III
PAPER – I POLITICAL SCIENCE- III**

Course Objectives:

1. To make the scholars aware about basic philosophies and Schools of Thoughts relating to private and public administration, government and parliamentary system, public finance and Panchayati Raj.

Unit I Political Thinkers : From plato to Hobbes

1. Plato
2. Aristotle
3. Bentham
4. Cicero
5. Niccolo Machiavelli
6. Jean Bodin
7. Huge Grotius
8. Thomas Hobbes

Unit II Political Thinkers : Locke to Marx

1. John Locke
2. Rousseau
3. Montesquieu
4. Bentham
5. Edmund Burke
6. John Stuart Mill
7. John Austin
8. Karl Marx

Unit III Ideologies

1. Liberalism
2. Individualism
3. Socialism
4. Marxism
5. Capitalism
6. Constitutionalism
7. Pluralism

Unit IV Indian Political thoughts : Classical Era

1. Hindu conception of State.
2. Islamic conception of State.
3. Christian Conception of State

Unit V Indian Political thoughts : Recent Era

1. Gandhism-Sarvodaya.
2. Kautilya's-Arth Shastra.
3. 19th Century- Political ideals.

Learning Outcomes:

1. At the end of the course the students are expected to possess basic knowledge about the ideologies, philosophies and thoughts relating to private and public administration, government and parliamentary system, public finance and Panchayati Raj and their implication on real life public, private and other forms of administration in today's world.

SELECT BIBLIOGRAPHY

1. Urmila Sharma and S.K. Sharma Indian political thought, Atlantic Publishers and distributors, New Delhi.
2. N. Jaya Palan Comprehensive History of Political thought, Atlantic publishers, New Delhi.
3. Ebinstein, Great Political thinkers.

B.A. LL.B. (HONS.) PART-II SEMESTER - III
PAPER – II LEGAL LANGUAGE/LEGAL WRITING INCLUDING
GENERAL ENGLISH

Course Objectives:

1. The Legal Language carries– more than any other kind of language. A small difference in wording can make a big difference in people's lives.
2. To build the student's legal vocabulary, discussion skills, and presentation capabilities.

UNIT – I Introduction to Legal Language

1. Characteristics of Legal Language
2. History of Legal Language
3. Legal Language in India
4. English as a medium of communication for legal transaction in India

Introduction to oral communication skills

1. Passive and active listening - questioning - non-verbal communication
2. Listening comprehension
3. Passive and active listening - questioning - non-verbal communication

UNIT –II Vocabulary

1. Consulting a dictionary - consulting a thesaurus
2. Synonyms and antonyms - related words - regular vocabulary exercises

Phonetics Theory and Practice

1. The phonetic script
2. Consulting a dictionary for pronunciation - exercise with audio aids
3. Reading exercises - stress, accent and intonation suitable for Indian speaker with emphasis on clarity of speech and felicity of expression
4. Reading comprehension principles and practice

UNIT –III Legal terminology

1. Terms used in civil law and criminal law
2. Latin words and expressions - law register

UNIT –IV Fundamental principles of Report writing and Legal Writing

1. Concision - clarity - cogency - simplicity of structure
2. Attention and awareness of practical legal import of sentences
3. Brief writing and drafting of report writing viz-Road accident, convocation held in University, Decision of Court (Civil and Criminal), Minutes of meeting, Complaint to police regarding offence

UNIT –V General Legal writings in English

1. Writing of case comments
 - (i) Ashby v/s White and others 2 Id Rayon 938
 - (ii) Donoughe v/s Stevenson, House of Lords (1932) Ac 562 (1932) All Er Rep.-1
 - (iii) Keshvananda Bharti v/s State of Kerala (AIR 1973 SC 1461)
 - (iv) Mohiri Biwi v/s Dharmdas Ghosh Privy Council (1903) 30 IA114.
 - (v) Balfour v/s Balfour (1919) 2 KB 57.
 - (vi) Menka Gandhi v/s Union of India AIR 1978 SC 597.
 - (vii) Subhagwanti v/s Delhi Municipal Corporation AIR 1966 SC 1750
2. Essay writing on topics of legal interest
3. General guidelines relating to legal writing

Learning Outcomes:

1. The students will be able to use legal terminology with ease and accuracy both orally and in writing.
2. To comprehend and summarise texts related to legal matters.
3. To express ideas clearly and concisely in Legal writings.

SELECT BIBLIOGRAPHY

1. Abbet Parry, Seven Lamps of Advocacy
2. Mogha's, Conveyancing
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6. Bhatnagar, R.P. & R. Bhargava, Law and Language, New Delhi: Macmillan,
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8. Cochrane, Michael, Legal English, Paris Cujas, 1979
9. Cross, fan et al. Skills for Lawyers, Jordan Publishing Co., Bristol.
10. Cutts, Martin, The Plain English Guide, Oxford University Press, 1995

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12. Gibbons, John, (ed.) Language and the Law, Longman, 1996 London.
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14. Kelkar, Ashok R. "Communication and Style in Legal Language", Indian Bar Review Vol.10 (3) 1993.
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21. M.C.Setalvad, My Life, Law Other things, (2000), Universal, Delhi.
22. Olivercrona, K. 'Legal Language and Reality" In M.D.A. Freeman, Introduction to Jurisprudence
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24. Williams, Glanville, "Language and the Law" in Freeman, pp.1350-53.
25. Thomson, A.J. & A.V. Martinet, A Practical English Grammar, Oxford: OUP
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32. Latin For Lawyers, (1997), Sweet and Maxwell, Universal, New Delhi.
33. Trayner's Latin Magazines, (1997) University, New Delhi.

**B.A. LL.B. (HONS.) PART-II SEMESTER - III
(PAPER – III) ECONOMICS III**

Course Objectives:

1. To make the students knowledgeable about planning and economic development in India.

UNIT – I Concepts and Rationale of Planning

1. Planning in India, main objects of different five year plans, Achievements of planning Progress and Problems
2. New economic reforms globalization and its impact on Indian economy
3. Regional disparity and government policy.

UNIT – II Economic Development

1. Natural Resources and Economic Development
2. Economic backwardness
3. determinants of economic development
4. Industrial Policy and economic development
5. Human capital and Human Resource Development.

UNIT – III Public and Private Sector

1. Population policy of India
2. Main industries and Industrial Policy of India
3. Public Sector and Private sector in India's mixed economy
4. Performance of Public sector
5. Privatisation and its justification. Reserve Bank and Monetary Policy.

UNIT – IV Foreign Aid

1. Parallel economy in India – Black money and its impact
2. Concentration of economic power and large industrial houses
3. Democracy and Political Corruption
4. Need for foreign Aid and Government Policy towards Foreign Debt and Investment. Impact of Foreign Aid.

UNIT – V Economic development and its impact

1. Agriculture and Indian Economy
2. Economic history during British rule
3. Permanent Settlement in Bengal – Mahalwari and Ryotwari system
4. Rural indebtedness and co-operative credit
5. Decline of cottage and small industries and growth of modern industries
6. Recession and its impact
7. Development of Insurance in public and private sector
8. Centre state financial relations in India

Learning Outcomes:

1. The students shall be able to conceptualize Planning and Economic Development.
2. The student shall develop the ability to interpret the impact of economic development on various dimensions of economy.

SELECT BIBLIOGRAPHY

1. Rudra dutt K.P.M. Sundaram, Indian Economy, S. Chand New Delhi.
2. A.N. Agrawal, Indian Economy Problems of Development and Planning Vishwa Prakashan.
3. Uma Kapila, Indian Economy, since independence, Academic foundation, Delhi

**B.A. LL.B. (HONS.) PART-II SEMESTER - III
PAPER – IV FAMILY LAW I HINDU LAW**

Course Objectives:

1. The knowledge of family laws is important for lawyers.
2. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law.
3. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

UNIT-I Introduction

1. Nature of Hindu Law
2. Hinduism, Origin and Development, Definitions.
3. Schools and Sources.

UNIT-II Marriage and Divorce

1. Marriage
2. Kinds, nullity of marriage.
3. Hindu marriage Act, 1955.
4. Special marriage Act, 1954.
5. Divorce
6. Judicial separation, Restitution of conjugal rights.
7. Grounds for matrimonial remedies.

UNIT-III Hindu Undivided Family

1. Joint family (Hindu undivided family)
2. Coparcenaries, property under *Mitakshara* and *Dayabhag*.
3. Partition and Re-union, women estate, stridhan.

UNIT-IV Gift, Wills and Adoption

1. Gifts, wills.
2. Hindu adoption and maintenance Act, 1956.
3. Hindu Minority and Guardian Ship Act, 1956.

UNIT-V Inheritance

1. General rules of Succession
2. Disqualification relating to Succession
3. Hindu Succession Act, 1956
4. Religious Endowment.

Learning Outcomes:

By the end of this course the student should be able to:

1. Advising on matters relating to marriage, property, inheritance elicited information necessary to identify the client's options.
2. Representing a client in matters relating to Hindu marriage and property

SELECTED BIBLIOGRAPHY

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2. Basu, N.D. Law of Succession (2000), Universal.
3. Kusum, Marriage and Divorce Law Manual (2000), Universal.
4. Manchanda, S.C. Law and Practice of Divorce in India (2000), Universal.
5. P.V. Kane, History of Dharmasastra Vol. 2 pt. 1 at 624-632 (1974).
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8. K.C. Daiya, "Population control through family planning in India." Indian Journal of Legal Studies, 85 (1979).
9. J.D.M. Derrett, Hindu Law : Past and Present.
10. B.M. Gandhi – Hindu Law

**B.A. LL.B. (HONS.) PART-II SEMESTER - III
PAPER – V HUMAN RIGHTS LAW & PRACTICE**

Course Objectives:

The main objective of the course is to give students grounding in the basics of Human Rights Law. It includes:

1. Equipping students in a rudimentary fashion with basic knowledge and tools for human rights lawyering and to expose students to the working of human rights in practice by structured classroom discussions with human rights lawyers and activists;
2. Bringing research in human rights into classroom discussions by involving the research centres in a modest manner to begin with.

UNIT – I Concept

1. Historical Development and concept of Human Right
2. Human Right in India ancient, medieval and modern concept of rights
3. Human Right in Western tradition
4. Concept of natural law and natural rights
5. Human Right in legal tradition: International Law and National Law
6. **UN and Human Rights**
7. Universal Declaration of Human Rights (1980) - individual and group rights
8. Covenant on political and Civil Rights (1966)

UNIT - II Conventions

1. Convention on economic social and cultural Rights 1966
2. Convention on the elimination of all forms of discrimination against women
3. Convention on the rights of the child

UNIT – III Impact and Implementation

1. Impact and Implementation of International Human Rights Norms in India
2. Human rights norms reflected in fundamental rights in the constitution
3. Directive principles: legislative and administrative implementation of international human rights norms through judicial process

UNIT –IV Disadvantaged Groups

1. Human Rights and disadvantaged Groups – women, prisoners, child, Dalits, Aid victims, and Minorities
2. Enforcement of Human Right in India

UNIT- V Remedies

1. Role of courts: the Supreme Court, High Courts and other courts
2. Statutory commissions- human rights, women, minority and backward class

Learning Outcomes:

On completion of the course the students will be able to:

1. Outline the development of human rights.
2. Evaluate the impact of the Human Rights Act 1998 and the problems therewith.
3. Understand individual human rights and the applicability thereof on specific subject matter including the criminal law, terrorism and prisoners.

SELECT BIBLIOGRAPHY

1. S.K. Awasthi and R.P. Kataria. Law Relating to Human Rights, Orient New Delhi.
2. Human Rights Watch women's Rights Project, The Human Rights Watch Global Report on women's Human Rights (2000) Oxford.
3. Ermacora, Nowak and Tretter. International Human Rights (1993), Sweet & Maxwell.
4. Wallace, International Human Rights: Text & Materials (1996), Sweet & Maxwell.
5. Human Rights and Global Diversify (2001), Frank Cass, London.
6. Nirmal. B.C., The Right to Self determination in International (1995). Deep & Deep.
7. P.R. Gandhi. International Human Rights documents (1999) Universal, Delhi.

**B.A. LL.B. (HONS.) PART-II SEMESTER - III
PAPER –VI CONSTITUTION - II**

Course Objectives:

1. A constitution is the blueprint of a nation' governing system.
2. It establishes the basic framework for the operation of the Central and State Legislature.
3. The three tier governing process is thoroughly explained.
4. The interrelations of Centre and State is expressly said, the manner in which it is expressed and, equally, by what is left unsaid.

UNIT-I Administration of Frinz Area

1. Administration of Union Territories
2. The Panchayat and Municipalities
3. The schedule and tribal areas

UNIT-II Legislative and Administrative Relations

1. Relation between the Union and the State
2. Distribution of legislative power
3. Administrative relations
4. Disputes relating to water.
5. Freedom of trade, commerce and intercourse within territory of India

UNIT – III Finance and Service

1. Financial provisions: property, contracts, rights, liabilities obligation and Suit
2. Public service commissions, service under the Union and the States

UNIT IV Tribunals and Special other matters

1. Tribunals,
2. Elections,
3. Special provisions-relating to certain classes,
4. Official language

UNIT-V Emergency provisions and Amendment

1. Emergency provisions: Proclamation of emergency, effect of emergency, financial emergency
2. Amendment in the Constitutions

Learning Outcomes:

1. Through intensive and comparative analysis of case Law, the students are enabled to realize the status and working of the three tier structure government.
2. The inter dependency and independence of the three governing pillars are thoroughly analysed by the students.

SELECT BIBLIOGRAPHY:

1. D.D. Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi.
2. D.D. Basu- Introduction to Constitution of India. 2002 (Reprint) Wadhwa.
3. H.M. Seervai, Constitution of India, Vol. 1-3 (1992), Tripathi, Bombay
4. M.P. Singh (ed.), V.N. Shukla, Constitutional Law of India (2000), Oxford
5. Indian Constitution, V.N. Shukla.
6. Constitution of India, V.P. Mahajan



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. IVth Semester

B.A. LL.B. (HONS.) PART-II SEMESTER - IV
PAPER – I POLITICAL SCIENCE IV

Course Objectives:

1. To give the scholars a basic awareness about the various types of constitutions across the globe.

Unit I- Salient features of the British Constitution

1. Executive
2. Legislature
3. Judiciary
4. Party System

Unit II- The constitution of United States of America (U.S.A)

1. Federal Executive.
2. The President of U.S.A.
3. Legislature-Congress
4. Judiciary
5. Party System in U.S.A.

Unit III- The constitution of UK

1. Salient Features
2. Rights and duties of citizens
3. Federal Executive
4. Judiciary
5. Legislature

Unit IV- The Constitution of Switzerland

1. Salient Features.
2. Federal Executive.
3. Federal Legislature
4. Swiss Federal Judiciary.
5. Direct Democracy in Switzerland.

Unit V- Comparative studies of various constitutions

1. Constitutional amendment in U.S.A. & Switzerland.
2. House of lords of Britain & Senate of U.S.A.
3. U.S.A. President, British Prime Minister, Indian President & Prime Minister.

Learning Outcomes:

1. Through intensive and comparative analysis of constitutions adopted by different countries across the globe the scholars shall develop ability of comparing characteristics of different constitutions on the governance of economies.

SELECT BIBLIOGRAPHY

1. Hood and Philips – Constitution of England
2. A.V. Dicey – Principle of Constitution
3. Wade and Philips – British Constitution and Administrative law
4. Corwin – US Constitution, What it means today
5. Mason and Benne – American Constitution

B.A. LL.B. (HONS.) PART-II SEMESTER - IV
PAPER – II LANGUAGE - I

Course Objectives:

1. To make the students proficient in grammar and its usage in Foreign Language.
2. To give the students a basic exposure in correspondence and composition skills in Foreign Language

Unit I- Introduction

1. Introduction to French language.
2. Introduction to Alphabets and accent marks.
3. Numbers (cardinal / Ordinal)
4. Days of the week.
5. Articles (Definite/Indefinite)

Unit II Verbs

1. Introduction to the Group of Verbs
2. I st Group of Verbs
3. Irregular Verbs
4. Months of the year
5. Genders

Unit III Parts of Speech

1. 2nd Group of Verbs
2. Professions in French
3. Sentence Formation.
4. Interrogatives
5. Parts of speech (Plurals, Adjectives)

Unit IV Preposition

1. 3rd Groups of Verbs.
2. Nationalities in French
3. Preposition
4. Geography of France

Unit V Miscellaneous

1. Small Essays
2. Unseen Passage
3. Translation in English
4. Translation in French
5. General Question.

LEARNING OUTCOME

At the completion of the course, the scholars are expected to:

1. Posses knowledge about basics of foreign language .
2. Develop understanding of simple oral and written communication in foreign language.

SELECT BIBLIOGRAPHY

Le Nouveau Sans Frontiers I

**B.A. LL.B. (HONS.) PART-II SEMESTER - IV
PAPER – III HISTORY–III**

Unit I. Administration of Justice in Surat, Bombay, Madras and Calcutta

- 1 Emergence of the East India Company development of authority under charters
- 2 Trading body to a territorial power : subsequent charters,
3. Administration of justice in Surat,
4. Administration of justice in Madras from 1639 to 1726
- 5 Administration of justice in Bombay 1668-1726
- 6 Administration of justice in Calcutta 1619-1726.

The Mayors Court

- 1 Charter of 1726.
- 2 Provisions of the charter and working of judicial system
- 3 Charter of 1753
- 4 Defects of judicial systems

Unit – II Adalat System

1. Grant of Diwani and Execution of Diwani functions
2. Judicial plan of 1772 and its Defects
3. New plan of 1774
4. Reorganization of adalats in 1780
5. Reforms of 1781 and The first civil code
6. Reforms in the administrations of criminal justice

The Regulating Act 1773

1. a) Case of Raja Nandkumar (1775) ; whether a judicial murder ?
b) The Patna Case (1777-79)
c) The Cassijurah Case (1779-80)
2. Act of settlement 1781
3. Major defects

Unit III Law and administration in the Supreme Court

1. Supreme Courts at Calcutta, Madras and Bombay
2. Establishment of the High Courts
- 3 Charter Act, 1833
4. The Indian High Courts Act 1861

5. Charter of Calcutta High Court
6. Allahabad High Court
7. The Indian High Courts Act 1911
8. The Government of India Act 1915 : other High Courts
9. Government of India Act 1935 : more high courts created
10. **Jurisdiction of high courts**
11. Post constitutional developments – Emergence of federalism

Unit IV The Federal Court of India and privy council of India

1. Foundation of the Federal Court, its jurisdiction and Authority of Law
2. Expansion of Jurisdiction
3. Abolition of the Federal Court
4. An Assessment
5. Privy Council
 - (i) Jurisdiction, Reorganisation, Sui Generis body
 - (ii) Appeals from India
6. The Supreme Court of India
 - (i) Origin
 - (ii) Constitution
 - (iii) Jurisdiction and powers
 - (iv) Doctrine of precedents and the Supreme Court
 - (v) Recent changes

Unit V Growth of Legislature, Constitutional History

1. Development of legislative authorities in India from 1861-1935 (Constitutional Development)
2. Growth of Criminal Law
3. Growth of personal law of Hindus and Muslims
4. Influence of English Law in India
5. Prerogative writs in India
6. Racial discrimination
7. Growth of justice, equity and good conscience

SELECT BIBLIOGRAPHY

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B.A. LL.B. (HONS.) PART-II SEMESTER - IV
PAPER – IV ADMINISTRATIVE LAW

Course Objectives:

1. Administrative law regulates the relationship between the state and its people, in other words, the relationship between the government and the governed.
2. In particular, it regulates the powers and procedures of the executive branch of government and establishes the mechanisms for ensuring legality, transparency and accountability in executive decision-making.

UNIT-I Introduction

1. Meaning,
2. Administrative Law – The Concept definitions, nature, historical development, sources, relationship with Constitutional law),
3. rule of law and separation of powers,
4. classification of administrative functions and distinction between them.
5. Droit administrative,

UNIT –II Delegated Legislation

1. Meaning and its kinds,
2. Administrative directions
3. Distinction between delegated legislation and administrative directions.
4. Control over delegated legislation procedural, judicial and parliamentary control,
5. Principles of natural justice,
6. Civil services in India.

UNIT – III Administrative discretion

1. Judicial control of discretionary powers,
2. Act of State,
3. Tortious liability of the State.
4. Contractual liability of the State

UNIT –IV Government privileges in legal proceedings.

1. Meaning and kinds, Estoppel and Waiver
2. official secrets
3. right to information
4. lokpal and lokayukt
5. Central Vigilance Commissions
6. Commission of inquiry.

UNIT-V Administrative Tribunals-

1. Definition of Administrative Tribunals
2. Merits, demerits,
3. Reasons of growth
4. Distinction between courts and Tribunals
5. Public corporation - classification characteristics, controls, formation
6. Remedies - Constitutional and ordinary.

Learning Outcomes:

On completion of this subject, students should:

1. Have developed an understanding of the structure and operation of executive government in India;
2. The fundamental principles of effective governance and accountability for the exercise of government power;
3. Some theoretical perspectives on administrative law, including the relationship between administrative law and governance and the foundations of judicial review

SELECT BIBLIOGRAPHY

1. C.K. Allen, Law and Orders (1985).
2. D.D. Basu, Comparative Administrative Law (1998).
3. M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworths – India
4. Franks, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959.
5. Peter Cane, An Introduction to Administrative Law (1996) Oxford.
6. Wade, Administrative Law (Seventh Edition, Indian print 1997), Universal, Delhi.
7. J.C. Garner, Administrative Law (1989), Butterworths (ed.B.L.Jones).
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9. Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
10. S.P. Sathe, Administrative Law (1998) Butterworths, India, Delhi.

**B.A. LL.B. (HONS.) PART-II SEMESTER - IV
PAPER – V FAMILY LAW II (MUSLIM LAW)**

Course Objectives:

1. The knowledge of family laws is important for lawyers.
2. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Muslim Law
3. The course concerns itself with the sources, schools, institutions, succession, maintenance, etc.

UNIT-I Muslim Law

1. Origin and development of Muslim Law,
2. Who is Muslim,
3. Conversion to Islam,
4. Nature and history of Mohammedan law.
5. Schools of Muslim law and sources of Muslim law

UNIT-II Marriage

1. Kind of Marriage, (Nikah) (Muta Marriage)
2. Option of puberty,
3. Divorce,
4. Dissolution of Marriage,
5. Marriage Act 1939,
6. Meher (Dowry).

UNIT – III Guardianship

1. Guardianship – elements, types
2. Maintenance-liability

UNIT-IV Will, Gift and Wakf

1. Wills,
2. Gift.
3. Doctrine of musha and pre-emption,
4. Wakf

UNIT-V Parentage and inheritance

1. Parentage and acknowledgement
2. Succession and Death bed transaction

Learning Outcomes :

By the end of this course the student should be able to:

1. Advising on matters relating to marriage, property, inheritance elicited information necessary to identify the client's options.
2. Representing a client in matters relating to Muslim marriage and property

SELECT BIBLIOGRAPHY -

- | | |
|--------------------|--------------------------------|
| 1. Mulla | Mohammedan Law |
| 2. Dr. Paras Diwan | Muslim Law in Modern India |
| 3. Aquil Ahmed | Mohammedan Law |
| 4. Fyzee | Introduction to Mohammedan Law |
| 5. Schat | Mohammedan Jurisprudence |
| 6. Coulson | Principles of Mohammedan Law |
| 7 Jhabvala | Principles of Mohammedan law |

**B.A. LL.B. (HONS.) PART-II SEMESTER - IV
PAPER – VI OFFENCE AGAINST CHILD & JUVENILE**

Course Objectives:

This course is designed to acquaint students with the comparative analysis of the laws operative in India relating to children with regard to the Constitution of India and International conventions

UNIT-I Concept of Child and Juvenile

1. Definition and concepts of term child and Juvenile.
2. Causes of offence against child.
3. International protection to child and convention

UNIT –II Offences against Child

1. Child abuse
2. Child labour and forced labour
3. Kidnapping, abduction
4. Abetment of suicide of child
5. Sale of obscene objects to young.

UNIT – III Social relations and child

1. Child marriage (Child Marriage Restraint Act)
2. Abandonment of child
3. Custody of Child during matrimonial suit.
4. Obligations to supply necessities to children

UNIT–IV Protection of Child and Juveniles

1. Under the provisions of constitution (fundamental rights and directive-principles)
2. Under IPC, 1860.
3. Under CRPC, 1973.
4. Under Contract Act, 1872
5. Under Juvenile Justice Act, 2001

Unit-V Juvenile Delinquency

1. Juvenile delinquency – Nature, causes,
2. Juvenile Court System,
3. Treatment and rehabilitation of juveniles
4. Legislative and judicial protection of juvenile offender,
5. Juvenile Justice Act, 2001.

Learning Outcomes:

On completion of the course the students will be able to: Understand the discrimination laid down as per the principle of equality among equals and justice as per children status and laws.

SELECT BIBLIOGRAPHY :

- | | |
|-----------------------|-------------------------------|
| 1. Paras Diwan | Children & Legal Protection |
| 2. Savitri Goonesekar | Children Law and Justice |
| 3. O.P. Mishra | Law Relating to women & child |



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. Vth Semester

**B.A. LL.B. (HONS.) PART-III SEMESTER - V
PAPER – I POLITICAL SCIENCE V**

Course Objectives:

This course is designed to acquaint students with the national movement in India and process of creation and development of constitution in India. It also aims to provide the students basic knowledge about Executive and Judiciary system in India.

Unit I National Movement and Process of Constitution Making and Development

1. Indian National Movement,
2. Sources and process of Constitution making
3. Salient features of Indian Constitution
4. Preamble of the Indian Constitution.

Unit II Fundamental rights and duties and Election

1. Fundamental rights and duties in Indian Constitutions
2. Election commission and election reforms

Unit III Office Bearers and Supreme Court

1. Central Government- President, Parliament, Prime Minister
2. Supreme Court.

Unit IV State Government and High Court

1. State Government Governor, State legislature
2. Chief Minister Council of Ministers, High Court.

Unit V Miscellaneous

1. Centre-State relations.
2. Political parties-National and Regional.
3. Factors affecting Indian politics-Caste, Religion, Language, Region & Poverty
4. Judicial Reforms

Learning Outcomes:

Upon successful completion of this course, students will be able to:

1. Possess basic knowledge about the Indian National Movement and process of Constitution Framing and its development from Indian Perspective. .

2. Understand the structure of Executive and Judiciary in India and their working.
3. Possess basic knowledge about working of Executive and Judiciary and Centre state relationship.

SELECT BIBLIOGRAPHY

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2. K.L. Bhatia - Federalism and frictions in centre – State Relations, Deep & Deep Publication Pvt. Ltd.
3. Khanna, H.R. – Making of India's constitution – Eastern Book company
4. Mahajan, Dr. V.D. – Constitutional Law of India – Eastern Book company
5. Kailash Rai – Constitution – Central Law Publication
6. Prof. Narendra Kumar – Constitutional Law of India – Allahabad Law Agency

**B.A. LL.B. (HONS.) PART-III SEMESTER - V
PAPER – II LANGUAGE - II**

Course Objectives:

1. To make the students able of basic usage in Foreign Language.
2. To give the students a basic exposure in communication skills in Foreign Language

UNIT-I

1. Negatives
2. Colours
3. Expression with avoir verb
4. Forming questions
5. Animals Names in French

UNIT -II

1. Fruit Names in French
2. Usage of Prepositions Au/En
3. Meals in French
4. French Festivals
5. Demonstratif Adjectifs

UNIT-III

1. Adjectifs interrogates
2. Expression with faire verb
3. Possessive adjectives
4. Seasons
5. Time showing in French

UNIT-IV

1. Names of Transportation in French
2. Names of clothings in French
3. Recepte Writing
4. Message Writing

UNIT-V

1. Simple past Tense Part-1
2. Simple past Tense Part-2
3. Simple Future Tense
4. Imperatives
5. Negative expressions.

LEARNING OUTCOME

At the completion of the course, the scholars are expected to:

1. Posses ability of basic communication of foreign language .
2. Develop small sentences on the basis of knowledge of tenses in foreign language..

SELECT BIBLIOGRAPHY

1. L NOVEAU SANS FRONTIERS II

B.A. LL.B. (HONS.) PART-III SEMESTER - V
PAPER – III ENVIRONMENTAL LAW

Course Objectives:

This course takes a hybrid approach to teaching environmental law. This course will:

1. Provide an overview of some of the major environmental statutes in the country.
2. Address the variety of regulatory tools and concepts that can be used to prevent environmental harm, focusing on the proper match between regulatory tool and environmental harm;
3. Discuss the role of other disciplines (e.g., science) and alternative means (e.g., public awareness) to facilitate changes in environmental policy

UNIT-I Concept of Environment and Pollution

1. Environment. Meaning and Concept
2. Pollution- Meaning and Effects of pollution
3. Environmental Pollution (Water, Air and Noise Pollution)
4. Meaning and standards, Culprits and victims , Offences and penalties

UNIT-II International Historical Perspective

1. Stockholm conference
2. Rio conference
3. U.N. declaration on right to development
4. Green house effect and ozone depletion

Unit-III Constitutional Provisions related to Environment

1. Constitution in making- development and property oriented approach
2. Directive Principles, - Status, role and interrelationship with fundamental rights and fundamental duties
3. Fundamental Duties
4. **Judicial approach**
5. Fundamental Rights (Rights to clean and healthy environment, Environment Vs. Development)
6. Enforcing agencies and remedies (Courts, Tribunal, Constitutional, statutory and judicial remedies)
7. Emerging principles (Polluter pays: public liability insurance, Precautionary principles)
8. Sustainable development

UNIT-IV Environment Protection Measures VIS A VIS Environment Pollution

1. Protection: means and sanctions
2. Protection agencies: power and functions
3. Emerging protection through delegated legislation
4. Hazardous waste
5. Bio- medical waste
6. Judiciary: complex problems in administration of environment justice

UNIT-V Forest and wildlife Protection

1. Greenery conservation laws
2. Forest conservation laws
3. Conservation agencies
4. Prior approval and non-forest purpose
5. Symbiotic relationship and tribal people
6. Judicial approach Deforestation
7. Wild life - Sanctuaries and national parks
8. State monopoly in the sale of wild life and wild life articles - Licensing of zoos and parks
9. Offences against wild life

BIO- DIVERSITY

1. Legal control
2. Control of eco-unfriendly experimentation on animals, plants. seeds and micro-organisms

Learning Outcomes:

Upon successful completion of this course, students will be able to:

1. Analyze contrasting environmental regulatory methods and conceptual approaches including the common law, informational and economic approaches.
2. Evaluate the economic and ethical assumptions and justifications when choosing any regulatory approach such as cost - benefit analysis, environmental justice, and the tradeoff between environmental protection and public welfare.
3. Interpret environmental statutes and case law.

SELECTED BIBLIOGRAPHY

1. Armin Rosencranze, et. Al. (eds.) Environmental Law and Policy in India (2000), Oxford
2. R.B. Singh and Suresh Mishra, Environmental Law in India (1996), Concept Pub. Co., New- Delhi
3. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep and Deep Pub. New Delhi.
4. Richard L. Riverz et. al. (eds.), environmental Law, The Economy and sustainable Development (2000) Cambridge.
5. Christopher D. Stone, Should Trees Have Standing and other Essays on law, Moral and environment (1996), Oceana.
6. Leelakrishnan, P. et, al. (eds.) Law and Environment (1990), Eastern Lucknow.
7. Leelakrishnan, P. The Environment Law in India (1999), Butterworths India
8. Department of Science and technology, Government of India, Report of the Committee Recommending Legislative Measures and Administrative Machinery for ensuring environment Protection (1980) (Tiwari Committee Report)

**B.A. LL.B. (HONS.) PART-IV SEMESTER - V
PAPER – IV LABOUR & INDUSTRIAL LAW**

Course Objectives:

1. The main theme underlying the programme is to critically examine the provisions in the Trade Unions Act, 1926;
2. The machineries contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of Industrial Disputes.

UNIT-I General Introduction

1. Industrial Jurisprudence
2. Labour policy in India
3. Industrial revolution in India, evils of Industrialization, Labour problems.
4. Growth of labour legislation in India.

UNIT-II Industrial dispute Act, 1947

1. Short title, definition & authorities
2. Notice of change
3. Reference of certain industrial disputes to grievance settlements Authorities, board, courts, tribunals.
4. Power procedure & duties of authorities.
5. Strike, lock out, lay, Retrenchment.
6. Penalties.

UNIT-III Trade Union Act, 1926.

1. Registration of trade union, recognition of trade union
2. Rights & Liabilities of registered trade union.
3. Regulation.
4. Penalties & procedure.

UNIT-IV Wages

1. Payment of wages Act 1936
2. Minimum wages Act 1948
3. Introduction & definition
4. Minimum wages : fixation & procedure.
5. Authorities under the Act
6. Fixation of hours of work & wages
7. Claims & their determination
8. Cognizance of offence
9. Maternity Benefit Act
10. Equal Remuneration Act

UNIT-V Factories Act 1948 and Insurance

1. Introduction, definition, registration & licencing
2. The inspecting staff
3. Health
4. Safety
5. Welfare
6. Working hours of adults
7. Females and children not to be employed in hazardous jobs
8. Annual leave with wages
9. Penalties & provisions.
10. Employees State Insurance Act.

Learning Outcomes:

At the end of this course the students will be able:

1. To carry out research with a view to develop knowledge in the field of labour relevant to Indian conditions
2. To impart knowledge and skills to prospective and practicing managers, administrators and office bearers of Trade Unions through teaching and training;
3. To assist in the application of Human Resource Management concepts and techniques.

SELECTED BIBLIOGRAPHY

1. John Bowers and Simon Honeyball, Textbook on Labour Law (1996), Blackstone, London.
2. Shrivastava K.D. Commentaries on payment of wages Act 1936 (1998), Eastern, Lucknow.
3. Shrivastava K.D. Commentaries on minimum wages Act (1948) (1995), Eastern Allahabad.
4. Rao S.S. Law and Practice on minimum wages (1999), Law Publishing House, Allahabad.
5. Seth D.D. Commentaries on Disputes Act 1947 (1998), Law Publishing House, Allahabad.
6. Shrivastava K.D. Commentaries on factories Act 1948 (2000), Eastern Lucknow.
7. R.C. Saxena Labour problems and social welfare.
8. V.V. Giri Labour problems in Indian Industries.
9. O.P. Malhotra, The Law of Industrial Disputes (1998) Universal Delhi.
10. S.C. Srivastava, Social Securities and labour laws pts. 5 and 6 (1985), Universal Delhi.
11. S.C. Srivastava, Commentary on the Factories Act 1948), Universal Delhi.
12. Industrial Adjudication ILI, 2003 New Delhi.
13. Labour and Industrial Laws – Dr. V.G. Goswami

14. Labour and Industrial Laws – S.N. Mishra
15. Labour law – Indrajeet Singh

**B.A. LL.B. (HONS.) PART-III SEMESTER - V
PAPER – V LAW OF CRIMES-I (PENAL CODE)**

Course Objectives:

This course is designed to understand the meaning of crime, methods of controlling them and the essential principles of specific offences against body of the person, property and government under the Indian Penal Code.

UNIT-I General

1. Concept of crime
2. Distinction between crime and other wrongs
3. McCauley's draft based essentially on British notions
4. Salient features of the I.P.C.
5. IPC: a reflection of different social and moral values
6. Applicability of I.P.C.- territorial and personal

UNIT-II Element of Criminal Liability

1. Person definition - natural and legal person
2. Mens rea- evil intention
3. Recent trends to fix liability without mens rea in certain socio- economic offences
4. Act in furtherance of guilty intent- common object
5. Factors negating guilty intention
6. Definition of specific terms

UNIT-III Group liability

1. Common Intention
2. Abetment
3. Instigation, aiding and conspiracy
4. Mere act of abetment punishable
5. Unlawful assembly
6. Basis of liability
7. Criminal conspiracy
8. Rioting as a specific offence

General Exceptions :

9. Mental incapacity
10. Minority
11. Insanity
12. Medical and legal insanity
13. Intoxication
14. Private defence-justification and limits

15. When private defence extends to causing of death to protect body and property
16. Necessity
17. Mistake of fact
18. Offence relating to state
19. Against Tranquility
20. **Contempt of Lawful Authority**

UNIT-IV Offences against human body

1. Culpable homicide
2. Murder
3. Culpable homicide amounting to murder
4. Grave and sudden provocation
5. Exceeding right to private defence
6. Hurt - grievous and simple
7. Assault and criminal force
8. Wrongful restraint and wrongful confinement- kidnapping- from lawful guardianship, outside India
9. Abduction

Offences Relating to Marriage

1. Theft
2. Robbery, Dacoity
3. Cheating
4. Extortion
5. Mischief
6. Criminal misrepresentation and criminal breach of trust
7. Offences relating to Documents and properties.

Unit-V Types of Punishment

1. Death
2. Social relevance of capital punishment
3. Imprisonment- for life, with hard labour, simple imprisonment
4. Forfeiture of property
5. Fine
6. Discretion of court in awarding punishment
7. Minimum punishment in respect of certain offences

Learning Outcomes:

By the end of this course the student should be able to:

1. Advising on matters relating to causes of specific crime their causes and remedies.
2. Representing a client in matters relating to criminal law and defend the alleged persons of any crime.

SELECT BIBLIOGRAPHY

1. K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
2. Ratanlal-Dhirajlal, Indian Penal Code (1994 reprint)
3. K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal Delhi
4. P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow
5. Hidaythulla, M., et.al. Ratanlal and Dhirajlal, The Indian Penal Code (1994 reprint), Wadhwa & Co. Nagpur
6. B.M. Gandhi, Indian Penal Code (1996), Eastern Nagpur

B.A. LL.B. (HONS.) PART-III SEMESTER - V
PAPER – VI JURISPRUDENCE (LEGAL METHOD, INDIAN
LEGAL SYSTEM AND BASIC THEORY)

Course Objectives:

1. At the heart of the legal enterprise is the concept of law.
2. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society.
3. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules.
4. It is not unable to present various statutes, cases, procedure, practices and customs as a systemic body of knowledge, nor is it able to show the interconnection between these various branches of law, procedures and principles.

UNIT-I Introduction

1. Definition of the term Jurisprudence
2. Definition of Law, kinds of law
3. Justice and its kinds
4. Sources of Law (Elementary study)

UNIT-II Schools of Jurisprudence

1. Natural law school
2. Analytical school, Imperative Theory of law, Pure Theory of law
3. Historical school
4. Sociological school
5. Realistic school
6. The ancient : The concept of 'DHARMA'
7. Feminist – Schools of Jurisprudence

UNIT III Sources of Law

1. Legislation
2. Precedents: concept of stare decisis
3. Customs

UNIT- IV Legal Rights: the Concept

1. Rights: kinds, meanings
2. Duty: meaning and kinds
3. Relation between right and duty

PERSONS

1. Nature of personality
2. Status of the unborn, minor, lunatic, drunken and dead persons
3. Corporate personality : Dimension of the modern legal personality: Legal personality of non-human beings

UNIT-V Possession and Ownership: the Concept

1. Kinds of possession, Theories of Possession
2. Kinds of ownership, Theories of Ownership
3. Difference between possession and ownership
4. Title

LIABILITY

1. Condition of imposing liability (Wrongful Acts)
2. Strict liability
3. Vicarious liability

OBLIGATION:

1. Nature and kind
2. Difference between : Being obliged and having obligation (HLA Hart)

Learning Outcomes:

Students should be able to:

1. Discover what legal fiction can tell us about key legal themes, the legal system and popular perceptions of the law
2. Discuss the development of critical legal theory and the way in which different critical legal theories attack liberalism

SELECT BIBLIOGRAPHY

1. Bodenheimer, Jurisprudence – The Philosophy and Method of Law (1996) Universal. Delhi.
2. Fitzgerald, (ed) Salmond on Jurisprudence (1999) Tripathi. Bombay
3. W. Friedmann. Legal Theory (1995) Universal. Delhi.
4. V.D. Mahajan, Jurisprudence and Legal Theory (1996 reprint), Eastern Lucknow.
5. M.D.A. Freeman(ed.). Lloyd's introduction to Jurisprudence. (1994), Sweet and Maxwell
6. Paton G.W. Jurisprudence (1972) Oxford, ELBS
7. H.L.A. Hart, The concepts of Law (1970) Oxford, ELBS

8. Roscoe Pound, Introduction to the Philosophy of Law (1998 reprint)
Universal Delhi
9. Dias, S.N. Jurisprudence: A Study of Indian Legal Theory (1985),
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SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. VIth Semester

**B.A. LL.B. (HONS.) PART-III SEMESTER - VI
PAPER – I POLITICAL SCIENCE-VI**

Course Objectives:

1. To carry awareness about domestic and foreign policies and principles.
2. To understand the international scenario and organizations of regional and international importance.
3. To possess basic knowledge about India's relations with other countries and organizations of global importance.

Unit I Policy and Principles

1. Indian foreign policy
2. Basic principles
3. Internal and External determinants
4. Practice and policy of non-alignment
5. Indian nuclear policy.

Unit II International relations after 1945

1. Nature and development
2. International relations after 1945 (II world war, Cold war-post cold war)
3. Non-Alignment Movement (NAM)
4. World power.
5. North-South & South-South dialogue.

Unit III United Nations and N.P.T., C.T.B.T.

1. United Nations-organisation, working.
2. Disarmament N.P.T., C.T.B.T.
3. International Financial organisations.

Unit IV Relations with Other Countries

1. Indian relations with-U.S.A., China, Russia, Pakistan, Srilanka, Bangladesh, Nepal and Afghanistan.

Unit V United Nations, SAARC, India and ASEAN.

1. India and United Nations
2. SAARC, India and ASEAN.
3. India and European Common market.
4. Terrorism, India and contemporary international problems.

Learning Outcomes:

1. The scholars shall possess the basic knowledge about domestic and foreign policies and principles.
2. The scholar shall be able to understand and analyze the international scenario and role of organizations of regional and international importance.
3. The scholars shall be able to visualize India's relations with other countries and organizations of global importance.

SELECTED BIBLIOGRAPHY

1. Encyclopedia of International Terrorism – Verinder Grover Deep and Deep Publication
2. Urmila Sharma & S.K. Sharma – International Relation Theory and History Atlantic Publication – New Delhi.
3. K.L. Bhatia – Federalism and Friction in centre state relation Deep and Deep Publication
4. Surya P. Subedi – Dynamics of foreign policy and law, Oxford
5. B.S. Murthy – International Relations and organisation Eastern Book Company
6. R. Sharma – India and SAARC - Deep and Deep Publication

**B.A. LL.B. (HONS.) PART-III SEMESTER - VI
PAPER – II (OPTIONAL-A) LANGUAGE - III**

Course Objectives:

1. To make the students reasonably skillful in drafting, composition and translation skills, comprehension skills in foreign language.
1. To train the students in communication aspects in foreign language.

Unit I-

1. Lesson Reading
2. Answering Questions
3. Dialogue Writing
4. Adverb of Quantity.
5. Near Future tense

Unit II

1. Article Writing
2. Invitation Writing
3. Name of Sports in French
4. Expressions of time
5. Near past tense

Unit III

1. Weather forecast
2. Place of preposition
3. Negative expressions
4. History of France
5. Famous things of France.

Unit IV

1. Name of furniture and gadgets in French
2. Family members
3. Conversation
4. Specialised shops
5. Objects in classroom

Unit V

1. All tenses
2. Conjugations

3. Essays
4. Passage Writing

LEARNING OUTCOME

At the completion of the course, the scholars are expected to:

1. determine and analyze elements of communication skills in foreign language including article writing, passage writing Essay writing, etc.

SELECT BIBLIOGRAPHY

1. Le Nouveau Sans Frontiers III

**B.A. LL.B. (HONS.) PART-III SEMESTER - VI
PAPER – III INTELLECTUAL PROPERTY LAW**

Course Objectives:

1. To provide a comprehensive study of the nature and development of the Indian intellectual property system;
2. To examine the impact of international treaties and WTO law on the intellectual property system of India; and
3. To assess whether the existing intellectual property system encourages creativity and innovation.

UNIT-I Introduction

1. The meaning of intellectual property
2. Forms of intellectual property: copyright, trademarks, patents and designs
3. New forms as plant varieties and geographical indications
4. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright, Convention, the Paris Convention, Trips, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

UNIT-II Selected aspects of the Law of copyright in India

1. Historical evolution of the copyright law
2. Meaning of copyright
3. Copyright in literacy, dramatic and musical works
4. Copyright in sound records and cinematograph films
5. Ownership of copyright
6. Assignment and licence
7. Copyright authorities
8. Infringement of Copy right and remedies including Anton Pillor injunctive relief in India

UNIT-III Trademarks

1. The rationale of protection of trademarks as an aspect of commercial and of consumer rights
2. Definition and concept of trademarks
3. Registration of trademark- authorities under the trademark Act
4. Passing off and infringement
5. Remedies

UNIT-IV

Patents

1. Concepts and Historical view of the patents
2. Process of obtaining a patent, authorities
3. Procedure for filling patents: patent co-operation treaty
4. Prior publication or anticipation
5. Rights and obligations of a patentee
6. Compulsory licences
7. Infringement - defences
8. Injunctions and related remedies

UNIT-V

1. Geographical indication Act
2. New plant culture and breeds Act

Learning Outcomes:

At the end of the course a student should have a good knowledge and understanding of:

1. The evolution of the intellectual property system in India;
2. The general principles governing copyright, sui generis database right, registered and unregistered designs, patents and trademarks law;
3. The impact of new technologies on intellectual property; and
4. The impact of WTO law on the intellectual property system of Indian.

SELECTED BIBLIOGRAPHY

1. Cormish W.R. Intellectual Property, Patents, Trade Marks, Copy Right and Allied Right (1999), Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and practice of Intellectual Property 1999 Bharat Law House Delhi.
3. P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta
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7. K. Thairani, copyright: The Indian Experience (1987)
8. W.R. Cornish, Para and Materials on Intellectual Property (1999) Sweet and Maxwell.

B.A. LL.B. (HONS.) PART-III SEMESTER - VI
PAPER – IV GENDER JUSTICE & FEMINIST JURISPRUDENCE

Course Objectives:

1. To provide knowledge about conditions of women in Pre-Independence and Post-independence India.
2. To explore the scholars to various aspects of inequality concerning Women in India; and
3. To give the scholars basic knowledge of various welfare legislation concerning protection of women in India.

UNIT-I Women in Pre-Independence India

1. Social and legal inequality
4. Social reform movement in India
5. Gandhian movement.
6. Nehru's views – joint family etc.
7. Karachi congress – Fundamental Rights Resolution.
8. Equality of sexes.

UNIT-II Women in Post-Independence India

1. Preamble of the Constitution – Equality provisions in fundamental Rights and Directive Principles of State Policy.
2. Negative Aspects of the Constitution – Exploitation of sex not mentioned in Article 23.
3. Different personal laws – unequal position of women.
4. Uniform Civil Code towards gender justice.
5. Indian tradition and family ideology: growth of feminism and schools of feminism.

UNIT-III Sex Inequality in Inheritance Rights

1. Continuance of feudal Institutions of joint family – women's inheritance position under Hindu Law.
2. Inheritance right of women under Christian law.
3. Inheritance right of women under Parsi law.
4. Inheritance right of women under Muslim law.
5. Movement towards uniform Civil Code.

Unit-IV Matrimonial relations and its consequences

1. Matrimonial Property.
2. Separation of property.
3. Maintenance of different system of personal law.
4. Division of assets on divorce.

UNIT-V Social Welfare Laws for Women and Non-implementation of protective labour legislation.

1. Maternity benefits Act.
2. Equal remuneration Act.
3. Factories Act.
4. Inequality in the work place.
5. Additional burden of domestic responsibilities.

Learning Outcomes:

1. Acquiring knowledge about conditions of women in Pre-Independence and Post-independence India.
2. Understanding various aspects of inequality concerning Women in India; and
3. Being knowledgeable about various welfare legislation concerning protection of women in India.

SELECTED BIBLIOGRAPHY -

1. Flevia Agn's et. al. Women and the Law
2. Meynei Hindu Woman & Marriage

B.A. LL.B. (HONS.) PART-III SEMESTER - VI
PAPER – V LAW OF CRIMES -II (CRIMINAL PROCEDURE CODE)

Course Objectives:

1. The Criminal Procedure code was enacted many years ago. It has undergone many changes. It is too enormous for classroom discussion. But the students should have a fair idea about how the code works as a main spring of the criminal justice.
2. With this perspective the course is designed to make the student understand how the Criminal Procedure code controls and regulates the working of the machinery set up for the investigation and trial of offence.

UNIT-I Introduction

1. The rationale of criminal procedure: the importance of fair trial, The constitutional perspectives
2. Pre trial Process: Arrest
3. The distinction between cognizable and non cognizable offences: relevance and adequacy problems
4. Steps to ensure accused's presence at trial: warrant and summons
5. Arrest with and without warrant (Section 70-73 and 41)
6. The absconder status (section 82, 83, and 85)
7. Right of the arrested person Right to know ground of arrest (section 50(1), 55,75)
8. Right to be taken to magistrate without delay (section 56,,57)
9. Right to not being detained for more than twenty- four hours (section 57): Vis-a-vis Article 22 (2) of the constitution of India
10. Right to consult legal practitioner. legal aid and the right to be informed about rights to bail.
11. Right to be examined by a medical practitioner (section 54)

Search and Seizure (Pretrial Process)

1. Search warrant (section 83, 94,97, 98) and search without warrant
2. Police search during investigation (section 165, 166, 153)
3. General principles of search (section 100)
4. Seizure (section 102)
5. Constitutional aspects of validity of search and seizure proceedings

UNIT-II Pre-trial Process F.I.R.

1. F.I.R. (section 154)
2. Evidentiary value of F.I.R. (see section 145 and 157 of Evidence Act)

Pre-trial Process: Magisterial Powers to Take Cognizance

1. Commencement of proceedings- (section 200, 201, 202)
2. Dismissal of complaints (section 203, 204)
3. Bail: concept, purpose: constitutional overtones
4. Bailable and non- bailable offences (section 436, 437, 438)
5. Cancellation of bail (section 437 (5)).
6. Anticipatory bail (section 438)
7. Appellate bail powers (section 389 (1), 395 (1), 437 (5))
8. General principles concerning bond (section 441 - 450)

UNIT-III Fair Trial

1. Conception of fair trial
2. Presumption of innocence
3. Venue of trial
4. Right of the accused to know the accusation (section 221- 224) and accusation be held in the accused's presence
5. Right of cross- examination and offering evidence in defence: the accused statement
6. Right to speedy trial

Charge

1. Framing of charge
2. Form and content of charge (section 211, 212, 216)
3. Separate charge for distinct offence (section 218, 219, 220, 221, 223)
4. Discharge – pre- charge evidence

Preliminary Pleas to Bar the Trial

1. Jurisdiction (section 26, 177- 189, 461, 462, 479)
2. Time limitations: Rationale and scope (section 468 - 473)
3. Pleas of autrefois acquit and autrefois convict (section 300, and Art 22d)
4. Estoppel
5. Compounding of offences

6. Trial before a Court of Sessions: Procedural Steps and Substantive Rights
7. Summary Trial (Sec 260-265)

UNIT-IV Judgment

1. Form and content (section 354)
2. Post conviction orders in lieu of punishment(section 360, 361, 31):
emerging penal policy (Plea Bargaining)
3. Compensation and cost (section 357,358)
4. Modes of providing judgement (section 353, 362, 363)

Appeal, Review, Revision

1. No appeal in certain cases (section 372. 375. , 376)
2. The rationale of appeals, review, revision
3. The multiple ranges of appellate remedies
4. Appeal before Supreme Court of India and High Courts (section 374, 379)
and (Article 31,132, 134, 136 of constitution of India)
5. Appeal to Sessions Court (section 374)
6. Special right to appeal (section 380)
7. Government appeal against sentencing (section 377, 378)
8. Judicial power in disposal of appeal (section 368)
9. Legal aid in appeals
10. Revisional jurisdiction (section 397- 405)
11. Transfer of cases (section 406, 407)

UNIT-V Juvenile Delinquency

1. Nature and magnitude of the problem
2. Causes
3. Juvenile court system
4. Treatment and rehabilitation of juveniles
5. Juvenile and adult crime
6. Legislative and judicial protection of juvenile offender
7. Juvenile justice (Protection and Care) Act 2000

Learning Outcomes:

Students should be able to:

1. Comprehend the substantive criminal law along with the procedure.
2. Understand the importance of the procedure in the administration of justice.

SELECT BIBLIOGRAPHY

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (2001), Eastern Lucknow
3. Principles and commentaries on the Code of Criminal Procedure. 2 Vol. (2000) Universal.
4. Woodroffe: Commentaries on Code of criminal Procedure, 2. vol. (2000) Universal

B.A. LL.B. (HONS.) PART-III SEMESTER - VI
PAPER – VI INTERPRETATION OF STATUTES AND
PRINCIPLES OF LEGISLATION

Course Objectives:

1. Enacted laws, i.e. Acts and Rules are drafted by legal experts. Language used will leave little or no room for interpretation or construction.
2. The experience of all those who have to bear and share the task of application of the law has been different. Courts and lawyers are busy in unfolding the meaning of ambiguous words and phrases and resolving inconsistencies.
3. The statute is to be construed according ‘to the intent of them that make it.’ To ascertain the true meaning, intent of the maker, numerous rules of interpretation were formulated by courts and jurists.

UNIT-I Interpretation of Statutes

1. Meaning of the term statute, Kinds of statutes
2. Commencement, operation, repeal of statutes
3. Purpose of interpretation of statutes
4. Meaning of construction and interpretation – their difference

UNIT-II Aids to Interpretation

Internal aids

1. Titles
2. Preamble
3. Heading and marginal notes
4. Sections and sub- sections
5. Punctuation marks
6. Illustrative exceptions, provisos and saving clauses
7. Schedules
8. Non - obstante clause

External aids

1. Dictionaries
2. Translations
3. Travaux preparatoires
4. Statutes in pari materia
5. Contemporanea Exposition
6. Debates, inquiry commission reports and Law commission reports
7. General Clauses Act

Unit-III Principles and Rules of Statutory Interpretation

1. Primary rules
2. Literal rule
3. Golden rule
4. Mischief rule (rule in the Heydon's case)
5. Rule of harmonious construction
6. Noscitur a sociis
7. Ejusdem generis
8. Reddendo singula singulis

UNIT-IV Interpretation with reference to the subject matter and purpose

1. Restrictive and beneficial construction
2. Taxing statutes
3. Penal statutes
4. Welfare legislation and principles of legislation
5. Presumption

Unit-V Principle of Constitutional Interpretation

1. Harmonious constructions
2. Doctrine of pith and substance
3. Colourable legislation
4. Ancillary powers
5. "Occupied field"
6. Residuary power
7. Doctrine of repugnancy

Learning Outcomes:

By the end of the course, it is expected that the student will be able to:

1. Understand and implement the key approaches, rules, principles, definitions to construe a Statute;
2. Appreciate the fundamentals of the General Clauses Act, 1897.

SELECT BIBLIOGRAPHY

1. G.P. Singh, Principle of Statutory Interpretation,(7th ed.), 1999 Wadhwa Nagpur.
2. P.S. Langan (ed.), Maxwell on The interpretation of Statutes (1976, N.M. Tripathi, Bombay
3. K. Shanmukham, N.S. Bindras' Interpretation of Statutes (1997) The Law Book Co. Allahabad.
4. V. Sarathi, Interpretation of Statutes (1984), Eastern & Co.

5. M.P. Jain, Constitutional Law of India, (1994) Wadhwa & Co.
6. M.P. Singh, (ed.) V.N. Shukla's Constitution of India (1994) Eastern Lucknow
7. U. Baxi, Introduction to Justice K.K. Mathews, Democracy Equality and Freedom (1978) Eastern Lucknow.
8. Theories of Legislation by Jeremy Bentham, Tripathi Publication



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. VIIth Semester

B.A. LL.B. (HONS.) PART-IV SEMESTER - VII
PAPER – I PROPERTY LAW

Course Objectives:

1. The objective of the course is to bring uniformity in the transmission of property and to regulate the law in reference to property which are not coming in purview of contract law.
2. It clearly indicates that when and how interest is transferred in the property and also categorically indicates the provisions which are applicable on movable or immovable property.

UNIT-I Introduction

1. Concept and meaning of property,
2. Various definitions given under Transfer of Property Act,
3. Kinds of property
 - (i) movable and immovable property
 - (ii) tangible and intangible property
4. intellectual property-copyright, patents and designs, trademarks

UNIT-II Law relating to Transfer of Property under Transfer of Property Act, 1882

1. General principles of transfer of property whether movable or immovable
What may be transferred
2. Competence, operation, conditions of restraining, alienation and repugnant to interest
3. Other Conditions – determinable on insolvency, transfer to unborn person, Rule against perpetuity, accumulation, transfer for benefit of Public in perpetuity
4. Conditional transfers – Condition precedent and subsequent, Vested and Contingent interest, Void condition, Election – Doctrine and Apportionment

UNIT-III Transfers of Immovable Properties and Movable Properties

1. Sale
2. Mortgage
3. Gift
4. Leases
5. Exchanges
6. Actionable claims

UNIT-IV M.P. Accommodation Control Act 1961

1. Preamble, Definitions and Provisions Regarding Rent
2. Control of Evictions of Tenants

3. Eviction on grounds of bonafide Requirement
4. Deposit of Rents

UNIT-V Rent Controlling Authority

1. Appointment
2. Powers and Functions of Rent Controlling Authority
3. Procedure
4. Appeals
5. Special obligations and penalties of Land Lords
6. Miscellaneous provisions

Learning Outcomes:

At the end of this course, students will be able to:

1. Outline the property law in the country.
2. Describe the classification of estates and trusts of lands
3. Assess the system of conveyancing, both registered and unregistered

SELECTED BIBLIOGRAPHY

Mulla	:	Transfer of Property Act
V.P. Sarthy	:	Transfer of Property
R.K. Sinha	:	Law of Transfer of Property

**B.A. LL.B. (HONS.) PART-IV SEMESTER - VII
PAPER – II COMPANY LAW**

Course Objectives:

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

UNIT-I Meaning of Company

1. Theories of corporate personality
2. Creation and exemption of corporations
3. Lifting the corporate veil

UNIT-II Forms of corporate and non-corporate organization

1. Corporations
2. Partnership and other association of persons,
3. State corporations
4. Government companies, small scale, cooperative, corporate and joint sectors

UNIT-III Law relating to Companies - Public and Private

1. Promoters and its position
2. Need of company for development, formation of a company, registration and incorporation
3. Memorandum of association - various clauses - alteration therein - doctrine of ultra vires
4. Articles of association-binding force-alteration-its relation with memorandum of association-doctrine of constructive notice and indoor management- exceptions
5. Prospectus- issue - contents- liability for misstatements in lieu of prospectus
6. Shares-general principles of allotment, statutory restrictions, transfer of shares, relationship between transferor and transferee
7. Shareholder-who can be? And who cannot be shareholder- modes of becoming shareholder- calls on shares- forfeiture and surrender of shares lien on shares

8. Share capital-kinds-alteration and reduction of share capital, further issue of capital- conversion of loan and debentures into capital-duties of courts to protect the interests of creditors and share holders

UNIT-IV Management of corporate structure

1. Directors - position- appointment-qualifications-vacation of office-removal-resignation- powers and duties of directors - meeting, registers, loans - remuneration of directors - role of nominee directors - companies for loss of office - managing directors and other managerial personnel
2. Meetings – kinds, procedure – voting
3. Dividends payment - capitalization – profit
4. Audit and accounts
5. Borrowing powers, effect of unauthorized borrowing - charges and mortgages – investments
6. Debentures - meaning - fixed and floating charges - kinds of debentures, share holder and debenture holder, remedies for debenture holders
7. Protection of minority rights
8. Protection of oppression and mismanagement - who can apply? Powers of the company, court and of the central Government
9. **Investigations, powers**
10. Private companies - nature and advantages- government companies- holding and subsidiary companies

UNIT – V Winding up and corporate liability

1. Winding up -types – Concept (Dissolution and liquidation)
 - (i) by court - reason - ground who can apply - procedure - powers of liquidator - powers of court - consequences of winding up order
 - (ii) voluntary winding up
 - (iii) subject to supervisions of courts
 - (iv) liability of past members - payment of liability preferential payment, unclaimed dividends
 - (v) winding up of unregistered company.
2. Legal liability of companies-civil and criminal
3. Remedies against civil, criminal and tortuous - specific relief Act, writs, liability under special statutes

Learning Outcomes:

Students should be able to:

1. Evaluate the nature and development of company law applicable to different business settings
2. Assess the impact of law on incorporated companies.

SELECTED BIBLIOGRAPHY

1. Avtar Singh Indian Company Law (1999). Eastern Lucknow
2. L.C.B. Gower. Principles of Modern Company Law (1997) Sweet and Maxwell London.
3. Palmer Palmers Company Law (1987). Stevans, London
4. R.R. Pennington. Company Law (1990). Butterworths
5. A. Ramiya. Guide to the Companies Act. (1998), Wadhwa
6. S.M. Shah Lectures on Company Law (1998), Tripathi, Bombay

B.A. LL.B. (HONS.) PART-IV SEMESTER - VII
PAPER – III LAND LAWS INCLUDING TENURE AND TENANCY
SYSTEM

Course Objectives:

1. The course will introduce the students to the local land laws.
2. Issues of balancing the tension between demands of development and resource conservation find a significant mention in the course.
3. Planning and management of land resources form the core content of the course.

Unit – I Concept

1. Objects and Reasons and Basic features of enacting Madhya Pradesh Land Revenue Code, 1959.
2. Definitions : Abadi, Agriculture, Agriculture and Revenue years, Board, Bonafide Agriculturist, Co-operative Society, Government Forest, Government Lessee, Holding, Improvement, Land, Landless Person, Land Records, Mango grove, Orchard, Plot number, Rents, Revenue Officer.
3. Tenant, Tenure-holder,

Unit – II Revenue Board and Revenue officer

1. Constitution and Conditions of service of members.
2. Jurisdiction of Board and Powers of Board.
3. Revenue Officers, Their Classes and Powers and Procedure of Revenue Officer and revenue courts.
4. Powers of State Government to alter the limits
5. Powers of State Government of appointing Revenue Officers
6. Sub-Divisional Officers
7. Powers to transfer Cases
8. Conferral of Status of Courts, Inherent Powers and other Powers of Revenue Courts
9. Appeal, Revision and Review
10. Appellate, Authorities and their powers and limitation for appeals,
11. Revision
12. Review of orders
13. Stay of execution of orders

Land and Land Revenue

1. State ownership in all lands, Liability of land to pay land revenue, land exempted from payment of land revenue, and variation of land revenue
2. Assessment, Reassessment,
3. Revenue Survey and Settlement in Non Urban Area.
4. Appointment and Powers of Settlement Officers,
5. Revenue Survey,
6. Settlement of Rent,
7. Assessment and Re-Assessment of Land in Urban Area,
8. Land Records
9. Formation of circles and appointment of Patwari and Revenue Inspectors,
10. Land Records, Field Map, Record of rights,
11. **Realisation of Land Revenue**

Unit – III Tenure Holders

1. Bhuswami
2. Right of Transfer, Forfeiture, lease, set aside of transfer, Reversion of land of members of aboriginal tribes, Diversion of land, Relinquishment, abandonment, disposal and partition of holding,
3. **Occupancy Tenants,**

Unit – IV Government leasee and service land rights and liabilities of Government leasee

1. Government lease - Appointment, Termination of lease, Service Land
2. Alluvion and Deluvion
3. Consolidation of Holding
4. Village Officers
5. Patels
6. Kotwars

Unit – V Rights in Abadi and unoccupied Land

1. Gram Sabha
2. Wajib-ul-arz
3. Nistar Patrak
4. Rights in forest Easement
5. Exclusive Jurisdiction of Revenue Courts
6. Miscellaneous Provisions

Learning Outcomes:

The students will be able to:

1. Understand fundamental concepts of the local laws.
2. Analyse the important concepts in the land acquisitions.
3. Compare the basic reasons for the annulment of fundamental rights to property and the management of the same in the hands of the government.

SELECT BIBLIOGRAPHY

1. M.P. Land Revenue Code – 1959 (Jindal) 2008 Ed.
2. Basantilal Babel (Diglot) Vedpal Law in India 2007

B.A. LL.B. (HONS.) PART-IV SEMESTER - VII
PAPER – IV BANKING LAW

Course Objectives:

The objectives of the course are:

1. To acquaint students with the rationale for banking law
2. Give them an understanding of key statutory provisions and case law and provide practical understanding of banking law and policy.

UNIT-I - Introduction

1. Evolution of Banking institution in India, banking definition, banking company in India, banking legislation in India- common law and statutory,
2. System and Classification of banks – essential functions and special functions
3. Agency services
4. E Banking and recent trends in banking

UNIT-II Banker and Customers

1. Customer, Banker – definition and nature
2. Legal character of banker - customer relationship
3. Special types of customers: Lunatics, minors, agents administrators and executors. partnership firms and companies
4. Duties and liabilities of banks and customers

UNIT – III Negotiable Instrument

1. Cheque- Meaning and characterstices, Duties and liabilities of banks payment of cheques by bank, liabilities of the banker in case of dishonour, protection of paying banker - forged cheques, alteration of cheque, collection of cheques and drafts- protection of collecting banker.
2. Crossing of cheques
3. Bill of exchange, promissory note – Meaning and characteristics and types of hundi, notary public noting protest, acceptance for honour, payment for honour
4. Holder and holder in due course- Definition and distinction between a holder and holder in due course,
5. Endorsement and its kinds, Acceptance, Presentment and Payment
6. Dishonour and discharge of negotiable instrument

UNIT-IV Central Banking Theory and RBI

1. Characteristics and function of central banks
2. The Reserve Bank of India as central bank of India
3. Objectives and organizational structure of RBI

4. Functions, Regulations of the monetary system, Monopoly of note issue
5. Credit control, Determination of bank rate policy, Open market operations, Banker's Bank, Banker of Government, Control over non-banking financial institutions, Economic and statistical research, Staff training, **Control and supervisions of other banks.**

UNIT-V Merchant Banking

1. Merchant banking in India.
2. SEBI (Merchant Bankers) Regulations. 1992.
3. Recovery of Debts Due to Bank and Financial institutions Act. 1993

Learning Outcomes:

Students successfully completing this course will be able to:

1. Demonstrate a comprehension of the principles of banking law and its relationship to banks and customers.
2. Demonstrate an awareness of law and practice in a banking context.
3. Engage in critical analysis of the practice of banking law from a range of perspectives.
4. Organise information as it relates to the regulation of banking products and services and the issues to which that information gives rise.

SELECTED BIBLIOGRAPHY

1. M.S. Parthasarthy (ed.) Kherganvala on the Negotiable Instruments Act (1998), Butterworth, New-Delhi
2. M.L. Tannon, Tannon's Banking Law and Practice in India, (2000) India Law House, New Delhi.
3. S.N. Gupta, The Banking Law in Theory and Practice, (1999), Universal New Delhi.
4. G.S.N. Tripathi (ed.), Sethi's Commentaries on Banking Regulation Act 1949 and Allied Banking Laws (2000), Law Pub. Allahabad.

**B.A. LL.B. (HONS.) PART-IV SEMESTER - VII
PAPER-V PROFESSIONAL ETHICS AND PROFESSIONAL
ACCOUNTING SYSTEM**

Note: The written exam of this paper will have 80 marks and viva-voce will carry 20 marks.

Course Objectives:

The objectives of this course are to:

1. Enable learners to understand, explore, and acquire a critical understanding of the legal profession.
2. Develop competencies for dealing with the various classes of persons in work. For eg. Judges and advocates, Lawyers and client

Unit –I Admission, Enrolment & Rights of Advocate

1. Importance of Legal Profession.
2. Persons who may be admitted as advocate on a State roll.
3. Disqualification for enrolment
4. Rights of Advocates
5. State Bar Councils
 - (i) Establishment and Organisation
 - (ii) Powers and Functions
6. Bar Council of India
 - (i) Organisation
 - (ii) Powers and Functions

Unit – II Ethics of Legal Profession

1. Meaning, Nature and Need
2. Duty to the Client

Unit – III Punishment for Professional or Other Misconduct

1. Professional or other Misconduct- Meaning and Scope
2. The Body or Authority empowered to punish for professional or other misconduct.
 - (i) State Bar Council and its disciplinary committee
 - (ii) Bar Council of India- and its disciplinary committee
3. Complaint against advocates and procedure to be followed by the Disciplinary Committee.
4. Remedies against the order of punishment.

Unit – IV Bench Bar Relation

1. Role of Judge on Maintaining Rule of Law
2. Mutual Respect
3. Maintenance of orderly society
4. Invaluable aid of advocates to Judges

5. Privilege of Advocates
6. Duty to avoid interruption of Council
7. Administration of Justice clean & Pure
8. **Uncourteous conduct, Misconduct of lawyers and Insulting Language.**

Unit – V Meaning and Categories of Contempt of Court

1. Contempt of Court- Its meaning and Nature
2. Kinds of Contempt
 - (i) Criminal Contempt
 - (ii) Civil Contempt
3. Contempt by Lawyers
4. Contempt by Judges, Magistrates or other persons acting judicially
5. Contempt by State, Corporate bodies & other officers

Learning Outcomes:

On completion of the course the students will be able to:

1. Develop the ethics of doing the practice and understand the importance of behavior in court and deal with the contempt.

Selected Bibliography

1. J.P.S. Sirohi : Professional Ethics, Lawyer's Accountability, Bench- Bar Relationship.
2. Kailash Rai : Legal Ethics, Accountability, for Lawyer's , Bar-Bench Relation.



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. VIIIth Semester

B.A. LL.B. (HONS.) PART-IV SEMESTER - VIII
PAPER – I LAW OF EVIDENCE

Course Objectives:

This paper is to orient students with importance of evidence for establishment of claims and the related rules and Principles. Teaching criminal and civil procedure is incomplete without evidence law. Law of evidence is equally important for understanding a variety of subjects in the law curriculum.

UNIT-I Introductory

1. The main features of the Indian Evidence Act 1861
2. Applicability of Evidence Act
3. Administrative Tribunals
4. Industrial Tribunals
5. Commissions of enquiry
6. Court- Martial

Central Conceptions in Law of Evidence

1. Facts: section 3 definition: distinction - relevant facts/facts in issue
2. Evidence: oral and documentary
3. Circumstantial evidence and Direct evidence
4. Presumption
5. “Proving” “not proving” and “disproving”
6. Witness
7. Appreciation of evidence

Unit-II Facts: Relevancy

1. The Doctrine of res gestae
2. The problems of relevancy of “otherwise” irrelevant facts (section ii)
3. Facts concerning bodies and mental state

Admission and Confessions

1. General principles concerning admission
2. Differences between “admission” and “confession”
3. Non- admissibility of confessions caused by “any inducement, threat or promise”
4. Inadmissibility of confession made before a police officer
5. Admissibility of custodial confessions
6. Admissibility of “information” received from accused person in custody; with special reference to discovery based on “joint statement”
7. Confession by co-accused
8. The problems with the judicial action based on a “retracted confession”

UNIT-III Dying Declarations

1. The justification for relevance of dying declarations
2. The judicial standards for appreciation of evidentiary value of dying declarations
3. Conclusive Evidence

Relevance of Judgments

1. Admissibility of judgments in civil and criminal matters
2. “Fraud” and “Collusion”.

Expert Testimony

1. Who is an expert? : types of expert evidence
2. Opinion on relationship especially proof of marriage
3. Judicial defence to expert testimony

UNIT IV Oral Documentary Evidence

1. General principles concerning oral evidence, Primary / Secondary evidence.
2. General principles concerning documentary evidence.
3. General principles regarding exclusion of oral by documentary evidence, public & private documents.
4. Special problems: re-hearing evidence
5. Estoppel

Witness Examination and cross Examinations

1. Competency to testify
2. State privilege
3. Professional privilege
4. Approval testimony
5. General principles of examination and Cross examination
6. Leading questions
7. Lawful questions in Cross-examination
8. Reexamination
9. Compulsion to answer questions put to witness
10. Hostile witness
11. Impeaching of the standing or credit of witness

UNIT V Burden of Proof

1. General principles conception of onus-probans and onus-probandi
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences
5. Presumption as to dowry
6. The scope of the doctrine of judicial notice

Estoppel

1. Why estoppel? The rationale
2. Tenomacy Estoppel
3. Estoppel, res-judicial and waiver and presumption
4. Question of corroboration
5. Improper admission and of witness in civil and criminal cases

Learning Outcomes:

At the end of this course you will be able to:

1. Analyse the concept and nature of evidence.
2. Recognise the general principles and rules of evidence and in particular the rules as they apply to the conduct of a civil and criminal trial.
3. Analyse the framework of statutory and common law rules which provide the basis for the exclusion, and inclusion, of evidence.

SELECTED BIBLIOGRAPHY

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (51h Reprint 2000), Universal Delhi
5. Albert S. Osbom, The Problem Proof (First Indian Reprint 1998). Universal Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency, New Delhi

B.A. LL.B. (HONS.) PART-IV SEMESTER - VIII
PAPER – II HEALTH LAW

Course Objectives:

This course seeks to explore various areas of the law that deal with creating and maintaining and regulating 'health.' It incorporates broad theoretical basis behind the relationship between law and healthcare services. The course aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences, to explore various issues and to enable them to be equipped to face the recent challenges raised by the modern issues in contemporary era.

UNIT-I Concept

1. Concept & Definition of Health.
2. Right to health
3. International law & health.
4. Indigenous and Allopathic health system

UNIT-II Constitution of India

1. Constitutional protection – Fundamental Right & Directive principle.

UNIT-III Public health offences and Law

1. Offence affecting the Public Health, (Chapter XIV of IPC)
2. Nuisance, Miscarriage, (312.3.313 IPC), relevant provision of CrPC.

UNIT-IV Special critical problems

1. Immoral trafficking,
2. Female foeticides
3. Kidnapping and abduction – National protections.

UNIT-V Health and Legal Protection

1. Health and Legal protection – Environments law, J.J. Act, prenatal diagnostic technique, regulation & prevention of misuses,
2. Factory Act, Mental Health Act 1987, Maternity Benefit Act.

Learning Outcomes:

Two developments in the led to a marked increase in health related litigation. First was the establishment of consumer courts making the suing of doctors and hospitals for medical negligence and deficiency in service easier and cheaper. Second was the growth of public interest litigation, an expanded interpretation of the Right to Life as a fundamental right and one

of its off shoots being the recognition of health and health care as a fundamental right. So enacted the different health related acts.

UNIT-V Jurisprudence of health services

1. Health law & Judiciary.
2. Types of health insurance
3. Public service related situations – Negligence (Private eye sterilization camp etc.)
4. Disposal of medical and surgical waste
5. Health Care Units (Public/Private) Liabilities

SELECT BIBLIOGRAPHY

1. Right to life and Right to Death : A study – The ICFAI University Press.
2. HIV/Aids – Health Care and Human rights approach – The ICFAI University Press.
3. Public Health : Enforcement and Law - The ICFAI University Press.
4. Clinical Trials : Law and Regulations- The ICFAI University Press.
5. Right to Public Health and Impact of Patents - The ICFAI University Press.

**B.A. LL.B. (HONS.) PART-IV SEMESTER - VIII
PAPER – III PENOLOGY AND VICTIMOLOGY**

Course Objectives:

1. The current theory of Indian criminal jurisprudence is based on seven fundamental notions, viz, the principle of legality , mens rea, conduct, consequence of mens rea and conduct , harm, causation and punishment. With the change in time, the criminal law has radically changed and the concept of criminal liability, therefore, faces new problems. At the same time there is a need for complete replacement of punishment by recent rehabilitative measures for certain categories of offenders so as to make the administration of criminal justice efficacious and meaningful.

UNIT-I Evolution and nature of punishment

2. Kinds of punishment
3. Corporeal punishment
4. Capital Punishment
 - (i) Death Penalty by Public hanging
 - (ii) Capital punishment in India
 - (iii) Death Penalty or life imprisonment
 - (iv) Rarest of the rare cases
 - (v) Constitutionality and grounds of capital punishment
 - (vi) Minority judgement of justice Bhagwati

UNIT-II Imprisonment

1. Simple Imprisonment
2. Rigorous Imprisonment
3. Solitary confinement
4. Imprisonment for life
5. Monetary Punishment
 - (i) Fines
 - (ii) Forfeiture of Property

Unit-III Prison Administration

1. Prisons in India
2. Indian Jail Reforms Committee Report 1919-20 (Recommendations)
3. Plea for setting up Prison Panel
5. Role of Prisons in Modern Penology
6. The problem of Overcrowding in prisons
7. The problem of prison Discipline
8. The problem of Prisoners' Health

9. The problem of Criminality in Prisons
10. Self-Government in Prisons
11. Prison Labour
12. The Prison Community
13. Classification of Prisoners and Jail Reform Committee's Report (1980-83), Views on classification of prisoners
14. The Problem of Undertrial Prisoners
15. Prison Reforms
16. Custodial torture in Prisons
17. Open Prisons in India

Unit-IV Victimology

1. Nature and Development, categories
2. Compensation
3. Compensation to persons groundlessly arrested
4. Exgratia payment
5. Application of articles 21 and 301A - Comparison
6. National Police commission 1977-80

Unit-V White Collar Crimes

1. Historical Background, Definition
2. Contributing factors
3. White collar crime in India
4. Hoarding, Black marketing and adulteration.
5. Tax evasion
6. White collar crime in certain profession – medical, engineering, legal, educational, Business deal
7. Disposal by anti-corruption and vigilance departments of state & UTs under Prevention of corruption Act 1983 and related sections of I.P.C.

Learning Outcomes:

On completion of the course the students will be able to:

1. Analyse the divergent ways in which crime and punishment have been conceptualized in penology and victimology.
2. Identify the underlying philosophical premises of the major traditions in penology and victimology.
3. Analyse changing approaches to punishment and their effects on the treatment and management of criminals and crime victims.
4. Evaluate the strengths and weaknesses, as well as the contemporary relevance, of major perspectives and theories in penology and victimology.

5. Analyse the changing paradigm and trends towards the control of crime and management of offenders in the context of the transformation of contemporary societies.

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3. Dr. Yamuna Shankar Sharma penology.
4. Om Prakash Shrivastava Principles of Criminal Law

**B.A. LL.B. (HONS.) PART-IV SEMESTER - VIII
PAPER – IV LAW ON CORPORATE FINANCE**

Course Objectives:

1. To make the students knowledgeable about fundamentals of corporate finance and law governing corporate finance in India.
2. To give scholars insights into various dimensions of corporate finance including various modes of corporate finance, Investors and creditors' protection, etc..

UNIT-I Introduction

1. Meaning, importance and scope of corporate finance.
2. Capital Needs, capitalization, working capital, securities, borrowings, deposits, debentures.
3. Objectives of corporate finance – profit maximization and wealth maximization.
4. Constitutional perspectives – The following entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List I (Union List); entry 24 of List II (State List).

UNIT-II Equity finance

1. Share Capital
2. Prospectus – information disclosure.
3. Issue and allotment.
4. Shares without monetary consideration.
5. Non-opting equity shares.

Debt Finance

1. Debentures.
2. Nature, issue and class.
3. Deposits and acceptance.
4. Creation of charges.
5. Fixed and floating charges.
6. **Mortgages.**
7. Convertible debentures.

UNIT-III Conservation of corporate finance

1. Regulation by disclosure.
2. Control on payment of dividends.
3. Managerial remuneration.

4. Payment of commissions and brokerage.
5. Inter-corporate loans and investments.
6. Pay-back of shares.
7. Other corporate spending.

UNIT-IV Protection of creditors

1. Need for creditor protection
2. Preference in payment.
3. Rights in making company decisions affecting creditor interests.
4. Creditor self-protection.
5. Control over corporate spending.

Protection of Investors

1. Individual share holder right.
2. Corporate membership right.
3. Derivative actions.
4. Qualified membership right
5. Conversion, Consolidation and Re-organisation of shares.
6. Transfer and transmission of securities.
7. Dematerialisation of securities

UNIT-IV Corporate Fund Raising

1. Depositories – IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR(Global Depository Receipts).
2. Public financing institution – IDBI, ICICI, IFC, and SFC.
3. Mutual fund and other collective investment schemes
4. Institutional investments – LIC, UTI and Banks.
5. FDI and NRI investment – Foreign institutional investments (IMF and World Bank).

UNIT-V Administrative regulation on Corporate Finance

1. Inspection of accounts.
2. Central government control.
3. Control by Registrar of companies.
4. RBI control.
5. SEBI control, status of SEBI

Learning Outcomes:

Students should become:

1. knowledgeable about fundamentals of corporate finance and law governing corporate finance in India.
2. insightful into various dimensions of corporate finance including various modes of corporate finance, their suitability and related rules and norms.

3. knowledgeable about rules and guidelines relating to protection of creditors and investors in India.

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4. Ramaiya A. : Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen : Ford's Principle of Corporations Law (1999) Butterworths.
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13. V.G. Kulkarni : Corporate Finance (1961).
14. V.D. Kulshreshta : Government Regulation of Financial Management of Private Corporate Sector in India (1986).
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**B.A. LL.B. (HONS.) PART-IV SEMESTER - VIII
PAPER- V ALTERNATE DISPUTE RESOLUTION**

Note: The written exam of this paper will have 80 marks and viva-voce will carry 20 marks.

Course Objectives:

The main objectives of the Course are

1. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.

Unit-I Concept

1. Arbitration : Meaning scope and types
2. Arbitration Agreement- Essentials, Kinds
3. Who can enter into arbitration agreement ?
4. Validity
5. Reference to arbitration
6. Interim measures by court

Unit-II Arbitration Tribunal

1. Composition
2. Jurisdiction
3. Grounds of challenge
4. Powers
5. Procedure
6. Court assistance
7. Award, Rules of guidance, Form and content, Correction and interpretation
8. Grounds of setting aside an award-Want of proper notice and hearing, Contravention of composition and procedure.
9. Impartiality of the arbitrator
10. Bar of limitations, res judicata
11. Consent of parties
12. Enforcement
13. Appeals

Unit-III Conciliation

1. Distinction between “conciliation”, “mediation”, and “arbitration”.
2. Appointment of conciliator
3. Interaction between conciliator and parties

4. Communication, disclosure and confidentiality
5. Suggestions by parties
6. Settlement agreement and its effect
7. Resort to judicial proceedings, legal effect
8. Costs and deposit

Unit-IV International Arbitration

1. Enforcement of Foreign Award
2. New York convention Award
3. Geneva Convention Award

Unit-V Rule making Power

1. Legal Service Authorities Act, 1987
2. Lok Adalat
3. Legal Litreacy and Legal Aid Camp.

Learning Outcomes:

1. Compare and contrast various legal implications of each method.
2. Train participants to be effective Arbitrators, Conciliators and Mediators.
3. Reduce the backing of pending cases
4. Develop Case Management System.
5. Reduce the time pendency of the litigations

Select bibliography

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2. Goyal : Arbitration and Conciliation Act
3. Shukla : Legal remedies
4. Jhabvala : Law of Arbitration and Conciliation



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. IXth Semester

**B.A. LL.B. (HONS.) PART-V SEMESTER - IX
PAPER – I PRINCIPLE OF TAXATION LAW**

Course Objectives:

This course is designed to:

1. Provide students with an understanding of the Indian income tax system.
2. Provide knowledge of fundamental concepts of Indian income tax law.
3. Enable students to develop experience in identifying tax issues and applying the income tax law to arrive at reasoned solutions to problems.

UNIT- I Income Tax Act

- 1 Basic concepts- basis of charges of tax
- 2 Definitions
- 3 Residential status of assesses – its impact on tax liability.

UNIT-II Heads of Income -

1. General concepts-
2. Chargeability to tax- admissible & inadmissible deductions, exclusions and deductions from income,
3. Set off and carry forward of losses.
4. salaries
5. Income from House Property
6. Income from Profits of Profession and business
7. Capital Gains
8. Income from other sources
9. Clubbing of income

UNIT- III Income tax Authorities-

1. Powers & functions,
2. Assessment
3. Allotment of permanent account number,
4. Economic criteria scheme.

UNIT- IV Appeal, Revision and Reference

1. Appeal,
2. Revision,
3. Reference
4. Rectification, (Sec.269N, 269 UJ)

UNIT-V Prosecution and Penalties

1. Prosecutions under Income Tax Act, 1961
2. Non- compliance,
3. Contravention,
4. Avoidance
5. Evasion of tax.
6. Penalties

Learning Outcomes:

1. Income Tax Law students will develop the following skills:
2. Understand fundamental concepts of Indian income tax law.
3. Research, analyse and evaluate income tax information and issues.
4. Apply critical thinking and problem solving skills to resolve income tax issues.
5. Communicate effectively orally income tax information and solutions to income tax issues.
6. Communicate effectively in writing income tax information and solutions to income tax issues.

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B.A. LL.B. (HONS.) PART-V SEMESTER - IX
PAPER – II LOCAL SELF GOVERNMENT-INCLUDING
PANCHAYAT ADMINISTRATION

Course Objectives:

1. To make the students knowledgeable about legislation relating to local self government and panchayati raj in India.
2. To give scholars insights into various constitutional provisions concerning local self government and panchayati raj in India.

UNIT-I Concept

- a. Local self Government- meaning, evolution.
- b. Nature
- c. Doctrine of distribution of power.

UNIT-II Constitutional Provisions

1. Constitutional Provisions-Directive principles,
2. 73rd and 74th Amendment;
3. Panchayats Constitution. and Composition.,
4. Powers and responsibilities.
5. Election, (Article 243. 243A-O) and 12th schedule.

UNIT-III Municipalities

1. The Municipalities- Constitution and Composition,
2. Reservation of seats,
3. Powers and responsibilities Election.
4. Wards Committees Finance Commission (relating to Municipalities) (Article 243 P, ZG and 280)

UNIT -IV

1. Panchayati Raj Act 1993.

UNIT-V

1. Nagar Palika Adhiniyam,

Learning Outcomes:

After completion of the course,

1. The scholars shall be knowledgeable about legislation relating to local self government and panchayati raj in India.

2. The scholars shall be able to identify and relate the various constitutional provisions with local self government and panchayati raj in India.

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Dr. J.N. Pandey	Constitution Law of India
V. N. Shukla	Constitution Law of India
M.P. Jain	Indian Constitution
Basanti Lal Babel	Constitution of India

B.A. LL.B. (HONS.) PART-V SEMESTER - IX
PAPER – III MEDIA AND LAW

Course objectives:

1. To appraise students of the principles and concepts relating to the structure of the media industry and its regulation.
2. To enable students to understand how the law impacts upon the activities of the media industry.
3. To facilitate students' critical understanding of the media and the regulatory mechanisms that impinges upon it.
4. To provide a framework for the critical analysis and evaluation of a specific aspect of media law.

UNIT- I. Mass Media- Types of- Press Films, Radio Television

1. Ownership Patterns :- Press - private-public
A - Films, Private
B - Radio & Television -
2. Differences between visual and non - visual Media - Impact on peoples minds

UNIT - II Press-Freedom of Speech and Expression — Article 19 (1) (a)

1. Includes Freedom of the Press
2. Laws of defamation, obscenity, blasphemy and sedition
3. Law relating to employees wages and service conditions of media, The working journalists and other news paper employee (condition of service) and Misc. Provisions Act, 1955, The working journalist (Fixation of Rates of wages) Act, 1958.
4. Price and pages Schedule Regulation
5. Newsprint Control order
6. Advertisement- is it included within freedom of speech and expression?
7. Press and the monopolies and Restrictive trade practices Act.
8. The working Journalist (Fixation of Rates of wages) Act, 1958.

UNIT - III Films - It Included in freedom of speech and expressions?

1. Censorship of films - constitutionality
2. The Abbas case
3. Differences between films and press - why pre-censorship valid for films but not for the press
4. Censorship under the cinematograph Act

UNIT-IV Radio and television- Government Policy:

1. The Press Council Act, 1978
2. Regulatory Code of Conduct
3. Report of the Chadha committee
4. Government policy
5. Commercial advertisement
6. Internal scrutiny of serials etc

UNIT - V Constitutional Restrictions

1. Radio and television subject to law of defamation and obscenity
2. Power of legislature- Article 246 read with the seventh schedule
3. Power of impose tax - licensing and licence fee
4. Contempts of Court Act.

Learning outcomes:

On completion of this course, students are expected to be able to:

1. Discuss and evaluate ownership and accountability within the media industry.
2. Appraise the impact of regulatory mechanisms and the role of external agencies and judicial bodies in enforcing those mechanisms.
3. Analyse substantive legal issues pertaining to the control, content and dissemination of published material
4. Evince the ability to conduct critical legal analysis and evaluation within the field of media law

SELECT BIBLIOGRAPHY

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10. Students should consult relevant volumes of the Annual Survey of Indian Law Published by Indian Law Institute. (Constitutional Law 1 & 11 Administrative Law and Public Interest Litigation.
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B.A. LL.B. (HONS.) PART-V SEMESTER - IX
PAPER – IV INSURANCE LAW

Course Objectives:

1. To make the students knowledgeable about fundamentals of Insurance and Insurance Principles.
2. To give scholars insights into various legislative aspects governing insurance in India.

Unit – I Introduction

1. Definition nature and history of insurance
2. Concept of Insurance and law of contract and law of torts future of insurance in globalized economy.
3. History and development of insurance in India.
4. Insurance Regulatory Authority - role and functions.

Unit- II General principles of law of Insurance

1. Contract of Insurance - classification of contract of insurance, nature of various Insurance contracts parties thereto
2. Principle of good faith, non-disclosure, misrepresentation in insurance contracts
3. Insurable interest
4. The risk
5. The policy, classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction
6. Conditions of the policy
7. Alteration of the risk
8. Assignment of the subject matter

Unit-III Insurance

1. Nature and scope of life insurance, definition kinds of life insurances, the policy and formation of a life insurance contract
2. Event insured against life insurance contract
3. Circumstances affecting the risk
4. Amounts recoverable under life policy
5. Persons entitled to payment
6. Settlement of claim and payment of money

Unit-IV Marine Insurance

1. Nature and scope
2. Classification of marine policies
3. The Marine Insurance Act 1963
4. Insurable interest, insurable value

5. Marine insurance policy-conditions, express-warranties, construction of terms of policy
6. Voyage - deviation
7. Perils of the sea
8. Partial loss of ship and of freight, salvage, general average, particular charges
9. Measure of indemnity, total valuation, liability to third parties.

Unit-V Social Insurance in India

1. Important elements in social insurance, its need.
2. Commercial insurance and social insurance
3. Workmen's compensation- scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule
4. Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits
5. Old age, premature death and invalidity insurance or pension insurance, public provident fund.
6. Fire Insurance
7. Social insurance for people like seamen, circus workers and agricultural, workers
8. Public Liability Insurance
9. The scheme
10. Authorities

Learning Outcomes:

Students should become:

1. knowledgeable about fundamentals of Insurance and Insurance legislation in India.
2. insightful into various types of Insurance and related rules and regulations.

SELECT BIBLIOGRAPHY

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6. M.N. Mishra – Law of Insurance – Central Law Agency, Allahabad.

**B.A. LL.B. (HONS.) PART-IV SEMESTER - IX
PAPER – V Moot Court Exercise and Internship**

Course Objectives:

Participation in Moot Court subject will enable students to develop skills in preparing written submissions and in oral advocacy at an advanced level. Central to the learning in this subject is the preparation and participation in national moot court competitions

Note : 1. Three components of 30 marks each (30+30+30) and viva for 10 marks shall be conducted by the department.

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

Learning Outcome :

On successful completion of this course students will have:

- 1. Developed a knowledge and understanding of the basic principles and policies that influence the area of Indian law that is the subject matter of their moot;
- 2. Developed advanced problem solving skills in order to analyze complex fact scenarios in order to identify the relevant legal issues;
- 3. Developed the ability to locate, analyze, evaluate, and synthesis materials so as to be able undertake advanced legal research;

4. Developed the skills of written and oral advocacy;
5. Developed the ability to critically analyse legislation and case law;
6. Developed good inter-personal and communication skills to prepare written and oral presentations both independently and as a member of a team
7. Developed an understanding of the ethical issues and responsibilities that arise in the practice of law.



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Syllabus of B.A. LL.B. Xth Semester

B.A. LL.B. (HONS.) PART-V SEMESTER - X
PAPER – I CIVIL PROCEDURE CODE AND LIMITATION ACT

Course Objectives:

1. The course intends to understand the legislative measures in procedural.
2. The course also helps in understanding the procedures to be followed by the civil courts from the institution of suits till the final disposal.
3. The course tries to understand the computation of limitation period for the institution of suit, appeal and applications along with exclusion.

UNIT-I Introduction

Concepts.

1. Affidavit, order, judgment, decree, plaint, restitution, execution. decree-holder, judgment- debtor, mense profits, written statement.
2. Distinction between decree and judgment and between decree and order

Jurisdiction

1. Kinds
2. Hierarchy of courts
3. Suit of civil nature- scope and limits
4. Res subjudice and resjudicata
5. Foreign judgment - enforcement
6. Place of suing
7. Institution of suit
8. Parties to suit: joinder mis- joinder or non-joinder of parties representative suit
9. Frame of suit: cause of action
10. Alternative disputes resolution (ADR)
11. Summons

Unit-II Pleading

1. Rules of pleading, signing and verification
2. Alternative pleading
3. Construction of pleadings
4. Plaint: particulars
5. Admission, return and rejection
6. Written statement: particulars, rules of Evidence
7. Set off and counter claim: distinction
8. Discovery, inspection and production of documents
9. Interrogatories
10. Privileged documents
11. Affidavits

Unit-III Appearance, Examination, Trial and Suit in particular cases

1. Appearance
2. Ex-parte procedure
3. Summary and attendance of witnesses
4. Trial
5. Adjournments
6. Interim orders: commission. arrest or attachment before judgment, injunction and appointment of receiver.
7. Interests or costs
8. Execution - concept General principles
9. Power for execution of decrees
10. Procedure for execution (section 52-54)
11. Enforcement, arrest and detention (ss 55-56)
12. Attachment (ss 65-64)
13. Sale (ss 65-97)
14. Delivery of property
15. Stay of execution

Suits in Particular Cases -

1. By or against government (ss 79-82).
2. By aliens and by or against foreign rules or ambassadors (ss 83-87-A)
3. Public nuisance (ss. 91-93)
4. Suits by or against firm
5. Mortgage
6. Interpleader suits
7. Suits relating to public charities
8. Indigent (Pauper) suits

UNIT-IV Appeals, Review, Reference and Revision

1. Appeals from decree and order general provisions relating to appeal
2. Transfer of cases
3. Restitution
4. Caveat
5. Inherent powers of courts
6. Law Reform : Law Commission on Civil Procedure - Amendments

Unit-V Limitation

1. The concept- the law assists the vigilant and not those who sleep over the rights.
2. object of the law of Limitation
3. Distinction with laches, acquiescence, prescription.
4. Extension and suspension of limitation

5. Sufficient cause for not filing the proceedings.
6. Illness.
7. Mistaken legal advise.
8. Mistaken view of law.
9. Poverty, minority and purdha.
10. Imprisonment
11. Defective vakalatnama
12. Legal liabilities
13. Acknowledgement- essential requisites
14. Continuing tort and continuing breach of contract
15. Foreign rule of limitation : contract entered into under a foreign law

Learning Outcomes:

At the end of this course you will be able to:

1. Understand how civil procedure relates to the substantive civil law.
2. Understand the purpose of pleading.
3. Explain the function and contents of a complaint and an answer

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7. Universal's Code of Civil Procedure (2000).

B.A. LL.B. (HONS.) PART-V SEMESTER - X
PAPER II PROBATION AND PAROLE

Course Objectives:

1. The basic objective behind offering this course is to give scholars basic and conceptual knowledge about crime, punishment, probation and parole.

UNIT-I Criminology

1. The concept of Crime
2. Nature and scope of criminology
3. Schools of criminology
4. Causation of Crime (Etiology)

UNIT- II Nature of Punishment

1. Theories of punishments- deterrent, preventive, retributive, reformatory and expiatory theory
2. Kinds of punishment and judicial sentencing
3. Capital punishment
4. The police system
5. Criminal laws Courts protection to the accused
6. Strict construction of penal statutes
7. Penal law not to be retrospective in operation

UNIT-III Organised Crime

1. Definition Main characteristics of organized crime.
2. Organised Predatory Crime
3. Crime Syndicate
4. Criminal Rackets
5. Political grafts

Unit-IV Probation

1. Application of probation – utility and misconception
2. Conditions of Probation
3. Probation of offenders Act 1958
4. Power of Court to release certain offenders after admonition
5. Power of Court to release certain offenders on probation of good conduct
6. Power of Court to require released offenders to pay compensation and costs.
7. Restrictions on imprisonment of offenders under twenty-one years of age.

8. Report of probation officer to be confidential
9. Variation of conditions of probation
10. Procedure in case of offender failing to observe conditions of bond
11. Provisions as to Sureties

Unit-V Parole

1. The concept of Parole and object of parole
2. Parole and Probation Compared
3. Parole Distinguished from Furlough
4. Parole in India
5. Structural set up of Parole Boards and their functions
6. Conditions of Parole
7. Judicial Trend
8. Parole Violation

Learning Outcomes:

Students should become:

1. knowledgeable about legal provisions concerning crime, punishment, probation and parole.
2. Able to relate the various aspects of crime, punishment, probation and parole.

fundamentals of corporate finance and law governing corporate finance in India.

2. insightful into various dimensions of corporate finance including various modes of corporate finance, their suitability and related rules and norms.
3. knowledgeable about rules and guidelines relating to protection of creditors and investors in India.

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1. Katherine S. Williams, Text Book on Criminology (1997) Blackstone, London.
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7. Probation of offenders Act. 1958

**B.A. LL.B. (HONS.) PART-V SEMESTER - X
PAPER – III WOMEN AND CRIMINAL LAW**

Course Objectives:

This course is designed to acquaint students with the comparative analysis of the laws operative in India relating to women with regard to the Constitution of India and International conventions

UNIT-I Introduction

1. Crimes against women
2. Nature and kinds
3. International commitments.

UNIT-II Major Hardships to woman and Indian laws

1. Rape, sexual harassment of working women in workplace
2. Indecent representation of women-meaning, protection under Indian laws.

UNIT-III Particular and General offences

1. Dowry death
2. Assault
3. Unnatural offences – National protections.

UNIT-IV Special offending act

1. Immoral trafficking
2. female foeticide
3. kidnapping and abduction – National protections.

UNIT-V Cruelty and violence

1. Cruelty and domestic violence against women - National protections.

Learning Outcomes:

On completion of the course the students will be able to: Understand the discrimination laid down as per the principle of equality among equals

SELECTED BIBLIOGRAPHY -

1. Indian Penal Code- Ralanlal Dhirajlal-Wadhwa
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3. Domestic Violence Act, 2005 – Dr. Preeti Mishra
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6. Lawyers collective – Law relating to sexual harassment at work place- Universal Delhi.
7. Krishna Pal Malik – Women & Law – Allahabad Law Agency
8. Manjula Batra – Women and Law - Allahabad Law Agency.

B.A. LL.B. (HONS.) PART-V SEMESTER - X
PAPER – IV INFORMATION TECHNOLOGY LAW

Course Objectives:

The objectives of this programme are to:

1. Enable learners to understand, explore, and acquire a critical understanding of Cyber Law;
2. Develop competencies for dealing with frauds and deceptions (confidence tricks, scams) and other cyber crimes for example, child pornography etc. That are taking place via the Internet;
3. Make learners conversant with the social and intellectual property issues emerging from 'Cyberspace'.

UNIT-I Introduction

1. Concept and Definition – Computer, Digital Signature, Key Pair, Subscriber, Verification
2. Globalisation and ECommerce – U.S./U.K.
3. I.T. Act 2000 – Aim and object, E-mail, Torts & contract on Internet, Offences and Cyber Crimes, Stalking, Hacking, tempering, Junk Spaming – publication of obscene material, offences of computer, worms & virus Defamation and internet
4. Loop holes in I.T. Act.

UNIT-II Adjudication and penalties

1. Powers of Police Officers
2. The Cyber Regulations Appellate Tribunal
3. Appeal to High Court
4. Compounding of contravention and Recovery of penalty

UNIT-III Protection of Consumers and Victims

1. Protection of consumer & unfair Terms
2. Protection of person when person is not consumer
3. Proposed Amendments
4. R.B.I. Guideline for A.T.M. Transactions

UNIT-IV International sphere of Global Regime

1. Civil Jurisdictions
2. Minimum contact Doctrine in U.S.A.
3. E mail on Internet
4. Danger for computer software failure

UNIT-V Right of Privacy (on Internet) Media Law

1. Right to Privacy – Breach of (Defamation, Trespass, Nuisance)
2. Breaching confidence and harassment
3. Privacy on Internet
4. Real Victims of Virtual Crime

Learning Outcomes:

On completion of the course the students will be able to:

1. Explore the legal and policy developments in various countries to regulate Cyberspace;
2. Develop the understanding of relationship between commerce and cyberspace; and
3. Give learners in depth knowledge of Information Technology Act and legal frame work of Right to Privacy, Data Security and Data Protection.

SELECT BIBLIOGRAPHY

1. I.T. Tech. Law : Gupta & Agrawal – Premier Publication, Allahabad

B.A. LL.B. (HONS.) PART-V SEMESTER - X
PAPER- V DRAFTING, PLEADING AND CONVEYANCE

Course Objectives:

By the art of legal drafting (also commonly called the legal composition) we mean the art of composing or writing all documents which are either expressly intended to be, or which frequently become the subject of legal interpretation. It is concerned chiefly therefore, although not exclusively, with the documents which declare or regulate rights. This at once distinguishes the art of legal composition from the art of ordinary composition or literature, which deals not with rights but with thoughts or facts.

- Note: 1. This paper shall have Diary of 90 (45+45) marks and viva- voce of 10 marks.
2. (a) Drafting : General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings :-
- (i) Civil : Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India.
 - (ii) Criminal : Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
 - (iii) Conveyance : Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed
 - (iv) Drafting of writ petition and PIL petition

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

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

Learning Outcomes:

When students reach the legal practice course they should have developed a general critical approach to the new law and to problem solving. The students would be able to present substantive law in the context of pleadings and conveyancing and to show how those transactions are influenced by the legal considerations. A well drafted document instantly attracts the attention of the court

Select Bibliography

1. R.N. Chaturvedi : Pleading, Drafting and Conveyancing,
2. Manohar Murli : The art of Conveyancing and Pleading.

SYLLABUS OF LL.M.

I SEMESTER



SCHOOL OF LAW

DEVI AHILYA VISHWAVIDYALAYA, INDORE

Semester-I
List of Subjects

- Paper - I : Law and Social Transformation in India.
- Paper - II : Indian Constitutional – The New Challenges
- Paper – III : Law of Industrial and Intellectual Property
- Paper - IV : Law of Insurance

Comprehensive Viva-Voce

Paper-I

LAW AND SOCIAL TRANSFORMATION IN INDIA.

Objectives of the course

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

The following syllabus prepared with this perspectives will be spread over a period of one semester.

Learning Outcomes

After going through this course student shall be able to understand the Definition of Law, social change and social engineering. It also explain relationship of law with society and provides understanding to the students that how law effects social change with various examples. It also gives understanding to the students that how social change molds the law. This course enables the students about theory of social engineering as propounded by R Pound. And also provides various forms of social Change.

Syllabus

1. Law and social change

- 1.1 Law as an instrument of social change.
- 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the law

- 2.1 Religion as a divisive factor
- 2.2 Secularism as a solution to the problem
- 2.3 Reform of The Law on secular lines : Problems
- 2.4 Freedom of religion and non-discrimination on the basis of religion
- 2.5 Religious minorities and the law

3. Language and the law

- 3.1 Language as a divisive factor: formation of linguistic states
- 3.2 Constitutional guarantees to linguistic minorities
- 3.3 Language policy and the Constitution: Official language; multi-language system
- 3.4 Non-discrimination on the ground of language.

4. Community and the law

- 4.1. Caste as a divisive factor
- 4.2 Non-discrimination on the ground of caste
- 4.3 Acceptance of caste as a factor to undo past injustices
- 4.4 Protective discrimination: Scheduled castes, tribes and backward classes
- 4.5 Reservation Statutory Commissions, Statutory provisions.

5. Regionalism and the law

- 5.1 Regionalism as a divisive factor.
- 5.2 Concept of India as one unit.
- 5.3 Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4 Equality in matters of employment: the slogan “Sons of the soil” and its practice.
- 5.5 Admission to educational institutions: preference to residents of a state.

6. Women and the law

- 6.1 Crimes against women.
- 6.2 Gender injustice and its various forms.
- 6.3 Women's Commission.
- 6.4 Empowerment of women: Constitutional and other legal provisions.

7. Children and the Law

- 7.1 Child labour
- 7.2 Sexual exploitation.
- 7.3 Adoption and related problems.
- 7.4 Children and education

8. Modernisation and the law

- 8.1 Modernisation as a value: Constitutional perspectives reflected in the fundamental duties
- 8.2 Modernisation of social institutions through law.
 - 8.2.1 Reform of family law
 - 8.2.2 Agrarian reform - Industrialisation of agriculture
 - 8.2.3. Industrial reform: Free enterprise V. State regulation
Industrialisation V. environmental protection.
- 8.3 Reform of court processes.
 - 8.3.1 Criminal Law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2 Civil law: (ADA) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3 Prison reforms

8.4 Democratic decentralisation and local self-government

9. Alternative approaches to law

9.1 The jurisprudence of Sarvodaya Garidhiji, Vinoba Bhave, Jayaprakash Narayan Surrender of dacoit; concept of grama nyayalayas.

9.2 Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.

9.3 Indian Marxist critique of law and justice.

9.4 Naxalite movement: causes and cure.

Select Bibliography

Marc Galanter (ed) Law and Society in Modern India (1997) Oxford.

Robert Lingat, The Classical Law of India (1998) Oxford.

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U. Baxi (ed.), Law and Poverty Critical Essays (198). Tripathi, Bombay.

Manushi, A Journal About Women and Society.

Duncan Derret, -The State, Religion and Law in India (1999). Oxford University Press, New Delhi.

H. M. Seervaj, Constitutional Law of India (1996), Tripathi.

D.D. Basu Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd, New Delhi.

Sunil Deshta and Kiran Deshta, Law and Menace of child Labour (2000) Armol Publications, Delhi

Savitri Gunasekhare, Children, Law and Justice (1997), Sage.

Indian Law institute, Law and Social Change: Indo-American Reflections, Tripathi (1988).

J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of information and Broadcasting, Government of India.

M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi. Bombay.

Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999). Oxford.

PAPER - II
INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

Objectives of the Course

The Constitution a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law & LL.S level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation Obviously, rubrics under this paper require modification and updating from time to time.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Learning outcome:

- 1) To make students aware of the nature of the Indian Constitution and provides students an insight towards new challenges.
- 2) To understand that Indian Constitution possesses the characteristics of federal government.
- 3) To understand the different aspects of relationship between the centre and states in various matters.

Syllabus

(1) Federalism

1.1 Creation of new states

- 1.2 Allocation and share of resources - distribution of grants in aid
 - 1.2.1 The inter-state disputes on resources
 - 1.3 Rehabilitation, of internally displaced persons.
 - 1.4 Centre's responsibility and internal disturbance within States.
 - 1.5 Directions of the Centre to the State under Article 356 and 365
 - 1.6 Federal Comity: Relationship of trust and faith between Centre and State.
 - 1.7 Special status of certain States.
 - 1.7.1 Tribal Areas, Scheduled Areas
- 2. "State": Need for widening the definition in the wake of liberalisation.**
 - 3. Right to equality: privatisation and its impact on affirmative action.**
 - 4. Empowerment of women.**
 - 5. Freedom of press and challenges of New scientific development.**
 - 5.1 Freedom of speech and right to broadcast and telecast.
 - 5.2 Right to strikes, hartal and bandh.
 - 6. Emerging regime of new rights and remedies**
 - 6.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1 Compensation jurisprudence
 - 6.1.2 Right to education
 - 6.1.2.1 Commercialisation of education and its impact..
 - 6.1.2.2 Brain drain by foreign education market.
 - 7. Right of minorities to establish and administer educational institutions and state control.**
 - 8. Secularism and religious fanaticism.**
 - 9. Separation of powers: stresses and strain**

- 9.1 Judicial activism and judicial restraint.
- 9.2 PIL: implementation.
- 9.3 Judicial independence.
- 9.3.1 Appointment, transfer and removal of judges.
- 9.4. Accountability: executive and judiciary.
- 9.5. Tribunals

10. Democratic process

- 10.1 Nexus of politics with criminals and the business.
- 10.2 Election
- 10.3 Election commission: status.
- 10.4 Electoral Reforms
- 10.5 Coalition government, ‘stability, durability, corrupt practice’
- 10.6. Grass root democracy

Select bibliography

No specific bibliography is suggested for this course since the course - materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

GROUP C: BUSINESS LAW

C 018 LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Objectives of the course

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasised in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement, and human right dimensions of the regime of intellectual property law will also be addressed.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Learning Outcome:

At the end of the course a student should have good knowledge and understanding of

1. The evolution and development of intellectual property system in india
2. The course is an overview of the basic nature and concept of IP and its role in economy, the various kinds of IP and when they are protectable under law, the debates and discussions that are on-going in field of IPR.

Syllabus

1. IPR and International Perspectives
2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)
3. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property
 - 3.1 United Nations approaches (UNCTAD, UNCITRAL)
 - 3.2 EEC approaches
 - 3.3 Position in U.S.
 - 3.4 The Indian situation.
4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.
5. Biotechnology Patents:
 - 5.1 Nature and types of biotechnology patents
 - 5.2 Patent over new forms of life : TRIPS obligations
 - 5.3 Plant patenting
 - 5.4 Sui generis protection for plant varieties
 - 5.5 Multinational ownership
 - 5.6 Regulation of environment and health hazards in biotechnology patents
 - 5.7 Indian policy and position.
6. Patent Search, Examination and Records:
 - 6.1 International and global patent information retrieval systems (European Patent Treaty).
 - 6.2 Patent Co-operation Treaty(PCT.)
 - 6.3 Differences in resources for patent examination between developed and developing societies
 - 6.4 The Indian situation
7. Special Problems of Proof of Infringement:

- 7.1 Status of intellectual property in transit - TRIPS obligation - Indian position.
- 7.2 The evidentiary problems in action of passing off.
- 7.3 The proof of non-anticipation, novelty of inventions protected by patent law
- 7.4 Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent
- 7.5 Need and Scope of Law Reforms.
- 8. Intellectual Property and Human Right
 - 8.1 Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet -WCT (WIPO Copyright Treaty, 1996).
 - 8.2 Legal status of hazardous research protected by the regime of intellectual properties
 - 8.3 Human right of the impoverished masses intellectual property protection of new products for healthcare and food security
 - 8.4 Traditional knowledge-protection-biodiversity convention-right of indigenous people.

Select bibliography

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

Terenee P. Stewart (ed.), The GATT Uruguay Round. A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer

Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.

David Bainbridge, Software Copyright Law (1999), Butterworths

Sookman, Computer Law (1998), Carswell

Carlos M. Correa (ed.), Intellectual Property and International Trade (1998),
Kluwer

Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell

Christopher Wadlow, The Law of Passing-Of (1998), Sweet and Maxwell

W.R. Cornish, Intellectual Property Law (1999), Sweet and -Maxwell

C 022 INSURANCE LAW

Objectives of the course

As early as in 1601 one finds an excellent exposition of the insurance idea expressed in these words of an Act of British Parliament “the loss lighteth rather easily, upon many than heavily upon few”. The insured person transfer from his own shoulders to the insurers; who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some of the losses, they insure against will in fact occur within any given period. They calculate, therefore, that they will be left with a profit. The insurer, on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, shipwreck, will not cause him to lose his investment.

The insurance idea is an old-institution of transactional trade. The age old form of Insurance was the marine insurance. There is nothing like disaster to set men’s minds to work. Consequently, In due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, live stock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

The operational framework of Insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a

compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, it not totally displace, decrease the significance of the law of tort.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of “just” order in insurance and to develop the appreciate and evaluative faculties of the students.

The following syllabus prepared with the above perspective will be spread over a period of one semester

Learning outcome:

At the end of the course student have knowledge and understanding of the laws which form the background to the operation of insurance, the system within which these laws operate and the ability to apply knowledge and skills to simple situations relating to insurance. student should be able to:

1. Understand basic legal concepts and general principles of law;
2. Gain knowledge and understanding of the laws relevant to insurance;
3. Gain knowledge and understanding of the system which applies these laws;
4. Develop an analytical approach to the application of knowledge and skills to simple problems relating to insurance.

Syllabus

1. Introduction

- 1.1 Nature of insurance contract, various kinds of insurance, proposal, policy, parties consideration, need for utmost good faith, insurable interest, indemnity
- 1.2 Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance

1.3 Constitutional perspectives- the Entries 24,25,29,30,47 of List 1
Union List: 23, 24. of List III

2. General Principles of Law of Insurance

2.1 Definition, nature and history

2.2 The risk - commencement, attachment and duration

2.3 Assignment and allsration

2.4 Settlement of claim and subrogation

2.5 Effect of war upon policies

3. Indian Insurance Law: General

3.1 History and development

3.2 The Insurance Act 1938 and the insurance Regulatory Authority Act
2000

3.3 Mutual insurance companies and cooperative life insurance societies

3.4 Double Insurance and re-insurance

4. Life Insurance

4.1 Nature and scope

4.2 Event insured against life insurance contract

4.3 Circumstances affecting Inc risk

4.4 Amounts recoverable under life policy

4.5 Persons entitled to payment

4.6 Settlement of claim and payment of money

5. Marine Insurance

5.1 Nature and Scope

5.2 Classification of marine policies

5.2.1 The Marine Insurance Act, 1963

5.2.2 Marine insurance

5.2.3 Insurable interest, insurable value

5.2.4 Marine insurance policy – condition -express warrantles construction
of terms of policy

5.2.5 Voyage-deviation

- 5.2.6 Perils of the sea
- 5.2.7 Assignment of policy
- 5.2.8 Partial laws of ship and of freight, salvage, general average, particular charges
- 5.2.9 Return of premium

6. Insurance Against Accidents

- 6.1 The Fatal Accidents Act, 1855
 - 6.1.1 Objects and reasons
 - 6.1.2 Assessment of compensation
 - 6.1.3 Contributory negligence
 - 6.1.4 Apportionment of compensation and liability
- 6.2 The Personal Injuries (Compensation insurance) Act 1963
 - 6.2.1 Compensation payable under the Act
 - 6.2.2 Compensation insurance scheme under the Act-Compulsory insurance

7. Property Insurance

- 7.1 Fire insurance
- 7.2 The Emergency Risks (Factories) Insurance
- 7.3 The Emergency Risks (Goods) Insurance
- 7.4 Policies covering risk of explosion
- 7.5 Policies covering accidental loss, damage to property
- 7.6 Policies covering risk of storm and tempest
- 7.7 Glass-plate policies
- 7.6 Burglary and theft policies
- 7.9 Live stock policies
- 7.10 Goods in transit insurance
- 7.11 Agricultural insurance

8. Insurance Against Third Party Risks

- 8.1 The Motor Vehicles Act, 1988
 - 8.1.1 Nature and scope

8.1.2 Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance

8.1.3 Claims tribunal: constitution, functions, application for compensation, procedure, powers and award

8.2 Liability Insurance

8.2.1 Nature and kinds of such insurance

8.2.2 Public liability insurance

8.2.3 Professional negligence insurance

9. Miscellaneous Insurance Schemes: New Dimensions

9.1 Group life insurance

9.2 Mediclaim, sickness insurance

Select Bibliography

John Hanson and Christopher Henly, All Risks Property Insurance (1999). LLP Asia, Hongkong.

Peter Mac Donald Eggers and Patricia Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong

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Edwin W. Patterson, Cases and Materials on Law of insurance (1955).

M. N. Sreenivasan Law and the Life Insurance Contract (1914).

**SYLLABUS OF LL.M.
II SEMESTER
(INSURANCE LAW)**



**SCHOOL OF LAW
DEVI AHILYA VISHWAVIDYALAYA, INDORE**

SEMESTER-II

Paper - I Judicial Process

OPTIONAL PAPERS

Paper - II Law of Export Import Regulation

Paper – III Banking Law

Paper – IV Practical Examination

Comprehensive Viva Voce

Paper – I
JUDICIAL PROCESS

Objective of the course

A Lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on judicial Process is essential in the LLM. curriculum. The objective of this paper to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways of attaining justice.

The following syllabus prepared with the above perspective will spread over a period of one semester.

LEARNING OUTCOMES :

On completion of this course, students will be able to describe legal theory from various perspectives or points of view, such as legal positivism, natural law, sociological jurisprudence and also gain to utilize a variety of perspectives on legal theory to analyze issues and problems of criminal and civil justice in history and contemporary society. critically review and

analyze law and its operation in a heterogeneous liberal democracy with a focus on issues of diversity or equity, such as race, class/labor, gender. Also understand to integrate and synthesize knowledge of law and legal process with diverse and even conflicting perspectives on law to address problems in contemporary society.

Syllabus

1. Nature of judicial process

- 1.1 Judicial process as an instrument of social ordering.
- 1.2 Judicial process and creativity in law common law model. Legal Reasoning and growth of law change and stability.
- 1.3 The tools and techniques of judicial creativity and precedent.
- 1.4 Legal development and creativity through legal reasoning under statutory and codified systems.

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

- 2.1 Notions of Judicial review.
- 2.2 'Role' in constitutional adjudication-various theories of judicial role.
- 2.3 Tools and techniques in policy making and creativity in constitutional adjudications..
- 2.4 Varieties of judicial and juristic activism.
- 2.5 Problems of accountability and judicial law making

3. Judicial Process in India,

- 3.1 Indian debate on the role of judges and on the notion of judicial review.
- 3.2 The “independence’ of judiciary and the “political” nature of judicial process.
- 3.3 Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity.
- 3.4 Judicial process in pursuit of constitutional goals and values- new dimensions of judicial activism and structural challenges.
- 3.5 Institutional liability of courts and judicial activism-scope and limits.

4. The Concepts of Justice

- 4.1 The concept of justice or Dharma in Indian thought
- 4.2 Dharma as the foundation of legal ordering in Indian thought
- 4.3 The concept and various theories of justice in the western thought.
- 4.4 Various theoretical bases of justice The liberal utilitarian tradition, the liberal utilitarian tradition and the liberal moral tradition

5. Relation between Law and Justice

- 5.1 Equivalence Theories-Justice as nothing more than the positive law of the stronger class.
- 5.2 Dependency theories-For its realisation justice depends on law, but justice is not the same as law.
- 5.3 The independence of justice theories-means to end relationship of law and justice the relationship in the context of the Indian constitutional ordering.

5.4 Analysis of selected cases of the Supreme Court where the Judicial process can be seen as influenced by theories of justice.

Select Bibliography

1. Julius Stone, *The Province and function of law! Part II, Chs. 1.8.16* (2000), Universal, New Delhi.
2. Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi.
3. Henry J. Abraham, *The Judicial Process* (1998), Oxford.
4. J. Stone, *Precedent and the law : Dynamic of common Law Growth.* (1985) Butterworths.
5. W. Friedman, *Legal Theory* (1960), Stevens London.
6. Bodenheimer, *Jurisprudence- the Philosophy and Method of the Law* (1997), Universal; Delhi.
7. J. Stone, *Legal System and Lawyers Reasoning* (1999), Universal, Delhi.
8. U. Baxi *The Indian Supreme Court and Politics* (1980) Eastern, Lucknow.
9. Rajeev Dhavan, *The Supreme Court of India-Legal Critique of its juristic-Techniques* (1977), Tripathi, Bombay.
10. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
11. Edward H. Levi, *An introduction to legal Reasoning* (1970), University of Chicago.

C 020 LAW OF EXPORT IMPORT REGULATION

Objectives of the course

After independence India has embarked upon all round efforts to modernise her economy through developmental ventures. Greater and greater emphasis is placed on Increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. The process of modernisation necessitated the adoption of newer technologies for industries and agriculture. These technologies had to be borrowed from other developed countries, This, in turn, needed foreign exchange which could be earned by the Increased exports of goods and raw materials from India.

The need for accelerating the export trade of India's developing economy can hardly be over emphasised. Export earnings enable a developing county to finance Its massive requirements of growth, to maintain its essential imports and thereby stimulate the process of its economic developments. In the words of Prof. V.K. R.V. Rao: "In fact, expansion of exports may well be described as an integral pad of the development process, neglect of which can only be at the peril of development itself".

Increasing exports have been necessitated to meet the growing needs of defence. India is a country rich in natural resources. One of the approaches

to combat its economic backwardness could be in large-scale production and in maximization of its exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and Import control policy is also closely connected with country's balance of payment position.

The detailed procedures for imports and exports are provided in the Hand Book. The Union Government used to declare its import and export policy for a three year period. At present they declare the policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation Act, 1992.

This course is designed to acquaint the students about the parameters of legal controls on imports and exports.

Learning outcome:

After completion of this course students will be able to understand and to train them in export management including Trading Houses, Export Department of Companies, Development Authorities & Commodity Boards, Marine Insurance Companies, Export Processing Zones, Export Promotion Councils and Export Oriented Units etc. The course also equip students in Export-Import Management and to give students an advanced training in handling any trend, strategy or situation in the current scenario of national

and international trade. The students prepares themselves to make a successful career in different departments of trade management.

This particular course impart knowledge in the area of international trade and business, their employability in the filed of export-import sector/ international trade.

Syllabus

1. Introduction

- 1.1. State control over import and export of goods - from rigidity liberalisation.
- 1.2. Impact of regulation on economy.

2. The Basic Needs of Export and Import Trade

- 2.1 Goods
- 2.2 Services
- 2.3. Transportation

3. International Regime

- 3.1 WTO agreement
- 3.2 WTO arid tariff restrictions
- 3.3 WTO and non-tariff restrictions
- 3.4 Investment and transfer of technology
- 3.5 Quota restriction and anti-dumping
- 3.6 Permissible regulations
- 3.7 Quarantine regulation
- 3.8 Dumping of discarded technology and goods in international market
- 3.9 Reduction of subsidies arid counter measures.

4 General Law on Control of imports and Exports

- 4.1 General scheme
- 4.2 Legislative control
 - 4.2.1 Power of control Central government and RBI
 - 4.2.2 Foreign Trade Development and Regulation Act 1992
 - 4.2.3 Restrictions under customs law
 - 4.2.3.1 Prohibition and penalties
- 4.3 Export-import formulation: guiding features
 - 4.3.1 Control under FEMA
 - 4.3.2 Foreign exchange and currency
 - 4.3.2.1 Import of goods
 - 4.3.2.2 Export promotion councils
 - 4.3.2.3 Export oriented units and export processing zones

5. Control of Exports

- 5.1 Quality control
- 5.2 Regulation on goods
- 5.3 Conservation of foreign exchange
 - 5.3.1 Foreign exchange management
 - 5.3.2 Currency transfer
 - 5.3.3 Investment in foreign countries

6. Exim Policy: Changing Dimensions

- 6.1 Investment policy NRIs, FIIs (foreign institutional investors), FDIs
- 6.2 Joint venture
- 6.3 Promotion of foreign trade
- 6.4 Agricultural products
- 6.5 Textile and cloths
- 6.6 Jewellery
- 6.7 Service Sector

7. Law Relating Customs

- 7.1 Prohibition importation and exportation of goods
- 7.2 Control of smuggling activities in export-import trade
- 7.3 Levy of, and exemption from, customs duties
- 7.4 Clearance of imported goods and export goods
- 7.5 Conveyance and warehousing of goods

8. Regulation on Investment

- 8.1 Borrowing and lending of money and foreign currency
- 8.2 Securities abroad- issue of
- 8.3 Immovable property - purchase abroad
- 8.4 Establishment of business outside
- 8.5 Issue of derivatives and foreign securities - GDR(global depositories receipts), ADR (American depository receipts) and Uro
- 8.6 Investment in Indian banks
- 8.7 Repatriation and surrender of foreign securities

9. Technology transfer .

- 9.1 Restrictive terms in technology transfer agreements
- 9.2 Automatic approval schemes

Select bibliography

Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)

Government of India Import and Export Policy (1997 -2002)

The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi.

Foreign Trade Development and Regulation Act 1992 and Rules

Foreign Exchange Management Act 1999.

Marine Products Export Development Authority Act 1972

Customs Manual (Latest edition).

Final Treaty of GATT, 1994

C 021 BANKING LAW

Objectives of the course

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered into the field of wide ranging financial assistance to Industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalisation of banks.

The conventional banking system, found to be deficient for planned developmental purposes, paved the way for developmental banking. The fag end of the last millennium witnesses inflax of foreign banking companies into India arid a shift In the banking policy as part of the global phenomenon of liberalisation. The legal system is adopting itself into the now mores.

This course is designed to acquaint the students with the conceptual operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.

The course will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Learning Objectives:

By the end of the course student will be Conversant with banking law's historic development and how it shaped today's bank regulatory regime. Student will be able to navigate the various overlapping legal and regulatory regimes applying to banks and bank holding companies. It provides Knowledge about the powers and functions of RBI .

Syllabus

1. Introduction

- 1.1 Nature and development of banking
- 1.2 History of banking in India and elsewhere-indigenous banking-evolution of banking in India - different kinds of banks and their functions.
- 1.3 Multi-functional banks - growth and legal issues.

2. Law Relating to banking Companies in India

- 2.1 Controls by government and its agencies.
 - 2.1.1 On management
 - 2.1.2 On accounts and audit
 - 2.1.3 Lending
 - 2.1.4 Credit policy
 - 2.1.5 Reconstruction and reorganisation
 - 2.1.6 Suspension and winding up
- 2.2 Contract between banker and customer: their rights and duties

3. Social Control over Banking

- 3.1 Nationalization
- 3.2. Evaluation: private ownership, nationalization and disinvestment

- 3.3 Protection of depositors
- 3.4 Priority tendering
- 3.5 Promotion of under privileged classes

4. Deposit Insurance

- 4.1 The Deposit Insurance Corporation Act 1961: objects and reasons
 - 4.1.2 Establishment of Capital of DIC
 - 4.1.3 Registration of banking companies insured banks, liability of DIC to depositors
 - 4.1.4 Relations between insured banks, DIC and Reserve Bank of India

5. The Central Bank

- 5.1 Evolution of Central Bank
- 5.2 Characteristics and functions
- 5.3 Economic and social Objectives
- 5.4 The Central Bank and the State – as bankers' bank
- 5.5 The Reserve Bank of India as the Central Bank
 - 5.5.1 Organisational structure
- 5.6 Functions of the RBI
 - 5.6.1 Regulation of monetary mechanism of the economy.
 - 5.6.1.1 Credit control
 - 5.6.1.2 Exchange control
 - 5.6.1.3 Monopoly of currency issue
 - 5.6.1.4 Bank rate policy formulation
- 5.7 Control of RBI over non-banking companies
 - 5.7.1 Financial companies
 - 5.7.2 Non-financial companies

6. Relationship of Banker and Customer

- 6.1 Legal character
- 6.2 Contract between banker and customer
- 6.3 Banker's lien
- 6.4 Protection of bankers
- 6.5 Customers
 - 6.5.1 Nature and type of accounts
 - 6.5.2 Special classes of customers – lunatics, minor, partnership, corporations, local authorities
- 6.6 Banking duty to customers
- 6.7 Consumer protection: banking as service

7. Negotiable Instruments

- 7.1 Meaning and kinds
- 7.2 Transfer and negotiations
- 7.3 Holder and holder in due course
- 7.4 Presentment and payment
- 7.5 Liabilities of parties

8. Lending by Banks

- 8.1 Good lending principles
 - 8.1.1 Lending to poor masses
- 8.2 Securities for advances
 - 8.2.1 Kinds and their merits and demerits
- 8.3 Repayment of loans : rate of interest, protection against penalty
- 8.4 Default and recovery
 - 8.4.1 Debt recovery tribunal

9. Recent Trends of Banking System in India

- 9.1 New Technology

- 9.2 Information technology
- 9.3 Automation and legal aspects
- 9.4 Automatic teller machine and use of Internet
- 9.5 Smart card
- 9.6 Use of expert system
- 9.7 Credit cards

10. Reforms in Indian Banking Law

10.1. Recommendations of committee: a review

Select bibliography

- Basu, A. Review of Current Banking Theory and Practise (1998) Mac millan
- M. Hapgood (ed.), Paget's Law of Banking (1989) Butterworths, London.
- R. Goode, Commercial Law (1995) Penguin, London.
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- L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
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- V. Conti and Hamaji (eds.), Financial Markets' Liberalization and the Role of Banks', Cambridge University Press, Cambridge, (1993).
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- C. Goodhart, The Central Bank and the Financial System (1995) Macmillan, London.
- S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London

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Subodh Markandeya and Chitra Markandeya, Law Relating to Foreign Trade in India: Being a Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.

R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.

M.A. Mir. The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New Delhi.

Anthony Pierce, Demand Guarantees in International Trade (1993) Sweet & Maxwell,

Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP, London.

Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University Book Agency, Allahabad.

R.K. Talwar, Report of Working Group on Customer Service in Banks. Janakiraman Committee Report on Securities Operation of Banks and Financial institution (1993)

Narasimham committee report on the financial System (1991)- Second Report (1999).

Paper-II

Practical Examination:

The practical examination shall be held at the end of the Third Semester on Research Methodology w leaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law They can formulate their own models of assessment. However. for making the practical examination objective and meaningful, the following guidelines shall be adhered to.

Learning outcome:

At the completion of the course, the scholars are expected to:

1. Have fundamental knowledge of doctrinal and non-doctrinal research.
2. Develop the ability of framing the research methodology for conducting doctrinal and non-doctrinal research in Law Discipline.
3. Be knowledgeable about the tools applicable for collecting the required information and data and their analysis.
4. Generate the fundamental awareness about legal aid and equip them with teaching techniques in law.

1. Research Methodology:

- (i) Doctrinal research (25 marks)

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can he set apart for carrying out this assignment in the library. The materials indicated or collected

or during assignment shall be evaluated by a group of faculty members.

(ii) Non-doctrinal research (25 marks)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through and model of data collection. The results are to be assessed by a team of faculty members.

2. Clinical work (25 marks)

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organisation, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by the faculty.

3. Law Teaching (25 marks)

A Topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LLB. students. They can select any of the methods of teaching. In legal education practical, the LL.M. students are evaluated internally.

**\ SYLLABUS OF LL.M.
III SEMESTER**



**SCHOOL OF LAW
DEVI AHILYA VISHWAVIDYALAYA, INDORE**

Semester – III

List of Subject

Paper – I	Legal Education and Research Methodology
Paper – II	Corporate Finance
Paper – III	Legal Regulation of Economic Enterprises
	Comprehensive Viva-Voce

PAPER I

LEGAL EDUCATION AND RESEARCH METHODOLOGY

Objectives of the course

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner

Learning Outcome:

At the end of the course student should have a desire to search or to find out or to explore an unknown area in order to find an answer. It is a quest for acquiring knowledge. Research is a careful investigation or inquiry especially through search for new facts in any branch of knowledge. Legal Research imparts knowledge about research in law which deals with the principles of law and legal institutions. Students learn to discover new facts or to verify the existing facts, to propound a new legal concept or to analyse existing law and give suggestions for a new law. In order to carry out a research to completion successfully a researcher must be aware of the research methods i.e. the method of doing research. A research method is a systematised investigation to gain new knowledge about the phenomena or problems. It is the technique of conducting research and study of the technique of doing research is research methodology. In a broader sense the research methodology includes the research methods as well as the philosophy and practice of the whole research process. A good research method is crucial for conducting proper research and getting useful results. This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times. It aims to provide an understanding of the various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.

Syllabus

1. Objectives of legal Education

1.2 Lecture Method of Teaching - Merits and demerits

1.3 The Problem Method

- 1.4 Discussion method and its suitability at postgraduate level teaching
- 1.5 The Seminar Method of teaching.
- 1.6 Examination system and problems in evaluation-external and internal assessment.
- 1.7 Student participation in law school programmes-Organisation of Seminars, publication of journal and assessment of teachers.
- 1.8 Clinical legal education - legal aid, legal literacy, legal survey and law reform.

2. Research Methods

- 2.1 Socio Legal Research
- 2.2 Doctrinal and non doctrinal
- 2.3 Relevance of empirical research
- 2.4 Induction and deduction

3. Identification of Problem of research

- 3.1 What is a research problem?
- 3.2 Survey of available literature and bibliographical research.
- 3.3 Legislative materials including subordinate legislation, notification and policy statements.
- 3.4 Decisional materials including foreign decisions; method of discovering the “rule of the case’ tracing the history of important cases and ensuring that these have not been overruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
- 3.5 Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

3.6 Compilation of list of reports or special studies conducted relevant to the problem.

4. Preparation of the Research Design

4.1 Formulation of the Research problem

4.2 Devising tools and techniques for collection of data

Methodology

4.3 Methods for the collection of statutory and case materials and juristic literature

4.4 Use of historical and comparative research materials.

4.5 Use of observation studies

4.6 Use of questionnaires/interview

4.7 Use of case studies.

4.8 Sampling procedures - design of sample, types of sampling to be adopted.

4.9 Use of scaling techniques.

4.10 Jurimetrics.

4.11 Computerized Research - A study of legal research programmes such as Lexis and West law coding.

4.12 Classification and tabulation of data - use of cards for data collection- Rules for tabulation. Explanation of tabulated data.

4.13 Analysis of data

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2. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. Madhava Menon, EEd.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, now.
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11. vard Law Review Association, Uniform System of Citations.
12. Publication, Legal Research and Methodology.

C 023 CORPORATE FINANCE

Objectives of the course

Industrialisation has played, and has to play, a very vital role in the economic development of India. In the post independent era, industrial development is regarded, and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods we manufactured or produced. Obviously, the situation raises the issues of procuring utilising and managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives the broad objectives of this course may be formulated as follows

- (i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values.
- (ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance

- (iii) To acquaint the students with the organisation, functions, lending, and recovery procedures, conditions of lending and accountability of international national and state financing institutions and also of commercial banks; and
- (iv) To acquaint the students with the process of the flow and outflow of corporate finance.

The following syllabus prepared with the above perspective will be spread over a period of one semester,

Learning Outcomes:

Students should become:

1. knowledgeable about fundamentals of corporate finance and law governing corporate finance in India.
2. insightful into various dimensions of corporate finance including various modes of corporate finance, their suitability and related rules and norms.
3. knowledgeable about rules and guidelines relating to protection of creditors and investors in India and corporate fund raising.

Syllabus

1. Introduction

- 1.1 Meaning, importance and scope of corporation finance
- 1.4 Capital needs - capitalisation - working capital - securities- borrowings-deposits debentures

- 1.5 Objectives of corporation finance- profit maximisation and wealth maximisation
- 1.6. Constitutional perspectives - the entries 37, 38,43,44,45, 46, 47, 52,82, 85, and 86 of List 1 Union List; entry 24 of List 11 - State List.

2. Equity Finance

- 2. Share capital
 - 2.1.1 Prospectus - information disclosure
 - 2.1.2 Issue and allotment
 - 2.1.3 Shares without monetary consideration
 - 2.1.4 Non-opting equity shares

3. Debt Finance

- 3.1 Debentures
 - 3.1.2 Nature, issue and class
 - 3.1.3 Deposits and acceptance
 - 3.1.4 Creation of charges
 - 3.1.4.5 Fixed and floating charges
 - 3.1.5 Mortgages
 - 3.1.6 Convertible debentures

4. Conservation of Corporate Finance

- 4.1 Regulation by disclosure
- 4.2 Control on payment of dividends
- 4.3 Managerial remuneration
- 4.4 Payment of commissions and brokerage
- 4.5 Inter-corporate loans and investments
- 4.6 Pay-back of shares
- 4.7 Other corporate spending

5. Protection of creditors

5.1 Need for creditor protection

5.1.1 Preference in payment

5.2 Rights in making company decisions affecting creditor interests

5.3 Creditor self-protection

5.3.1 Incorporation of favourable terms in tending contracts

5.3.2 Right to nominate directors

5.4 Control over corporate spending

6. Protection of Investors

6.1 Individual share holder right

6.2 Corporate membership right

6.3 Derivative actions

6.4 Qualified membership right

6.5 Conversion, consolidation and re-organisation of-shares

6.6 Transfer and transmission of securities

6.7 Dematerialisation of securities

7. Corporate Fund Raising

7.1 Depositories - IDR(Indian depository receipts), ADR(American depository receipts), GDR(Global depository receipts)

7.2 Public financing institutions - IDBI, ICICI, IFC and SFC

7.3 Mutual fund and other collective investment schemes

7.4 Institutional investments - LIC, UTI and banks

7.5 FDI and NRI investment - Foreign institutional investments (IMF and World bank)

8. Administrative Regulation on Corporate Finance

8.1 Inspection of accounts

8.2 SEBI

- 8.3 Central government control
- 8.4 Control by registrar of companies
- 8.5 RBI control

Select bibliography

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Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.

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Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems.

Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial-financing and information technology.

C 019 LEGAL REGULATION OF ECONOMIC ENTERPRISES

Objectives of the course

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up-with the problems of population explosion. We have found that there is now almost a circle from laissez faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalisation starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse folds of economic activities.

This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments. It will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Learning outcome:

On successful completion of this course, students will be able to-

- (a) Understand key issues and problems with respect to regulation, governance and policies for the Regulation of economic activities.
- (b) Understand and be able to apply key principles, concepts and tools relevant to the economic regulation of industries and capital issues.
- (c) Be able to analyse different government policies for regulation and reform of the public enterprises.
- (d) Be able to explain the rationale for addressing economic regulation issues.

Syllabus

1. The Rationale of Government Regulation

1.1 Constitutional perspectives

1.2 The new economic policy-Industrial policy resolutions, declarations and statements

1.3 The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context

1.4 Regulation of economic activities

1.4.1 Disclosure of information

1.4.2 Fairness in competition

1.4.3 Emphasis on consumerism

2. Development and Regulation of Industries

3. Take-over of Management and Control of Industrial Units

4. Sick Undertakings: Nationalisation or Winding Up?

5. Licensing Policy and Legal Process - Growing Trends of Liberalisation

6. Deregulation of essential commodities: developmental sign or a social mishap?

7. Financial Services: Changing Techniques of Regulation

8. Critical Issues Regarding the Capital Issues

8.1 Equity and debt finance

8.2 Global depositories

8.3 De-materialised securities

9. Problems of Control and Accountability: Regulation of Hazardous Activity

- 9.1 Mass disaster and environmental degradation : legal liability and legal remedies
- 9.2 Public Liability Insurance : adequacy
- 9.3 Issues in zoning and location of industrial units
- 10. Special Aspects of Legal Regulation of Select Public Enterprises**
(Universities may select some such representative public enterprises for transport, mining and energy).
 - 10.1 Telecom Regulatory Authority
 - 10.2 Insurance Regulatory Authority
 - 10.3 Broadcasting Regulatory Authority
- 11. Legal Regulation of Multi-Nationals**
 - 11.1 Collaboration agreements for technology transfer
 - 11.2 Development and regulation of foreign investments
 - 11.2.1 Investment in India: FDIs and NRIs
 - 11.2.2 Investment abroad

Select bibliography

S. Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.

Industrial Policy Resolutions of 1948, 1956, 1991.

Industrial Licensing Policy 1970, 1975.

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SYLLABUS OF Ph.D. Course work in Law
&
M.Phil. (Law) I Semester



SCHOOL OF LAW
DEVI AHILYA VISHWAVIDYALAYA, INDORE

*“Recent Trends in Law” has been newly introduced from
academic session 2017-18*

School of Law, DAVV
Ph.D./M.Phil. (Law)
Effective from 2017 Batch

Recent Trends in Law

Course Objective:

The basic objective behind offering this course is to make the scholars aware about the recent scenario concerning law education and profession. Law, as a teaching fraternity and a profession, is a very fast changing discipline. It is been observed that many a times there is a time gap between completing a post-graduate degree in Law and registering for a Ph.D./M.Phil. program. So there lies a vacuum regarding the updated knowledge of changes that have taken place in Law Education and professional Law Industry. This paper is aimed at bridging the same.

Course Contents:

Unit – I Climate Change and Sustainable Development 15 Hrs

- 1.1 National Policies and Legislation
- 1.2 Assessing National Legal Frameworks for Bio-energy
- 1.3 Areas of Regulation Relevant to Bio-energy
 - 1.3.1 Environmental Protection Measures
 - 1.3.2 Measures for Economic and Social Development
- 1.4 Features of National Bio-energy Laws
 - 1.4.1 Institutional Structure
 - 1.4.2 Bio-fuels Market Regulation and Standards
 - 1.4.3 Incentives
 - 1.4.4 Trade Regulation
 - 1.4.5 Bio-energy Research and Development

Unit – II Trends in Banking system in India 15 Hrs

- 2.1 Information Technology Act 2000
- 2.2 Automation and Legal Aspects
- 2.3 Smart Card
- 2.4 Use of Expert System
- 2.5 Credit Cards
- 2.6 On-line Banking – problems and perspectives

Unit – III Emerging Regime of New Rights and Remedies 15 Hrs

3.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights

3.2 Commercialisation of Education and its Impact

3.3 Brain drain by Foreign Education Market

Unit – IV Concurrent Issues 15 Hrs

4.1 Laws relating to Women Empowerment

4.2 Law relating to Right to Information

4.3 State Jurisdiction in International Disputes

4.4 Law relating to Scientific Investigation in Criminal matters

4.5 Reforms in Legal Education

LEARNING OUTCOMES:

At the completion of the course, the scholars are expected to be :

1. Knowledgeable about the various recent and emerging trends relating to Law Discipline.
2. Generate the fundamental ability of understanding the implications of recent and emerging trends on Law Profession, Society and related research and development.

NOTE: The course is to be taught during Ph.D. Course work in Law and semester I of M.Phil. program in Law. The Question Paper shall consist of four Sections. Each section will have only two questions from each Unit. The candidates may attempt only one question from each Section.

School of Law, DAVV
Ph.D./M.Phil. (Law)
Research Methodology

Course Objective:

The basic objective behind offering this course is to make the scholars knowledgeable in research fundamentals and research tools and techniques that will help them in conducting their research work by following required research methodology. Every scholar pursuing a Ph.D. or M.Phil. program in Law is required to have a basic understanding of research fundamentals and related tools and techniques. This will go a long way in facilitating them to conduct their current and future research activities. This course is aimed at meeting this objective.

Course Contents:

Unit-I: - Meaning and Research in law:-

- 1.1 Meaning of Research –Objectives, Characteristics and importance of research.
- 1.2 Legal Research- Meaning, Utility and objectives.
- 1.3 Types of legal Research- Doctrinal and Non Doctrinal research.
- 1.4 Pure research, applied Research, Action Research and Empirical Research.

Unit-II: - Method of Study-

- 2.1 Research design- Meaning, Characteristics of Research Design and Types.
- 2.2 Basics of inquiry- Logical, Historical and Scientific Method.
- 2.3 Methods of Data collection- Observation, Interview, Schedule, Questionnaire, Case Study.
- 2.4 Methods of data collection- Primary and Secondary Data.

Unit-III:-Formulation of Research problem-

- 3.1 Identification and Operationalization of the problem.
- 3.2 Hypothesis- Formulation, Types, Advantages, hypothesis Testing.

3.3 Sampling- Meaning, Utility and Types.

Unit-IV:-Content Analysis and Interpretation of data-

4.1 Classification and Tabulation of Data.

4.2 Analysis of Data and interpretation of Data

4.3 Preparing of the Report (Preliminary/Final)

4.4 References and bibliography.

Unit-V: - Practical Work-

5.1Preparation of Questionnaire

5.2Preparation of Schedule

5.3Size and Selection of Sample (National/State/District/Rural)

5.4 Tabulation Plan

LEARNING OUTCOMES:

At the completion of the course, the scholars are expected to:

1. Have fundamental knowledge of conducting research work.
2. Develop the ability of framing the research methodology for conducting research in Law Discipline.
3. Be knowledgeable about the tools applicable for collecting the required information and data and their analysis.
4. Generate the fundamental awareness about writing a research report.

School of Law, DAVV
Ph.D./M.Phil. (Law)

Computer Application

Course Objective:

The basic objective behind offering this course is to make the scholars skilful in computer fundamentals and applications that will help them in conducting their research work in more efficient manner. With the advancement of information technology and stepping in of computers in every walk of life, including education and research, it has become imperative for every scholar pursuing a Ph.D. or M.Phil. program in Law to have a basic understanding of computer fundamentals and research related IT tools and soft wares. This will go a long way in facilitating them to conduct their current and future research activities. This course is aimed at meeting this objective.

Course Contents:

Unit-I: - MS word:-

- 1.1 Its features and Application related to presentation of text in decent format.
- 1.2 Saving the same for future use.
- 1.2 Use of software enable the candidate to type and prepare the thesis in a presentable format.

Unit-II: - M S-Excel-

- 2.1 Construction of Work sheet.
- 2.2 Inserting data according to its characteristics.
- 2.3 Use of statistical tools and their presentation.
- 2.4 Presentation in the form of charts and graphs and pie.

Unit-III:-MS PowerPoint -

- 3.1 Presentation of power point presentation on any topic
- 3.2 Use of different presentation techniques.

Unit-IV: -Use of SPSS-

4.1 Method of preparing data sheet and entering data according to the characteristics.

4.2 Use of Various statistical tools on SPSS.

Unit-V: - Practical Work use of internet for research work-

5.1 Exploring various websites.

5.2 Search engines for collecting quality literature review and secondary data etc. Related to thesis work.

5.3 Use of graphical software

5.4 Searching various websites and link, Browsing, Web publication, portal downloading etc.

LEARNING OUTCOMES:

At the completion of the course, the scholars are expected to:

1. Generate the ability to identify various operations and functions of computers which are useful in conducting research work.
2. Generate the fundamental ability of using various operations and functions of computers in conducting research in Law Discipline.

SYLLABUS OF Ph.D. Course work in Law
&
M.Phil. (Law) I Semester



SCHOOL OF LAW
DEVI AHILYA VISHWAVIDYALAYA, INDORE

*“Recent Trends in Law” has been newly introduced from
academic session 2017-18*

School of Law, DAVV
Ph.D./M.Phil. (Law)
Effective from 2017 Batch

Recent Trends in Law

Course Objective:

The basic objective behind offering this course is to make the scholars aware about the recent scenario concerning law education and profession. Law, as a teaching fraternity and a profession, is a very fast changing discipline. It is been observed that many a times there is a time gap between completing a post-graduate degree in Law and registering for a Ph.D./M.Phil. program. So there lies a vacuum regarding the updated knowledge of changes that have taken place in Law Education and professional Law Industry. This paper is aimed at bridging the same.

Course Contents:

Unit – I Climate Change and Sustainable Development 15 Hrs

- 1.1 National Policies and Legislation
- 1.2 Assessing National Legal Frameworks for Bio-energy
- 1.3 Areas of Regulation Relevant to Bio-energy
 - 1.3.1 Environmental Protection Measures
 - 1.3.2 Measures for Economic and Social Development
- 1.4 Features of National Bio-energy Laws
 - 1.4.1 Institutional Structure
 - 1.4.2 Bio-fuels Market Regulation and Standards
 - 1.4.3 Incentives
 - 1.4.4 Trade Regulation
 - 1.4.5 Bio-energy Research and Development

Unit – II Trends in Banking system in India 15 Hrs

- 2.1 Information Technology Act 2000
- 2.2 Automation and Legal Aspects
- 2.3 Smart Card
- 2.4 Use of Expert System
- 2.5 Credit Cards
- 2.6 On-line Banking – problems and perspectives

Unit – III Emerging Regime of New Rights and Remedies 15 Hrs

3.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights

3.2 Commercialisation of Education and its Impact

3.3 Brain drain by Foreign Education Market

Unit – IV Concurrent Issues 15 Hrs

4.1 Laws relating to Women Empowerment

4.2 Law relating to Right to Information

4.3 State Jurisdiction in International Disputes

4.4 Law relating to Scientific Investigation in Criminal matters

4.5 Reforms in Legal Education

LEARNING OUTCOMES:

At the completion of the course, the scholars are expected to be :

1. Knowledgeable about the various recent and emerging trends relating to Law Discipline.
2. Generate the fundamental ability of understanding the implications of recent and emerging trends on Law Profession, Society and related research and development.

NOTE: The course is to be taught during Ph.D. Course work in Law and semester I of M.Phil. program in Law. The Question Paper shall consist of four Sections. Each section will have only two questions from each Unit. The candidates may attempt only one question from each Section.

School of Law, DAVV
Ph.D./M.Phil. (Law)
Research Methodology

Course Objective:

The basic objective behind offering this course is to make the scholars knowledgeable in research fundamentals and research tools and techniques that will help them in conducting their research work by following required research methodology. Every scholar pursuing a Ph.D. or M.Phil. program in Law is required to have a basic understanding of research fundamentals and related tools and techniques. This will go a long way in facilitating them to conduct their current and future research activities. This course is aimed at meeting this objective.

Course Contents:

Unit-I: - Meaning and Research in law:-

- 1.1 Meaning of Research –Objectives, Characteristics and importance of research.
- 1.2 Legal Research- Meaning, Utility and objectives.
- 1.3 Types of legal Research- Doctrinal and Non Doctrinal research.
- 1.4 Pure research, applied Research, Action Research and Empirical Research.

Unit-II: - Method of Study-

- 2.1 Research design- Meaning, Characteristics of Research Design and Types.
- 2.2 Basics of inquiry- Logical, Historical and Scientific Method.
- 2.3 Methods of Data collection- Observation, Interview, Schedule, Questionnaire, Case Study.
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School of Law, DAVV
Ph.D./M.Phil. (Law)

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Course Objective:

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