

The LL.B. 3-Year course is a comprehensive postgraduate professional course designed for graduates from any discipline who aspire to build a career in law and allied fields. The programme aims to impart in-depth knowledge of substantive and procedural laws, while nurturing analytical thinking, ethical values, advocacy skills, and a strong sense of social responsibility. Structured across six semesters, the curriculum integrates core legal subjects such as Constitutional Law, Contract Law, Criminal Law, Family Law, Property Law, Administrative Law, Company Law, Labour Law, and Environmental Law. In addition to doctrinal learning, the programme emphasises practical training through moot courts, legal aid activities, internships, court visits, drafting and pleading exercises, and clinical courses, ensuring that students gain real-world exposure.

PROGRAMME OBJECTIVES

1. To provide students with an in-depth and comprehensive legal education that covers various aspects of law, including both general and specialized areas.
2. To foster a culture of legal research, scholarly writing, and critical analysis, encouraging students to contribute to legal academia.
3. To equip students with the necessary skills and knowledge to excel in the legal profession, including legal practice, advocacy, and ethical conduct.
4. To expose students to International and Comparative law, promoting a global perspective and understanding of legal systems beyond their jurisdiction.
5. To offer opportunities for students to specialize in specific areas of Law, enabling them to develop expertise in fields such as environmental Law, Intellectual property, human rights, or corporate law.

PROGRAMME OUTCOMES

PO-1: Display their comprehension and expertise in Substantive Law, Procedural Law, and Constitutional Law.

PO-2: Builds proficiency in conducting legal analysis and reasoning, legal research, problem-solving, written and oral communication in the legal context and apply it in legal practice and real-life situations.

PO-3: Exhibit the professional skills essential for legal practice, including pleading, argument, drafting, conveyancing, collaboration, counselling, and negotiation.

PO-4: Enhance the skill to analyze legal aspects in connection with contemporary developments at National and International levels.

PO-5: Demonstrate a thorough understanding of professional ethics, regulations and showcase their practical application in the field of legal profession.

Eligibility criteria

Candidates seeking admission to the LL.B. (3-Year) Programme must have successfully completed an Undergraduate Degree in any discipline from a recognized University. The qualifying degree must be obtained from a university recognized by the Central or State Government in India or an equivalent institution recognized in India. Applicants must satisfy the minimum marks requirement prescribed by the competent authority. Admission is subject to compliance with the regulations of the Karnataka State Law University, Hubballi.

Percentage of Marks

- Minimum of 45% marks in the qualifying examination (General Merit)
- Minimum of 42% marks in the qualifying examination (OBC Category)
- Minimum of 40% marks in the qualifying examination (SC, ST & Cat-I)

Age at the time of Admission

The age of the candidate at admission should be followed according to BCI norms.

LLB. Course Component

The Course shall have the following subjects

1. Language papers	01
2. Core Law Papers	21
3. Optional Law papers	06
4. Clinical Course Papers	04

Total	32

Grade Points and Letter Grade for a Course

The grade points and letter grades are awarded to students in each course based on their performance, as per the grading system shown below.

Grade points and letter grade scheme for LL. B course

Marks scored	Letter Grade	Points
70 & above	O (Outstanding)	10
>=65 and <70	A+ (Excellent)	09
>=60 and <65	A (Very Good)	08
>=55 and <60	B+(Good)	07
>=50 and <55	B (Above average)	06

>=45 and <50	C+ (Average)	05
>=40 and <45	C(Pass)	04
<40	F(Fail)	00
Absent	Absent	00

Duration of completion of the Course:

Students are required to successfully complete the entire course within Seven years (Five years of normal duration plus two years of extended duration) from admission to the course.

Pattern of examination

The pattern of the end-of-semester examination conducted by the university is 100. All students have to secure a total of 40% of external marks to clear the subjects.

Clinical Course

Clinical Course I: Professional Ethics and Professional Accounting System (7th semester)

This course is 80: 20 Pattern

- a. Two tests to be conducted by the institution for 40 marks each (80 marks)
- b. Case analysis for 10 marks
- c. Viva voce for 10 marks

Clinical Course II: Alternative Dispute Resolution Systems (8th semester)

The components for the assessment are as under:

- a. Two tests to be conducted by the institution for 30 marks each (60 marks)
- b. Simulation exercises for 40 marks
- c. Certificate course on Alternative Dispute Resolution Systems
- c. Report submissions on visits
 - Arbitration Centre
 - Mediation Centre
 - Lok Adalat

Clinical Course III: Drafting, Pleading and Conveyancing (9th semester)

- a. Drafting and Pleading (Civil and Criminal) – 45 marks
- b. Conveyancing – 45 marks

c. Viva – 10 marks

Clinical Course IV: Moot Court and Internship Diary (10th semester)

The assessment is as follows

- Each student should participate in three moot courts conducted in college for 30 marks
- The internship diary carries 30 marks (diary consists of all internships completed by the student from the first year)
- Observation of trial of civil and criminal cases for a minimum of 2 years carries 30 marks
- Viva voce for 10 marks

LL. B. 3-Year Degree Course, Subjects as per KSLU

I Semester	<ol style="list-style-type: none">1. Constitutional Law-I2. Contract-I (Law of General Contract)3. Law of Torts4. Family Law-I- (Hindu Law)5. Criminal Law-I - Bharatiya Nyaya Sanhita (BNS)6. <i>English (For those who write examinations in Kannada)</i>
II Semester	<ol style="list-style-type: none">1. Constitutional Law-II2. Contract-II (Special Contracts)3. Labour Law-I4. Property Law5. Family Law-II-Mohemmadan law & Indian Succession Act)6. Kanoonu Kannada/Kannada Kali (For Non-Kannadiga Students)
III Semester	<ol style="list-style-type: none">1. Jurisprudence2. Labour Law-II3. Law of Taxation4. Criminal Law-II -Bharatiya Nagarik Suraksha Sanhita (BNSS)5. Administrative Law
IV Semester	<ol style="list-style-type: none">1. Public International Law2. Optional-I: Human Rights Law and Practice / Insurance Law.3. Optional-II: Banking Law / Right to Information.4. Clinical Course-II: Alternative Dispute Resolution Systems.

V Semester	<ol style="list-style-type: none"> 1. Company Law 2. Civil Procedure Code and Limitation Act 3. Optional-III: Intellectual Property Rights-I / Penology & Victimology. 4. Optional-IV: Interpretation of Statutes and Principles of Legislation / Competition Law 5. Clinical Course-III: Drafting, Pleading and Conveyance.
VI Semester	<ol style="list-style-type: none"> 1. Law of evidence 2. Environmental law 3. Optional – V: Intellectual Property Rights – II/White Collar crimes 4. Optional -VI: Land Law/ Law relating to International Trade economics 5. Clinical Course – IV: Moot Court Exercise and internship

I SEMESTER

COURSE I: CONSTITUTIONAL LAW – I

OBJECTIVES:

The purpose of the course is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with value aspirations. The Indian Constitution envisages to establish a justice system with legal technique. The basic postulate of Constitution like the Constitutional Supremacy, Rule of law and Concept of Liberty are emphasized in this paper. Exhaustive analysis of Fundamental Rights and committed approach to Directive Principles would form the essence of the course.

UNIT – I

Meaning & Definition of Constitution: kinds of Constitution, Constitutionalism, Salient features of Indian Constitution.

Preamble: Meaning, Scope, Importance, Objectives and Values enshrined in the Preamble.

Citizenship – modes of acquisition & termination

UNIT – II

State : Definition under Article 12, New Judicial trends on concept of State Action – need for widening the definition.

Definition and Meaning of Law: Pre – Constitutional and Post – Constitutional Laws, Doctrine of Severability and Doctrine of eclipse, Judicial Review and Article 13.

Equality and Social Justice : General Equality Clause under Article 14, New Concept of Equality, Judicial Interpretation on Equality.

UNIT – III

Protective Discrimination and Social Justice under Articles 15 and 16, New Judicial trends on Social Justice, Constitutional Provisions on Untouchability under Article 17.

Right to Freedom : Freedom of Speech and Expression, Different dimensions – Freedom of Assembly, Association, Movement and Residence, Profession, Occupation, Trade or business, Reasonable restrictions.

UNIT – IV

Rights of the Accused: Ex – post facto Law – Double jeopardy – Right against self incrimination (Article 20), Rights of the arrested person, Preventive Detention Laws (Article 22), Right to Life and Personal Liberty, Various facets of Life and Liberty (Article 21), Right against Exploitation, Secularism – Freedom of Religion, Judicial interpretation, Restrictions on freedom of religion

UNIT - V

Cultural and Educational Rights of minorities – Recent trends – Right to Constitutional Remedies: Article 32 and 226 – kinds of writs – Right to property (prior to 1978 and the present position), Directive Principles of State Policy and Fundamental Duties – inter relation between fundamental rights and directive principles.

Prescribed Book:

Dr. V.N. Shukla - Constitution of India.

M.P. Jain - Indian Constitutional Law.

Reference Books:

1. H.M. Seervai - Constitutional Law of India
2. T.K. Tope - Constitutional Law
3. D.D Basu Shorter Constitution of India
4. S. Shiva Rao - Framing of Indian Constitution
5. Subhash. C. Kashyap – Parliamentary Procedure
6. Subhash. C. Kashyap - History of Indian Parliament
7. R.C. Agarwal – Constitutional Development and National Movement
8. A.B. Keith - Constitutional History of India.
9. D.J. De – The Constitution of India Vol. I and II

COURSE II: CONTRACT – I: LAW OF CONTRACT

Objectives:

Contracts are at the basis of majority of transactions especially transactions dealing with the property. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce) the general principles governing contracts remain same. For this reason it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in subsequent semesters.

Course contents:

UNIT – I

Formation of Contract – Agreement and Contract – Definitions – Classification – Offer and Acceptance – Communication – Revocation – Essential elements – Invitation to Offer – Tenders.

Consideration – *Nudum Pactum* – Essential elements – Privity of Contract and of Consideration – Exceptions – Unlawful Consideration and its effect – e contract

UNIT – II

Capacity of Contract – Minor's Agreements and its effects – Agreement of Persons of unsound mind and Persons disqualified by Law.

Free Consent – Coercion – Undue influence – Misrepresentation – Fraud – Mistake – Legality of Object – Void Agreements – and Contingent Contracts.

UNIT – III

Modes of Discharge of Contracts – Time and place of performance – Performance of reciprocal promises – Appropriation of Payments – Discharge by Agreement, operation of Law, frustration (Impossibility of Performance) and by Breach (Anticipatory and Actual)

UNIT – IV

Remedies for Breach of Contracts – Damages – Kinds of damages – Remoteness of damages – Ascertainment of damages – Quasi Contracts.

UNIT – V

The Specific Relief Act – Sections 9-16, Sections 21, Section 24, Sections 36-42.

Nature of Specific Relief – Recovery of Possession of movable and immovable Property – Specific performance when granted and not granted – Who may obtain and against whom – Discretionary remedy – Power of Court to grant relief – Rectification of instruments – Cancellation – Declaratory decrees – Preventive relief – Temporary injunctions – Perpetual and Mandatory Injunctions.

Prescribed Books:

1. Singh, Avtar, *Law of Contract and Specific Relief*, 11th Edition, (Lucknow: Eastern Book Company, 2013)

Reference Books:

1. Pollock and Mulla, *Indian Contract and Specific Relief Act*, 14th Edition, (New Delhi: Lexis Nexis, 2013)
2. Smith, Stephen A and P.S Atiyah, *Atiyah's Introduction to the Law of Contract*, 6th Edition (Oxford University Press: Clarendon Law Series, 2006)

3. G.C Cheshire and Fifoot, *Law of Contract*, 10th Edition, (New Delhi: Lexis Nexis, 2010)
4. Anson, William, *Law of Contract*, 29th Edition, (Oxford University Press, 2010)
5. Maine, Henry, *Ancient Law*, 4th Edition, (London: Albemarle Street, 1870)

COURSE – III: LAW OF TORTS

Objectives:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connection there with. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms, and also the remedies provided under the *Consumer Protection Act*, 1986.

Course contents:

UNIT – I

Evolution of law of torts – Nature and scope of law of torts – Meaning – Torts distinguished from Contract – Crime – Development of *Ubi jus ibi Remedium* – Mental elements – Intention, Motive, Malice in Law and in Fact.

UNIT – II

General Defences, Vicarious Liability

UNIT – III

Negligence; Nuisance; Absolute and Strict liability.

Legal Remedies – Awards – Remoteness of damage

UNIT – IV

Torts against person: Torts affecting body – Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation – Libel and Slander, Torts affecting freedom – Malicious Prosecution, Malicious Civil Action and Abuse of Legal Process; Torts affecting domestic and other rights – Marital Rights, Parental Rights, Rights to Service, Contractual Rights, Intimidation and Conspiracy; Torts against property.

UNIT – V

Salient features of Consumer Protection Act, 1986, Who is consumer, Defect in goods, Deficiency in services, Medical services, Remedies to consumers, Consumer Disputes Redressal Agencies, Limitation for filing complaints, Penalties.

Salient features of MV Act, 1988, Liability without fault in certain cases, Insurance of Motor Vehicles against third party risks, Claims Tribunal, Offences, Penalties and Procedure.

Prescribed Books:

- Ratanlal and Dhirajlal, *The Law of Torts*, 26th Edition, (New Delhi: Lexis Nexis, 2013)
 Gurubax, Singh, *Law of Consumer Protection*. (Jaipur: Bharat Law Publications, 1992)

Reference Books:

Rogers, W.V.H, *Winfield and Jolowicz on Tort*, 15th Edition, (London: Sweet and Maxwell, 1999).

Howarth, David and Janet O' Sullivan, *Hepple, Howarth and Matthew's Tort: Cases and Materials*, 5th Edition, (New Delhi: Lexis Nexis, 2000)

COURSE IV: FAMILY LAW – I HINDU LAW

Objectives:

The course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

Course contents:

UNIT – I

The Concept of Dharma – Sources of Hindu Law – Ancient and Modern – Importance of Dharma Shashtra on Legislation – Mitakshara and Dayabaga Schools of Hindu Law – Application of Hindu Law.

UNIT – II

Marriage and Kinship – Evolution of the Institution of Marriage and Family – Law Prior to Hindu Marriage Act – A detailed study of Hindu Marriage Act, 1955 – Matrimonial Remedies – Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

UNIT – III

Hindu undivided family – Mitakshara Joint Family – Formation and Incidents – Property under both Schools – Kartha: His Position, Powers, Privileges and Obligations – Debts – Doctrine of Pious Obligation – Partition and Reunion – Religious and Charitable Endowment.

UNIT – IV

Inheritance and Succession – Historical perspective of traditional Hindu Law relating to Inheritance – Hindu Succession Act, 1956. Stridhana – Woman's Property – Amendments to Hindu Succession Act; Gifts and Testamentary Succession – Wills

UNIT – V

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption and Maintenance Act 1956.

Prescribed Books:

Diwan, Paras, *Modern Hindu Law*, (Faridabad: Allahabad Law Agency, 1993)

Reference Books:

John D. Mayne, *A Treatise on Hindu Law and Usage*, 9th Edition, (Madras: Higginbotham, 1922)

Mulla, *Principles of Hindu Law*, (New Delhi: Lexis Nexis Butterworths, 2007)

Diwan, Paras, *Law of Adoption, Ministry, Guardianship and Custody* (Universal: 2000)

J.D.M. Derrett – *Hindu Law – Past and Present*, (Calcutta: A Mukherjee & Co., 1957)

N. Raghavachar, Hindu law

COURSE V: CRIMINAL LAW-I

BHARATIYA NYAYA SANHITA, 2023

Objectives: The course is designed to enable the students to understand the key concepts of crime and criminal liability, methods of controlling crimes, specific offences under the Indian criminal law and to keep them abreast of the latest legislative and judicial developments in the field of criminal law.

UNIT - I

General Principles of Crime; Conceptions of Crime; Distinction between Crime, Morality and other wrongs.

Principles of criminal liability - Actus reus and mens rea and other related maxims, Variations in liability - Mistake, intoxication, compulsion, legally abnormal person; Possible parties to the crime, State obligation to detect/punish.

Historical background, Extent and Operation of Bharatiya Nyaya Sanhita; Definitions and General explanation (Ss 2-3); Trends towards Gender Neutrality, Punishments-Community Services (Ss 4 -13); Commutation, Amount of Fine, Liability in default of payment of fine, Solitary Confinement, General exceptions (Ss 14-44).

UNIT - II

Inchoate Crimes- Abetment, Abetment of offence by a person outside India (Ss45 - 60); Criminal Conspiracy (S.61); Attempt (S.62);

Offences against women- Rape and other sexual offences, sexual intercourse by employing deceitful means (Ss63-73), Criminal force and assault against women (Ss74- 79), Offences relating to marriage-Dowry Death (S.80), Bigamy (S.82) & Cruelty (S.85 & S.86), Kidnapping (S. 87); Offences against child (Ss91-97)

UNIT - III

Offences against the Human Body- Offences affecting life - Culpable Homicide, Mob lynching (Ss 100, 102, 103, 105, 110), Murder, Hit and Run Cases, causing death by rash or negligent act (Ss 101, 104, 106, 109), Suicide(Ss 107-108); Organized crimes (Ss 111-112), Terrorist

Act (S.113); Hurt, Grievous Hurt resulting in vegetative state or permanent disability (Ss 114-125); Wrongful Restraint and confinement (Ss126--127) ;Criminal force and assault (Ss128-136);Kidnapping, including Kidnaping for beggary, abduction, slavery and forced labour (Ss137-146)

UNIT - IV

Offences against State-Waging or attempting to wage war against the Government of India, Acts endangering sovereignty, unity and integrity of India. (Ss147-158); Offences relating to elections, Coin, Currency notes etc. (Ss 168-188):Offences against public tranquillity-Unlawful Assembly, Rioting, Affray, Promoting enmity between groups on the grounds of religion etc. imputations, assertions prejudicial to national integration (Ss189-190); Offences against public justice- False/fabricating evidence, Destruction of evidence, Harboursing of Offender (Ss 227- 238); Public Nuisance (Ss.270-273); Mischief and Criminal Trespass (Ss 324-334); Forgery, Offences relating to property marks (Ss. 335 -344).

UNIT - V

Offences against Property- Theft, Snatching (Ss303 - 307), Extortion (S.308), Robbery (S. 309 &S. 313), Dacoity (Ss310-312), Criminal misappropriation of property (Ss314-315), Criminal breach of trust (S 316), Receiving stolen property (S.317), Cheating (Ss318 -319); Defamation, Criminal Intimidation, Insult, Annoyance, etc. (Ss 351-356).

Prescribed Books: (The latest editions)

1. J.W. Cecil Turner, Kenny's Outlines of Criminal Law, Cambridge University Press.
2. Ratanlal and Dhirajlal, Bharatiya Nyaya Sanhita, LexisNexis (Recent edition with changed title)

Reference Books

1. Bare Act- Bharatiya Nyaya Sanhita, 2023.
2. K D Guar, Text Book on The Bharatiya Nyaya Sanhita, 2023, Universal, LexisNexis
3. KD Gaur, Criminal Law: Cases and Materials, LexisNexis.
- 4 RC Nigam, Law of Crimes in India (Vol.I) Asia Publishing House.
5. KI Vibhute, PS Achuthan Pillai's Criminal Law, LexisNexis.
6. Ratanlal and Dhiraj Lal's The Indian Penal Code LexisNexis

7. Glanville Williams, Text Book on Criminal Law, Sweet and Maxwell.

II SEMESTER

COURSE I : CONSTITUTIONAL LAW – II

Objectives:

This course gives the students a picture of Constitutional Parameters regarding the organization, powers and functions of the various organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

UNIT – I

Federal system : Organization of State.

Relationship between the Centre and the State: Legislative, Financial and Administrative, Co-operative Federalism and recommendation of Commission.

Freedom of Trade and Commerce, Official Language, Local self- government with special emphasis on 73rd and 74th Amendment.

Constitutional provision of Jammu and Kashmir (Art.370).

Special provisions relating to specific states (Articles 371 – A to 371 – J)

UNIT – II

Executive: Centre and State; President and Governor; powers and functions.

Parliament and State Legislature : Bicameralism, Composition, powers and function.

Councils of ministers: collective responsibility, position of Prime Minister and Chief Minister.

UNIT – III

Speaker : Parliament and State Legislature, Powers and Functions, Privileges Anti – Defection Law.

Judiciary : Union and States, appointment, powers, jurisdiction and Transfer of judges.

UNIT – IV

Subordinate Judiciary, Administrative Tribunals.

Public Service Commission: services under the centre and the state, Constitutional protection to Civil Servants.

Election Commission: Powers and functions.

State liability for Torts and Contract.

UNIT – V

Emergency : Types, Effects and effects on Fundamental Rights.

Constitutional Interpretation

Amendment : Basic structure theory.

Schedules.

Review of working of the Constitution.

Prescribed Book:

1. M.P. Jain – Indian Constitutional Law Vol I & II

Reference Books:

1. H.M. Seervai – Constitutional Law of India
2. V.N. Shukla – Constitution of India
3. T.K Tope – Constitutional Law
4. S. Shiva Rao – Framing of Indian Constitution
5. Subash. C. Kashyap – Parliamentary Procedure
6. Subash. C. Kashyap – Constitution of India
7. D.J De – the Constitution of India, Vol. I and II
8. J.N. Pandey – Constitutional Law of India
9. D.D. Basu – Constitutional Law of India

COURSE II: CONTRACT – II (SPECIAL CONTRACTS)

Objectives:

This course enables the students to better appreciate the law governing special contracts like, indemnity, guarantee, agency, etc. which are more relevant in the contemporary society. Law contained in several legislations apart from the Indian Contract Act is taught in this Course.

Course contents

UNIT – I

Contract of Indemnity – Definition, Nature and Scope – Rights of indemnity holder – Commencement of the indemnifier's liability – Contract of Guarantee – Definition, Nature and Scope – Difference between contract of indemnity and Guarantee – Rights of surety – Discharge of Surety – Extent of Surety's liability – Co-surety.

UNIT – II

Contract of Bailment – Definition – Kinds – Rights and Duties of Bailor and Bailee – Rights of Finder of goods as Bailee – Contract of pledge – Definition – Comparison with Bailment – Rights and duties of Pawnor and Pawnee

UNIT – III

Agency – Definition – Creation of Agency – Kinds of Agents – Distinction between Agent and Servant – Rights and Duties of Agent – Relation of Principal with third parties – Delegation – Duties and Rights of Agent – Extent of Agents authority – Personal liability of Agent – Termination of Agency.

UNIT – IV

Indian Partnership Act – Definition – Nature, Mode of determining the existence of Partnership – Relation of Partner to one another – Rights and duties of partner – Relation of partners with third parties – Types of partners – Admission – Retirement, and Expulsion of partners
Dissolution of Firm – Registration of Firms.

UNIT – V

Sale of Goods Act – The Contract of sale – Agreement to Sell – Conditions and Warranties – Passing of property – Transfer of title – Performance of the Contract – Rights of Unpaid Seller – Remedies for Breach of Contract

Prescribed Books:

Singh, Avtar, *Law of Contract and specific Relief*, 11th Edition, (Lucknow: Eastern Book Company, 2013)

Verma J.P (ed.), Singh and Gupta, *The Law of Partnership in India*, (New Delhi: Orient Law House, 1999)

Saharay H.K, *Indian Partnership and Sale of Goods Act*, (Universal, 2000)

Nair, Krishnan, *Law of Contract*, (New Delhi: Orient Law House, 1999)

Hire Purchase Act

Reference Books:

Pollock and Mulla, *Indian Contract and Specific Relief Act*, 14th Edition, (New Delhi: Lexis Nexis, 2013)

Anson, William, *Law of Contract*, 29th Edition, (Oxford University Press, 2010)

Avtar Singh, *Principles of the Law of Sale of Goods and Hire Purchase*, (Lucknow; Eastern Book House Ltd, 1998)

Sir Fredrick Pollock and Mulla, *Pollock and Mulla on the Sale of Goods Act*, 9th Edition, (Lexis Nexis: 2014)

J.P Varma (ed.), Singh and Gupta, *The Law of partnership in India*, (New Delhi: Orient Law House, 1999)

COURSE III: LABOUR LAW

Objectives;

In this course, the students are to be acquainted with the Industrial relations framework. Further, the importance of the maintenance of industrial peace and efforts to reduce the

incidence of strikes and lockouts are to be emphasized. The main objective is to critically examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the Industrial Disputes Act, 1947 for the prevention and settlement of industrial disputes and other matters. Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for misconduct are to be studied with a view to acquaint misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Referring wherever necessary to the Constitutional provisions and the ILO Conventions and recommendations will do learn of these legislations. We will be looking at the judicial response, legislative response and probable amendments required to the industrial relations laws to meet the challenges posed by economic liberalization. In order to understand the above-mentioned legislations in their proper perspective, a brief historical background of these legislations will also be examined.

In this course, students shall also acquaint with the legal frame-work relating to social security and welfare. The concept of social security, its importance, and also Constitutional basis for the same are introduced. The importance of ensuring the health, safety and welfare of the workmen, social assistance and social insurance schemes and the regulation of wages under various legislations are to be emphasized. The objective is also to understand the provisions of the Employees Compensation Act, 1923, the Employees' State Insurance Act, 1948, The Payment of Wages Act, 1936, the Factories Act, 1948. These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen there under. Legislations are to be analyzed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changed economic policies.

UNIT – I

Historical aspects – Master and Slave Relationship, Trade Unionism in India and UK – Enactment of the Trade Unions Act, 1926 – ILO Conventions relating to Trade Unions and relevant Constitutional provisions.

A bird's eye view of the Act – Definitions – Trade Union – Trade Dispute, etc. – Provisions relating to registration, withdrawal and cancellation of registration – Funds of Trade Union, Immunities, problems of Trade Union, Amalgamation of Trade Union – Recognition of Trade Unions – Methods, need and efforts in this regard, Collective Bargaining – Meaning, methods, status of collective bargaining settlements, collective bargaining and liberalization.

UNIT – II

Historical Background and Introduction to the Industrial disputes Act, 1947 – Definitions – Industry, Workman, Industrial Dispute, Appropriate Government, etc., - Authorities/ Industrial Dispute resolution machinery – Works Committee, Conciliation and Board of Conciliation – Powers and Functions, Court of Inquiry, Grievance Settlement Authority,

Voluntary Arbitration U/S 10-A, Compulsory Adjudication – Government's power of reference U/S – 10 – Critical analysis with reference to decided cases. Compulsory Adjudication – Composition, Qualification, Jurisdiction, powers of adjudication authorities, - Award and settlement – Definition, Period of operation, binding nature and Juridical Review of award.

UNIT – III

Law relating to regulation of strikes and lockouts – Definition of strikes and lockouts, Analysis with reference to judicial interpretations, Regulation U/Ss 22, 23, 10-A (4-A), and 10 (3),

Illegal strikes and lockouts, penalties. – Regulation of job losses – concepts of Lay-off, Retrenchment, Closure and Transfer of undertakings with reference to statutory definition and Judicial Interpretations – Regulation of job losses with reference to the provisions of chapter V A and V B of the ID Act, 1947 – Regulation of managerial prerogatives – Ss. 9A, 11A, 33 and 33A of ID Act, 1947 – Certified Standing Orders – Meaning and Procedure for Certification, Certifying officers – Powers and Functions, etc.

UNIT – IV

Concept and Importance of Social Security – Influence of I.L.O. – Constitutional Mandate. The Employees' Compensation Act, 1923 – Definitions – employee, employer, dependent, partial disablement, total disablement, etc. – Employer's liability for compensation. Computation of Compensation. Commissioner – Jurisdiction, Powers, etc.

The Employees' State Insurance Act, 1948 – Definitions – Employment injury, contribution, dependent, employee, principal employer, etc. – Employees' State Insurance Funds – contribution, Benefits available – Administrative Mechanism – E.S.I Corporation, Standing Committee, Medical Benefits Council – Composition, Powers, Duties – Adjudication of Disputes – E.S.I Courts. Comparative analysis of the E.S.I Act, 1948 with the Employees' Compensation Act, 1923

UNIT – V

The Payment of Wages Act, 1936 – Definitions – employed person, factory, industrial and other establishment, wages, etc. – Deductions – Authorities – Inspectors and Payment of Wages Authority

The Factories Act, 1948 – Definitions – factory, manufacturing process, occupier, worker, hazardous process, etc. – Provisions of the Factories Act relating to health, safety and welfare of workers – Provisions relating to Hazardous process – Provisions relating to working conditions of employment – working hours, weekly leave, Annual leave facility – Provisions relating to regulation of employment of women, children and young persons.

Prescribed Books:

Mishra, Surya. Narayan, *An Introduction to Labour and Industrial Law*, (Allahabad Law Agency, 1978)

Srivastava, S.C, *Industrial Relations and Labour Law*, (New Delhi: Vikas Publishing House).

Dr. V.G. Goswami – Labour Industrial Laws

S.C. Srivastava, *Treatise on Social Security*.

The Trade Unions Act, 1926

The Industrial Disputes Act, 1947

The Industrial Employment (Standing Orders) Act, 1946

The Employees Compensation Act, 1923

The Employees' State Insurance Act, 1948

The Payment of Wages Act, 1936

The Factories Act, 1948

Reference Books:

Malhotra O.P, *The law of Industrial Disputes*, Vol. I and II (N.M. Tripathi Pvt. 1985)

Madhavan Pillai., *Labour and Industrial Laws*, 7th Edition (Allahabad Law Agency, 1998)

Malik P.L., *Industrial Law*, 23rd Edition, (Eastern Book Co., 2011)

Mamoria and Mamoria – Dynamics of Industrial Relations.

First National Labour Commission Report, 1969.

Second National Labour Commission Report, 2002.

International Labour Conventions and Recommendations.

COURSE – IV PROPERTY LAW

Objectives:

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage. Lease, exchange, gift and actionable claims will also be undertaken. The course also includes an exposure into the concept of trust.

Course contents:

UNIT – I

General principles of Transfer of Property by act of parties *inter – vivos* – Concept and meaning of immovable property – Transfer of Immovable Property – Persons Competent to transfer – Operation of Transfer – Conditions restraining alienation and restrictions repugnant to the interest created – rule against perpetuity and exceptions – Direction for accumulation – Vested and Contingent interest, void conditions, Rule of acceleration, fulfilment of conditions subsequent.

UNIT – II

Doctrine of election – transfer by ostensible and co-owner – Apportionment – Priority of rights – Rent paid to holder under defective title – Improvements made by *bonafide* holder – Doctrine of *Lis pemsens* – Fraudulent transfer and part-performance.

UNIT – III

Mortgages of Immovable property; Definition – Kinds of mortgages and their features – Rights and liabilities of mortgagor – Priority of securities – Marshalling and contribution – Charges

UNIT – IV

Sale of immovable property: Rights and liabilities of seller and buyer before and after completion of sale – Difference between sale and contract for sale; Leases of immovable property: Definition – Scope – creation of lease – rights and liabilities of lessor and lessee – Determination and holding over; Exchange: Definition and mode – Actionable Claims; Gifts: Scope- meaning – mode of transfer – universal gifts – onerous gifts.

UNIT – V

Law of Trusts with Fiduciary Relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract; Kinds of Trusts – Creation of Trusts – Appointment of Trustees – Duties and Liabilities of Trustees – Rights and Powers of Trustees – Disabilities of Trustee- Rights and Liabilities of the Beneficiary – Vacating the office of trustee and Extinction of Trusts.

Prescribed Books:

Mulla, *Transfer of Property Act*, (Delhi: Universal, 1999)

Tandon, M.P., *Indian Trust Act, 1882*, 21st Edition, (Allahabad Law Agency, 2012)

Reference Books:

Subbarao, *Transfer of Property*, (Madras: Subbiah Chetty, 1994)

Shukla, S.N, *Transfer of Property Act*, 28th Edition, (Jain Book Agency, 2014)

Tripathi, G.P., *The Transfer of Property Act*, 18th Edition, (Jain Book Agency, 2014)

COURSE – V: FAMILY LAW – II: MOHAMMEDAN LAW AND INDIAN SUCCESSION ACT

Objectives:

The knowledge of family laws is important for lawyers. This course is designed to endow the student's which knowledge of both the codified and uncodified portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. In addition, the students have to familiarize themselves with the provisions of the Indian Succession Act.

Course contents:

UNIT – I

Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, Who is a Mohammedan; Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: the Shariat Act, 1937; Sources of Islamic Law; Concept of Marriage: Definition, object, nature, essential requirements of a Muslim marriage, classification of marriage – Legal effects of valid, void and irregular marriage – Muta marriage; Customary practices and State regulation: Polygamy; Child marriage;. Option of Puberty; Dower; Kinds of Dower: Dower when confirmed; Widow's Right of Retention

UNIT- II

Parentage Legitimacy, and acknowledgement of Paternity Custody, Maintenance and education, Guardianship and parental rights. Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869 (Amended Act) – Modes of Talak – Effects of Talak – Iddat – Nullity of marriage – Bar to matrimonial relief; Alimony and maintenance: Alimony and Maintenance as an independent remedy – A review under Muslim law, Indian Divorce Act, 1869, provisions under the *Criminal Procedure Code*, 1973; Maintenance of divorced Muslim women under the *Muslim Women (Protection of Rights on Divorce) Act*, 1986.

UNIT – III

Will-Meaning, Limitations on a Mohammedan in making a will; Difference between will and gift, will made in bed or during illness; Gifts (Hiba): Essentials of Valid Gift; Kinds of Hiba; Revocation of Gifts; Wakf; Essentials of valid Wakf: Mutawalli – Appointment – Powers and Duties of Mutawalli; Law relating Pre-emption; Nature of Right of Pre-emption; Who can Pre-empt; Formalities; When the Right of Pre-emption is lost.

UNIT – IV

Muslim law of Inheritance – Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925 (Of Christians, Parsis) – Domicile – Kinds of Domicile – Modes of

acquisition of Domicile; Parsis Intestate succession and Non Parsis Intestate succession, Succession certificate, Probate and letters of administration, Powers and Duties of Executor,

UNIT – V

Wills – Privileged and unprivileged wills – Construction of Wills in brief – Void bequests, void wills, Kinds of Legacies; Specific and demonstrative Legacy; Ademption of Legacies; - Protection of property of the deceased; Appointment of Curator – Powers and Duties Family Courts Act, 1984 – Constitution, powers, and its functions; Need for Uniform Civil Code – Article 44 of Indian Constitution.

Prescribed Books:

Mulla, *Principles of Mohammedan Law*, (New Delhi: Lexis Nexis, 1906).

Paras Diwan, *Law of Intestate and Testamentary Succession*, 4th Edition, (New Delhi: Universal Law Publishing Co. Ltd, 2013)

Reference Books:

B.B. Mitra, *Indian Succession Act*, 1925. 15th Edition, (New Delhi: Jain Book Agency, 2013)

A.A.A Fyzee, *Outlines of Mohammedan Law*, (Oxford University Press, 1974)

Basu, N.D., *Law of Succession*, 5th Edition, (Calcutta: Eastern Law House, 1974)

Paras Diwan, *Family Law: Law of Marriage and Divorce in India*, (New Delhi: Universal Law Publishing Co. Ltd, 2011)

A.M. Bhattacharjee, *Muslim Law and the Constitution* (Calcutta: Eastern Law House, 1994)

Tahir Mohamood, *The Muslim Law of India*, (Law Book Company, 1980)

Indian Divorce Act, 1869 – Bare Act

COURSE – VI: KANOONU KANNADA/ KANNADA KALI (KANOONU KANNADA IS COMPULSORY FOR ALL THOSE WHO HAVE STUDIED KANNADA AS A SUBJECT AT THE SSC LEVEL AND KANNADA KALI IS COMPULSORY FOR THOSE WHO HAVE NOT STUDIED KANNADA AS A SUBJECT AT THE SSC/ X STD LEVEL)

COURSE: 1:

ಕನ್ನಡಕಲಿ

(ಪಠ್ಯಕ್ರಮ)

KANNADA KALI

ಉದ್ದೇಶಗಳು:

ಕನ್ನಡಕಲಿಎಂಬ

ಭಾಷೆಯಪಠ್ಯವನ್ನುವೃತ್ತಿಪದವಿಯಶಿಕ್ಷಣತರಗತಿಗಳಲ್ಲಿ ಅಭ್ಯಾಸಮಾಡುತ್ತಿರುವಕನ್ನಡೇತರ
ವಿದ್ಯಾರ್ಥಿಗಳಿಗಾಗಿರಚಿಸಲಾಗಿದೆ.

ಈ

ಹೊರರಾಜ್ಯಗಳಿಂದನಮ್ಮಲ್ಲಿಶೈಕ್ಷಣಿಕವ್ಯಾಸಂಗಕ್ಕಾಗಿಬರುವಕನ್ನಡೇತರವಿದ್ಯಾರ್ಥಿಗಳಿಗೆಕನ್ನಡಭಾಷೆಯಜ್ಞಾನಅತ್ಯವಶ್ಯವಾಗಿರುವುದರಿಂದ,
 ಕ.ರಾ.ಕಾ.ವಿಯವ್ಯಾಪ್ತಿಗೆಒಳಪಡುವಂತಹಕಾನೂನುಮಹಾವಿದ್ಯಾಲಯಗಳಲ್ಲಿಕನ್ನಡಭಾಷಾಜ್ಞಾನವನ್ನುಕಡ್ಡಾಯಗೊಳಿಸುವಸದುದ್ದೇಶದಿಂದಪಠ್ಯಕ್ರಮದಲ್ಲಿ "ಕನ್ನಡಕಲಿ" ಎಂಬಪುಸ್ತಕವನ್ನುನಿಗದಿಪಡಿಸಲಾಗಿದೆ.

ಕನ್ನಡೇತರವಿದ್ಯಾರ್ಥಿಗಳಅಧ್ಯಯನಕ್ಕೆಂದುರಚಿಸಲಾಗಿರುವಕನ್ನಡಕಲಿಪಠ್ಯವನ್ನು ಈ ಕ್ಷೇತ್ರದಲ್ಲಿಪರಿಣಿತರಾದಡಾ.ಲಿಂಗದೇವರುಹಳೆಮನೆಅವರುವಿಶೇಷಪರಿಶ್ರಮದಿಂದಮತ್ತು ಈ ಕ್ಷೇತ್ರದತಮ್ಮಸುದೀರ್ಘಅನುಭವದಿಂದತುಂಬಆಸಕ್ತಿವಹಿಸಿರಚಿಸಿಕೊಟ್ಟಿದ್ದಾರೆ.
 ಕನ್ನಡಭಾಷೆಯನ್ನುಅತ್ಯಂತಸುಗಮವಾಗಿಕಲಿಯಲು, ಪ್ರಯೋಗಿಸಲುಮತ್ತುಅದರಲ್ಲಿವ್ಯವಹರಿಸಲುಮತ್ತು ಆ ಮೂಲಕತಮ್ಮವಿಷಯಕ್ಷೇತ್ರದಲ್ಲಿ ಈ ನಾಡವರೊಡನೆಅರ್ಥಪೂರ್ಣಸಂಪರ್ಕಮತ್ತುಸಂವಹನವನ್ನುಸಾಧಿಸಲುನೆರವಾಗುವರೀತಿಯಲ್ಲಿಇದುರಚಿತವಾಗಿದೆ.

Part I : Structure (ಕನ್ನಡಭಾಷೆಯಸಂರಚನೆಯನ್ನುತಿಳಿಸಲಾಗಿದೆ)
ಘಟಕ 1(Unit 1) : Lesson 1 to Lesson 5:
ಘಟಕ 2 (Unit 2): Lesson 6 to Lesson 10:
ಘಟಕ 3 (Unit 3): Lesson 11 to Lesson 15:
ಘಟಕ 4 (Unit 4) : Lesson 16 to Lesson 20:
ಘಟಕ 5 (Unit 5) : Part II: Kannada Script (ಕೇಳುವಮತ್ತುಕಲಿಯುವಕೌಶಲ್ಯಗಳನ್ನುಅಭಿವೃದ್ಧಿಪಡಿಸುವಗುರಿಯನ್ನುಹೊಂದಿದೆ)

ಪುಸ್ತಕ: ಕನ್ನಡಕಲಿ

ಲೇಖಕರು :ಲಿಂಗದೇವರುಹಳೆಮನೆ (ಕನ್ನಡವಿಶ್ವವಿದ್ಯಾಲಯ, ಹಂಪಿ, ಬಳ್ಳಾರಿ)

Kannada Kali (A Language Text Book for the non – Kannada Professional Degree courses by Lingadevaru Halemane)

Published by Publication Division, Prasarakannada University, Hampi, Vidyanarya – 583276 Published year 2002.

III SEMESTER

COURSE – I: JURISPRUDENCE

Objectives:

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context- social, political and theoretical.

At the heart of legal enterprise is the concept of law. Without deep understanding of this concept neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, the first part of the course is concerned with important questions like, what is law, what are the purposes of law? the relationship between law and justice and the like. The second part is concerned with the important sources of law. The emphasis is on important issues concerning law with reference to ancient and modern Indian Legal Thought.

One important branch of Jurisprudence consists in analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept as a whole. This course is designed primarily on English model but native India Orientation is given wherever possible.

Course contents:

UNIT – I

Meaning and nature of ‘Jurisprudence’ – purpose and value of Jurisprudence – Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

UNIT – II

Functions and purpose of law, questions of law, fact and discretion – Justice and its kinds – Civil and Criminal Administration of Justice – Theories of punishment and Secondary functions of the Court.

UNIT – III

Sources of law: Legislation, Precedent and Custom – A Comparative study

UNIT – IV

Legal Concepts: Right and Duty, Kinds, Meaning of Right in its wider sense; Possession: Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership; Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.

UNIT – V

Liability: Conditions for imposing liability – Wrongful act: *Damnum Sine Injuria*, causation, *mens rea*, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation. Substantive Law and Procedural Law.

Prescribed Books:

Fitzgerald, *Salmond on Jurisprudence*, (Bombay: Tripathi, 1999)

Dias, R.W.M, *Jurisprudence*, (Delhi: Aditya Books, 1994)

Reference Books:

W. Friedman, *Legal Theory*, (New Delhi: Universal, 1999)

V.D. Mahajan, *Jurisprudence and Legal Theory*, (Lucknow; Eastern, 1996 Reprint)

Paton, G.W., *Jurisprudence*, ELBS, (Oxford, 1972)

Bodenheimer, Edgar, *Jurisprudence*, (Harvard University Press, 1974) (Revised Edition)

COURSE II: LABOUR LAW – II

Objectives

In this course, students are to be acquainted with legal frame-work relating to social security and welfare. It is necessary to know the concept of social security, its importance and also constitutional basis for the same. The importance of ensuring health, safety and welfare of the workmen and social assistance and social insurance schemes under various legislations are to be emphasized. The main theme underlying the programme is to critically examine provisions of the Factories Act, 1948, the Child Labour (Prohibition And Regulation) Act, 1986, the contract Labour (Regulation & Abolition) Act 1970, the minimum Wages Act, 1948, the payment of Bonus Act, 1965, the payment of Gratuity Act, 1972, the Employees' State Insurance Act, 1948, the Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952, the Maternity Benefit Act, 1961, the Unorganized Sector Workers' Social Security Act, 2008, these legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the other workmen there under. These legislations are to be analyzed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changing times.

Unit – I Constitutional Dimensions of Industrial Relations and Labour

Constitution and Labour welfare – The Bonded Labour System Abolition Act, 1976 – The Equal Remuneration Act, 1976 – the Inter-State Migration of Workers Act, 1979 – the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013.

Unit – II Wages, Bonus and Gratuity

Concept of Wages – Theories of wages and the Minimum Wages Act, 1948 – Definitions – appropriate government, employer, employee, Scheduled employment, etc. – Fixation of Minimum rates of wages – Methods – Regulation of working conditions – Payment of Wages, working Hours, etc.

Bonus – Context – a claim for share in profits even after payment of wages according contract of employment? Is it a breach of contract or an implied term of the contract? Is it a breach of

contract or an implied term of the contract? – concepts of bonus and right to share in profits – The payment of Bonus Act, 1965 – definitions – provisions relating to payment of bonus – judicial interpretations and constitutionality of the provision relating to Govt's power to exempt.

Gratuity – Context – reward for long drawn loyal service – employers' liability or good gesture? Historical developments. The payment of Gratuity Act, 1972 – definitions – judicial interpretation and parliamentary amendment of the definition of employee. – payment of gratuity – determination of the amount of gratuity – authorities.

Unit – III – Protection of Child Labour and Contract labour

Child labour – practice and reasons for child labour – competing views on necessity and feasibility of abolition of child labour – Human rights perspective and constitutional provisions for the protection of child – the Child Labour (Prohibition and Regulation) Act, 1986 – definition – provisions relating to prohibition of child labour in certain establishments and processes – regulation of conditions of work – penalties – judicial interpretations. Amendments made through The Child Labour (Prohibition and Regulation) Amendment Act, 2016 and Criticisms.

Abolition and regularization of contract labour, regulation of contract labour under the Contract Labour (Regulation & Abolition) Act 1970 – judicial decisions relating absorption of sham practice of contract labour – evaluation of the working of the Act in the present days.

Unit – IV Social Security

The Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952 – Definitions – contribution, employee, employer, factory, fund, etc. – Provident Fund Scheme, Family Pension Scheme, Employees, Deposit Linked Insurance Scheme – Scope, Contributions – Benefits – Authorities under the Act – Powers. Latest judicial pronouncements.

The Maternity Benefit Act, 1961 – object and Scope of the Act, Definitions – appropriate government, employer, establishment, factory, maternity benefit, wages, etc. – Benefits under the Act – Inspectors.

Unit – V Protection of unorganized labour

Features and scheme of protection of workers in unorganized sector under the Unorganized Workers' Social Security Act, 2008

Necessity of protection of unorganized labour in shops and establishments by regulating their working conditions – the Karnataka Shops and Commercial Establishments Act, 1961 – application of the Act, Hours of work, annual leave with wages – wages and compensation – employment of children and women – authorities and penalties.

Globalizations, Privatization and open Economy – Effects of globalization on Industry and Labour – Constitutional Mandate of Welfare State and effectiveness of Social Security and

Social welfare legislations in India under new economic policy - Review of laws to meet new challenges – Legislative and judicial response / trend towards application of Labour laws – Emergence of laws relating SEZs, etc.

Prescribed books

- K.M. Pillai – Labour and Industrial Laws.
- S.N Mishra – Labour and Industrial Laws.
- S.C. Srivastava, Treatise on Social Security.
- Sairam Bhat, Privatisation and Globalisation: The Challenging Legal Paradigm
- Jwitesh Kumar Singh, Labour Economics: Principles, Problems and Practices
- Joanne Conagham, Labour Law in an era of globalization, Transformative Practices and possibilities
- C.S. Venkata Ratnam, Globalisation and Labour – Management Relations, Dynamics of Change

Reference books:

- Dr. V.G. Goswami – Labour Industrial Laws.
- O.P. Malhotra – The Law of Industrial Dispute.
- N.G. Goswami – Labour and Industrial Laws.

COURSE – III: LAW OF TAXATION

Objectives:

Tax laws covers the rules, policies and laws that oversee the taxation process, Taxation also includes duties on imports from foreign countries and all compulsory levies imposed by the government upon individuals for benefit of the state. The purpose of this course is to impart conceptual understanding to the students of the provisions of the Direct Tax Laws (Income Tax) and Indirect Tax Laws (Customs, Central Excise, Service Tax, Value added Tax and Central Sales Tax) covered in the syllabus.

Course contents:

UNIT – I

Concept of Tax – Nature and characteristics of taxes – Distinction between tax and fee, tax and cess – Direct and Indirect taxes – Tax evasion and tax avoidance – Scope of taxing powers of parliament, State Legislatures and Local bodies. The Income Tax Act: Basis of taxation of Income – Basic concepts, Persons, Residential status and incidence of tax, - Income from salaries – Income from house property – Income from business or profession and vocation – Capital gains, Income from other sources – Deemed assessee, Set off and carry forward of loss

UNIT – II

Incomes exempt from tax, permissible deductions, Assessment, Kinds of assessment, Income Tax Authorities – appointment – Powers and functions. Provisions relating to collection and recovery of tax-filing of returns and Refund of tax, appeal and revision provisions, offences and penalties.

UNIT – III

Central Excise Laws: Nature, scope and basis of levy of Central Excise duty – Meaning of goods – Manufacturer – Classification and valuation of goods – Duty payment and exemption provisions – Provisions and procedure dealing with registration and clearance of goods – An overview of set-off of duty scheme. Authorities – Powers and functions

UNIT – IV

Customs Laws: Legislative background of the levy- Ports – warehouses – Nature and restrictions on exports and imports – Levy, exemption and collection of customs duties, and overview of law and procedure – Clearance of goods from the port, including baggage – Goods imported or exported by post, and stores and goods in transit – Duty draw back provisions. Authorities – Powers and functions.

UNIT – V

Central Sales Tax Laws: Evolution and scope of levy of Central Sales tax – Inter-State sale outside a State and sale in the course of import and export – Basic principles Registration of dealers and determination of taxable turnover; Service Tax – Introduction, concept, taxable service, registration, valuation, Computation of tax, CENVAT; VAT – Introduction, Concept of VAT, Legislative Background, Registration, filling of returns, rates of taxes, Authorities – Powers and functions

Prescribed Books:

1. Dr. V.K Singhania – Students Guide to Income Tax.
2. V.S Datey – Indirect taxes – Law and Practice.

Reference Books:

1. Girish Ahuja and Ravi Gupta – Systematic approach to Income – Tax and Sales – tax.
2. T.N. Manoharan – Students Handbook on Income Tax Law.
3. B.B. Lal – Direct Taxes – Practice and Planning.
4. Dr. H.C Malhotra and Dr. S.P Goyal – Direct Taxes.
5. Sharad Bhargava – Income Tax for Students.
6. V. Balachandran – Indirect Taxes.
7. J.K. Jain and Anand Jain – Law of Central Sales Tax in India.
8. P.L. Malik – Commentaries of Customs Act.
9. G. Sarangi – Introduction to Indian Tax System and Central Excise Law and Procedure.

COURSE – IV : CRIMINAL LAW –II

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

& THE PROBATION OF OFFENDERS ACT, 1958

OBJECTIVES:

Transition from Code of Criminal Procedure to Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS 2023) is the result of shifted attention from penalty to nyaya. The primary objective of this course is to familiarize the students with the basic procedure relating to investigation and trial of offences along with the procedure of rendering judgments. The students are also expected to appreciate role of technology in different criminal provisions and the importance of time bound remedies.

Unit I: Introduction

Meaning and importance of criminal procedure; Background and salient features of Bharatiya Nagarik Suraksha Sanhita including its Constitutional dimensions; Definitions and classification of offences- Bail, Bail bond, Bond, Audio-Video Electronic Means, Victim, Investigation; Replaced provisions relating to Organisation, Functions, Duties and Powers of Courts, prosecution and Police under BNSS. Initiation of criminal case- First Information Report, Zero FIR, Investigation powers, Preliminary Inquiry, Complaint; Arrest-Concept, procedure and safeguards, Proclamation, Information regarding arrested persons, Handcuffing.

Unit II: Pre -Trial Process and Commencement of Proceedings

1. Magisterial power to take cognizance and timelines to complete the proceedings;
2. Dismissal of complaints;
3. Commencement of proceedings;
4. Framing of Charge and joinder of charges;
5. Process to compel appearance and production of things- Use of electronic means, securing presence of successor;
6. Preliminary pleas under the Sanhita- Plea of guilt, limitation for taking cognizance of offences;
7. Provisions as to Bail and Bonds.

Unit III - Trial Process

1. Trial before Court of Sessions;
2. Trial of Warrant and Summons cases by Magistrates;
3. Summary Trials - Significance;
4. Evidence and General Provisions as to inquiries and trials;
5. Compounding of offences and Plea bargaining;
6. Concurrent and consecutive running of Sentences;
7. Appeals, Revision and Reference;
8. Security for keeping peace and good behaviour;
9. Maintenance - Alteration and Enforcement.

Unit IV: Miscellaneous Procedure

1. Judgment;
2. Transfer of cases;
3. Execution, suspension, remission and commutation of Sentences and Mercy petitions;
4. Disposal of property- photography, videography and time bound release;
5. Preventive action of Police;
6. Irregular proceedings;
7. Protection of Victims- Compensation and Treatment.

Unit V: Juvenile Justice and Probation of Offenders

1. *The Juvenile Justice (Care and Protection of Children) Act, 2015*-Salient features, the Juvenile Justice Board -Composition, Powers and Functions; Procedure relating to Children in conflict with Law, Children in need of Care and Protection and their rehabilitation, Child Welfare Committee.
2. *The Probation of Offenders Act, 1958*-Salient features, Power of Court to release certain offenders on probation/ good conduct; Power of Courts to require released offenders to pay compensation and cost; Appeal and Revision.

Prescribed Books :

1. Ratanlal and Dhirajlal's, *Bharatiya Nagarik Suraksha Sanhita*, Lexis Nexis,(the latest edition comprising the BNSS, 2023)
2. K.N. Chandrashekar Pillai (Revd.), R V Kelkar's *Criminal Procedure (Recent Edition)*, Eastern Book Publication.

Reference Books

1. Bare Act - *Bharatiya Nagarik Suraksha Sanhita, 2023*.
2. K.N. Chandrashekar Pillai (Revd.), R V Kelkar's *Lectures on Criminal Procedure (Recent Edition)*, Eastern Book Publication.
3. Bare Acts -*The Juvenile Justice (Care and Protection) Act, 2015 & The Probation of Offenders Act, 1958*.
4. M.P. Tandon, *Criminal Procedure Code*, Central Law Agency (latest edition)
5. S C Sarkar, PC Sarkar and Sudipto Sarkar, *Sarkar: The Code of Criminal Procedure (Recent Edition)*, LexisNexis.

6. Ratanlal and Dhirajlal's, The Code of Criminal Procedure, 1973, Lexis Nexis, (Recent Edition).
7. J.K.Verma, Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure): A Commentary, Eastern Book Publication.

COURSE – V: ADMINISTRATIVE LAW

Objectives:

Administrative law is basically concerned with triple function of administrative authorities, their constitutional limits and statutory limitations, the procedure to be followed in the exercise of their functions and the necessity to study in depth relevant remedies. Constitutional or otherwise in case of administrative arrogance and consequent abuse of power.

Course content

Unit I - Definition of Administrative Law – Nature and scope – The impact and implications of the Doctrine of Separation and the Rule of Law on Administrative Law, Classification of Administrative Action – the necessity

Unit – II - Legislative power of Administration – Doctrine of Vice of excessive Delegation – Judicial and Parliamentary control over delegative legislation – Advantages and disadvantages of delegated legislation – Exclusion of Judicial Review of Delegated Legislation

Unit – III – Judicial power of Administration - Tests to determine when an administrative authority required to act judicially – Doctrine of Bias – Doctrine of Audi Alterum Partem – Reasoned decision – Exceptions to Natural Justice – Effect of non-compliance with rules of Natural Justice – grounds on which decision of quasi – judicial authority can be flagged before Supreme Court

Unit IV - Administrative Discretion – Grant and exercise of discretion – Judicial review of Administrative Discretion

Unit V – Control of Administrative Action – Judicial Control – Public Law and Private Law Remedies – distinction

Writs – Theory, Practice and Procedure – ouster clause

Liabilities of the state in the province of Contract and Tort – Constitutional Tort Doctrine of Promissory Estoppel – Doctrine of legitimate expectation – Doctrine of proportionality

Unit – VI – Corporates and Public Undertakings – Control of statutory corporations and public undertakings – Administrative deviance – Corruption and mal administration – Control mechanism

Ombudsman in India (Lokpal and Lokayukta) – Central Vigilance Commission – Parliamentary Committees – Commission of Enquiry

Prescribed Books:

M.P. Jain & S.N. Jain, Principles of Administrative law, latest edition

Reference Books:

Wade, Administrative Law, latest edition

S.P. Sathe, Administrative Law, latest edition

I.P. Massey, Administrative Law, latest edition

IV SEMESTER

COURSE – I: PUBLIC INTERNATIONAL LAW

Objectives:

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

Course contents:

UNIT – I

Nature, definition, origin and basis of International Law; Sources of International Law; Relationship between Municipal and International Law; Subjects of International Law.

UNIT – II

States as subjects of International Law: States in general; Recognition; State territorial sovereignty.

UNIT – III

State Jurisdiction: Law of the sea; State Responsibility; Succession to rights and obligations.

UNIT – IV

State and Individual – Extradition, Asylum and Nationality; the agents of international business; diplomatic envoys, consuls and other representatives; the law and practice as to treaties.

UNIT – V

The United Nations Organization – Principal organs and their functions; World Trade Organization – Main features; International Labour Organization.

Prescribed Books:

Starke, J.G, *An Introduction to International Law* (Oxford University Press, 2013).

Sands Philippe and Pierre Klein, *Bowett's Law of International Institutions, 6th Edition*, (Sweet & Maxwell, 2009)

Reference Books:

Clapham, Andrew, *Brierley's Law of Nations: An Introduction to the Role of International in International Relations, 7th Edition*, (Oxford:2012)

Harris, D.H, *Cases and Materials on International Law, 7th Edition*, (Sweet and Maxwell, 2010)

Oppenheim, *International Law, 9th Edition*, (Oxford, 2008)

Kapoor, S.K, *International Law, Human Rights* (Central Law Agency, 2009)

Das, Bhagirathlal, *Introduction to World Trade Organization Agreements* (Zed Books, 1998)

COURSE – II: OPTIONAL – I HUMAN RIGHTS LAW AND PRACTICE

Objectives:

the objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

Course contents:

UNIT – I

Jurisprudence of Human Rights; Nature, definition, origin and theories of human rights.

UNIT – II

Universal protection of human rights – United Nations and Human Rights – Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.

UNIT – III

Regional Protection of Human rights – European system – Inter American System – African System

UNIT – IV

Protection of Human Rights at national level; Human rights and the Constitution; The Protection of Human rights Act, 1993.

UNIT - V

Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities – National and International Legal Developments.

Prescribed Books:

Theodor, Meron, *Human Rights and International Law: Legal and Policy Issues*, 2Vols.

Kapoor, S.K., *International Law and Human Rights*, Central Law Agency, 2014.

Reference Books:

Luis, Henkin, “The Rights of Man Today”, *University of Miami Inter-American Law Review*, Vol.,1 1, Spring 1979 (p.229-244)

Singh, Nagendra, *Enforcement of Human Rights in Peace and War and the future of humanity*, (Calcutta: Eastern Law House 1986)

Relevant International Instruments.

United Nations Charter, 1945.

Universal Declaration of Human Rights, 1948.

International Convention on the Elimination of All Forms of Racial Discrimination, 1948.

International covenant on civil and Political Rights, 1966.

International covenant on Economic and Cultural Rights, 1966.

Convention on Elimination of All forms of Discrimination against Women, 1979.

Convention on the Rights of the Child, 1989.

COURSE – II: OPTIONAL – I: INSURANCE LAW

Objectives:

The insurance idea is an old-institution of transactional trade. The main objective of every insurance contract is to give financial security and protection to the insured from any future uncertainties. Hence, insurance is considered as an inevitable component of economic development. Even from olden days merchants who made great adventures, gave money by way of consideration to other persons who made assurance, against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the light of various legislations regulating insurance sector in India.

Course contents:

UNIT – I

Introduction: Nature – Definition – History of Insurance – History and development of Insurance in India, Contract of Insurance: Classification of contract of Insurance: (Life insurance – General insurance and Re-insurance – A brief overview), Nature of Insurance Contract, Overview of Insurance laws in India: Insurance Act, 1938 – Insurance Regulatory and Development Authority Act, 1999: Its role and functions.

UNIT –II

Principles of Insurance law: Principles of good faith (*uberrimae fidei*) – Non disclosure – Misrepresentation in Insurance contract, Insurable Interest, Principle of Indemnity – Difference between Indemnity and Guarantee, Principle of Contribution, Principle of Loss Minimization, the risk – Meaning and scope of risk, Causa Proxima, Premium: Definition – Method of payment – Days of grace – Forfeiture – Return of premium, Assignment of the subject matter.

UNIT – III

Life Insurance: Nature and scope of Life Insurance, Kinds of Life Insurance, The policy and formation of a Life Insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, Amount recoverable under the Life Policy – Persons entitled to payment – Settlement of claim and payment of money – Life Insurance Corporation Act, 1956 (overview) – General Insurance Business (Nationalization) Act, 1972 (overview) – Health and Medical Insurance, The Motor Vehicles Act, 1988 – Sec. (140 – 176) – Nature and scope – Absolute or no fault liabilities, Third party or compulsory insurance of motors vehicles – Claims Tribunal – Legal aspects of Motor Insurance.

UNIT – IV

Fire Insurance: Nature and scope of Fire Insurance – Basic Principles – Conditions & Warranties – Right & Duties of Parties – Claims – Some Legal Aspects, Introduction to

Agriculture Insurance – History of Crop Insurance in India – Crop Insurance Underwriting, Claims, problems associated with Crop Insurance, Cattle Insurance in India, Micro Insurance, Public Liability Insurance: Public Liability Insurance Act, 1991 (overview) – Claims, Consumer courts and Insurance Ombudsman.

UNIT – V

Marine Insurance: Nature and Scope – Classification of Marine policies – Insurable interest – Insurable values – Marine Insurance and policy – Conditions and express Warranties – Voyage Deviation – Perils of sea – Loss – Kinds of Loss – The Marine Insurance Act, 1963 (Sections 1 to 91)

Prescribed Books:

Murthy K.S.N and K.V.S. Sharma, *Modern Law of Insurance in India*, (New Delhi: Lexis Nexis, 2009)

Srinivasan, M.N., *Principles of Insurance Law*, 7th Edition, (Nagpur: Wadhwa and Co., 2004).

Reference Books:

Singh, Avtar, *Law of Insurance*, (Jain Book Agency, 2004)

Birds, John, *Bird's Modern Insurance Law*, 8th Edition, (London: Sweet & Maxwell, 1997)

W. Patterson, Edwen, *Cases and Materials on Law of Insurance* (New York: Foundation Press, 1955)

Insurance Act, 1938.

The Marine Insurance Act, 1963.

General Insurance (Business) (Nationalization) Act, 1972.

The Life Insurance Corporation Act, 1956.

Motor Vehicle Act, 1988.

COURSE – III: OPTIONAL –II: BANKING LAW

Objectives:

A vitally important economic institution the banking 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 molded and the 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 nationalization of banks.

The conventional banking system, found to be deficient for planned developmental purpose, paved the way for developmental Banking. The fag of the lost millennium witnesses influx of foreign banking companies into India and a shift in the banking policy as part of a global phenomenon of liberalization. The legal system is adopting itself into the new mores.

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

UNIT – I

NATURE AND DEVELOPMENT OF BANKING

History of banking in India and elsewhere indigenous banking – Evolution of banking in India – Different kinds of banks and their functions – Multi functional banks – Growth and legal issues

LAW RELATING TO BANKING COMPANIES IN INDIA

Controls by government and its agencies: On management – On account and audit – lending – Credit policy – Reconstruction and reorganization – suspension and winding up.

UNIT – II

BANKING REGULATION ACT, 1949: Evolution of central bank, characteristics and functions, Economic and social objective, The central bank and the State – as bankers bank, The Reserve Bank of India as the central Bank

ORGANISATIONAL STRUCTURE – Functions of the RBI – regulation of monetary mechanism of the economy – Credit control – Exchange control – Monopoly of currency issues – Bank rate policy formation. Control of RBI over non-banking companies, financial companies, non-financial companies.

THE DEPOSIT INSURANCE CORPORATION ACT, 1961: Objects and reason – Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors. Relations between insured bank, DIC and Reserve Bank of India

UNIT-III

RELATIONSHIP OF BANKER AND CUSTOMER: Legal character, control between banker and customer, Banker's lien, protection of bankers, customers, Nature and type of accounts – special classes of customers, lunatics, minor, partnership corporations, local authorities, Right and duties of the banker and customer. Consumer protection – banking as service

UNIT – IV

LAW RELATING TO NEGOTIABLE INSTRUMENTS, 1881 ACT (read with the amended act of 2002) Negotiable Instrument – Kinds – Holders and holders in due course- Parties- Negotiable- Assignment – Presentment, Endorsement – Liability of parties, Payment in due course – Special rules of evidence - material alteration – Noting and protest – Paying banker and collecting banker – Bills in sets – Penal provisions under negotiable instrument Act – bankers book evidence Act.

UNIT – V

LENDING BY BANKS: Good lending principles, Lending to poor masses Securities for advances – kinds and their merits and demerits, - Repayment of loans; rate of interest, protection against penalty – Default and recovery – debt recovery tribunal.

RECENT TRENDS OF BANKING SYSTEM IN INDIA: New technology, Information technology, Automation and legal aspects, Automatic teller machines and use of internet, smart card, use of expert system, Credit cards.

Prescribed Books:

Tannan, M.L., *Banking Law and Practice*, (Lexis Nexis, 2014).

M.S. Parthasarathy (Ed.), Khergamvala, *Negotiable Instruments Act* (Bombay: N.M. Tripathi Pvt Ltd, 1955)

Justice Bhaghabati Prasad Banerjee, *Guide to Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act*, 2002.

Reference Books:

Singh, Avtar, *Laws of Banking and Negotiable Instruments*, (Eastern Book Co., 2007)

Basu, Saroj Kumar and Alak Ghosh, *A Review of Current banking Theory and Practice*, (Mc Millan, 1974)

Paget, *Law of Banking*, 13th Edition, (UK: Lexis Nexis, 2007)

Goyle, L.c., *The Law of Banking and Bankers*, (Eastern Law House, 1995)

Relevant provisions of Information Technology Act, 2000.

COURSE III – OPTIONAL – II: RIGHT TO INFORMATION

Objectives:

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how the right to information infuses transparency and accountability in governments, preventing abuse of power.

Course contents:

UNIT – I

Historical development of freedom of information in Sweden, USA and UK. Right to Information before Right to Information Act, 2005 In India. Significance in democracy, constitutional basis, Supreme court on Right to Information.

UNIT – II

RTI Act – Definitions; Right to Information and obligations of public authorities.

UNIT – III

Central information commission; State Information commission; powers and functions of information commissions; Appeals and penalties.

UNIT – IV

Other related laws – The Official Secrets Act, 1923, The Public Records Act, 1993, The Public Records Rules, 1997, The Freedom of Information Act, 2002, The Commission of Inquiry Act, 1952, The Commission of Inquiry (central) Rules, 1972.

UNIT – V

RTI Judicial response, Supreme court and High court decisions on RTI , Best practices – A study of decisions rendered by state commissions and central commission in the following areas of – Police, Revenue, PWD, Irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department and Local authorities.

Prescribed Books:

J.H. Barowalia, *Commentary on the right to Information Act* (Universal Law Publications.)

Kamath, Nandan, *A guide to Cyber Laws and IT Act, 2000 with Rules and Notifications*, 3rd Edition, (Universal Law Publisher, 2007)

Reference Books:

Dr. Farooq Ahmed, *Cyber Law in India*, 3rd Edition, (New Era Law Publisher, 2008)

Joga Rao, S.V., *Law relating to Right to Information – A Comprehensive and Insightful Commentary with comparative Perspectives*, (Jain Book Agency, 2009)

Dr. Madubhushi Sridhar: *Right to Information, Law & Practice (latest edition)*

COURSE – IV: CLINICAL COURSE – II: ALTERNATIVE RESOLUTION SYSTEMS

Objectives:

Today alternative disputes resolution systems have become more relevant than before both at local, national and international levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation. This course trains the student in ADRs. The course teacher shall administer simulation exercise for each of the methods

Course contents:

UNIT – I

General; Different method dispute resolution; inquisitorial method, adversarial method, other methods – both formal and informal – like Arbitration, Conciliation, Negotiation, Mediation etc. – Advantages and disadvantages of above methods; Need for ADRs, International commitments, domestic needs, Suitability of ADRs – to particular types of disputes, civil procedure code and ADRs.

UNIT – II

Arbitration – meaning of arbitration, attributes of arbitration, general principles of arbitration, different kinds of arbitration, quality and qualification of an arbitrator, Arbitration agreement and its drafting, Appointment of arbitrator, Principle steps in arbitration, Arbitral award, Arbitration under Arbitration and Conciliation Act, 1996.

UNIT – III

Conciliation: Meaning – different kinds Conciliation, facilitative, evaluative court- annexed, Voluntary and compulsory; qualities of a conciliator, duties of a conciliator, role of a conciliator, stages of Conciliation, procedure, conciliation under statutes – Industrial disputes Act 1947, Family Courts Act 1984, Hindu Marriage Act 1955, Arbitration and Conciliation Act, 1996

UNIT – IV

Negotiation: Meaning, Different styles of negotiation, different approaches of negotiation, phases of negotiation, qualities of a negotiator, power to negotiate

UNIT – V

Mediation: Meaning, qualities of a mediator, role of mediator, essential characteristic of the mediation process – voluntary, collaborative, controlled, confidential, informal and impartial and neutral, self-responsible, different modules of mediation, code of conduct for mediators.

Prescribed Books:

Madabhushi, Sridhar, *Alternative Dispute Resolution*, (New Delhi: Lexis Nexis, 2006)

Rajan R.D., *A Primer on Alternative Dispute Resolution*, (New Delhi: Jain Book Agency, 2005)

Reference Books:

Sampath D.K., *Mediation Concept and technique in support of Resolution of Disputes*, (National Law School of India University, 1991)

Gold Neil, et.al., *Learning Lawyers Skills*, (London: Butterworths in conjunction with the common wealth Legal Education Association, 1989) (Chapter – 7)

Michael Noone, *Mediation*, (Cavendish Pub., 1996) (Chapters – 1, 2&3).

1. Mode of Assessment: The scheme of evaluation for Clinical Course –

II. Alternative Dispute Resolution Systems shall be as under:

- a. Two Written Tests shall be conducted for 30 marks each.
- b. The questions in the test papers should be spread over whole syllabus.
- c. I. test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

There shall be four simulation exercises conducted for 10 marks each

(one exercise each in negotiation, mediation, arbitration and conciliation).

V SEMESTER

COURSE – I: COMPANY LAW

Objectives:

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. This course aims to impact the students, the corporate management, control, possible abuses, the remedies, and government regulation of corporate business and winding up of companies.

Course contents:

UNIT – I

Introduction and Concept

Company- historical development – nature and characteristics of company – kinds of company – Corporate personality – limited liability – lifting of corporate veil – promoters – duties and liability of promoters

UNIT – II

Incorporation

Procedure of incorporation – certificate of incorporation – MOA – AOA – Doctrine of indoor management – prospectus

UNIT – III

Management and Control of Companies

Board of Directors – powers and functions: Distribution of powers between Board of Directors and general meeting

Directors: appointment – qualification - position of directors – types of directors – powers and duties of directors – remuneration – removal

Meetings: Meetings of Board and Committees – kinds of meetings – procedure relating to convening and proceedings at General and other meetings – resolutions – Prevention of oppression and Mismanagement

Corporate social responsibility

UNIT – IV

Financial structure of company

Sources of capital: Shares – types – allotment – transfer of shares – rights and privileges of shareholders – dividends – declaration and payment of dividends, prohibition of buy back – private placement –

Debentures – floating charge – appointment of debenture trustees and their duties – kinds – remedies of debenture holders – redemption

Acceptance of Deposit by Companies, charge on assets

UNIT – V

Reconstruction and amalgamation and winding up

Reconstruction, rehabilitation and amalgamation: concept – jurisdiction and powers of courts and NCLT – vesting of rights and transfer of obligations – takeover and acquisition of minority interest

Winding up: concept – modes of winding up – who can apply – procedure under different modes.

Prescribed Books:

Taxman, *Companies Act* 2013.

Singh, Avtar, *Company Law*, (Lucknow: Eastern Book Company, 2007)

Reference Books:

Ramaiah, A, *Guide to Companies Act*, (Nagpur: Wadhwa, 1998)

Shah, S.M., *Lectures on Company Law*, (Bombay: Tripathi, 1988)

Kuchal, S.C, *Corporation Finance: Principles and problems*, 10th Edition, (Chaitanya Publishing House, 1973)

Y.D. Kulshreshta, *Government regulation of financial management of private corporate sector in India*, Indian Law Institute, (1986)

S.K Roy, *Corporate Image in India A Study of Elite Attitudes towards Public and Private Industry*, (shri Ram Centre for Industrial Relations and Human Resources, 1974)

Gower, L.C.B, *Principles of Modern Company Law*, (London: Sweet& Maxwell, 1997)

D.L. Majumdar, *Towards a philosophy of Modern Corporation*. (Asia Publishing House, 1967)

Pennington, Robert R., *Pennington's Law*, (U.K: Oxford University Press, 2001)

Rajiv Jain, *Guide on foreign collaboration – Policies & Procedures* (Vidhi Publication, 2007).

C. Singhanian, *Foreign collaborations and Investments in India – Law and procedures*, (Fred B. Rothman & Co, 1999)

Joyant M Thakur, *Comparative Analysis of FEMA – FEMA Act, 1999 with FERA*.

Sanjiv Agarwal, *Bharat's guide to Indian capital*, 2nd Edition, (New Delhi: Bharat Law House Pvt Ltd, 2001)

Note: The course teachers have to keep track of the notification regarding enforcement of the Companies Act, 2013 and teach the provisions enforced. For the provisions not enforced, the parallel provisions from the Act of 1956 are to be taught.

COURSE – II: CIVIL PROCEDURE CODE AND LIMITATION ACT

Objectives:

Study of procedural law is important for a Law student. This course is designed to acquaint the students with the various stages through which a civil case passes through, and the connected matters. The course also includes law of limitation. The course teacher shall Endeavour to familiarize the students with the case papers (like plaints, written statements, Interlocutory applications, etc.) involved in civil cases and touch upon the provisions of Evidence Act wherever necessary.

Course contents:

UNIT – I

Civil Procedure Code

Introduction; Distinction between procedural law and substantive law – History of the code, extent and its application, definition; Suits: Jurisdiction of the Civil Courts – Kinds of jurisdiction – Bar on suits – Suits of civil nature (Sec.9); Doctrine of *Res sub judice* and *Res judicata* (Sections 10, 11 and 12); Foreign Judgement (Sections 13 – 14); Place of Suits (Sections. 15 to 20); Transfer of Cases (Sections. 22 TO 25)

UNIT – II

Institution of suits and summons: (Sections. 26, O.4 and Sections. 27, 28, 31 and O.5); Interest and Costs (Sections. 34, 35, 35A, B); Pleading: Fundamental rules of pleadings – Plaint and Written Statement – Return and rejection of plaint – Defences – Set off – Counter claim; Parties to the suit (O.1): Joinder, misjoinder and non-joinder of parties – Misjoinder of causes of action – Multifariousness.

UNIT – III

Appearance and examination of parties (O.9, O.18) – Discovery, inspection and production of documents (O.11 & O.13) – First hearing and framing of issues (O.19 and O.14) – Admission and affidavit (O.12 and O.19) – Withdrawal and compromise of suits (O.23) – Judgement and Decree (O.20); Execution (Sections 30 to 74, O.21): General principal of execution – Power of executing Court – Transfer of decrees for execution – Mode of execution – a) Arrest and detention, b) Attachment, c) Sale.

UNIT – IV

Suits in particular cases; Suits by or against Governments (Sections 79 to 82, O. 27); Suits by aliens and by or against foreign rulers, ambassadors (Sections 85 to 87); Suits relating to public matters (Sections 91 to 93); Suits by or against firms (O.30); Suits by or against minors and unsound persons (O.32); Suits by indigent persons (O.33); Inter-pleader suits (Sec.88, O.35); Interim Orders; Commissions (Sec. 75, O.26); Arrest before judgement and attachments before judgement (O.38); Temporary injunctions (O.39); Appointment of receivers (O.40); Appeals (Sections 90 to 109, O.41, 42, 43, 45); Reference – Review and Revision (Sections. 113,114,115, O.46); Caveat (Sec. 144.A) – Inherent powers of the Court (Sections 148, 149, 151).

UNIT – V

Limitation Act, 1963.

Prescribed Books:

Bakshi, P.M., Mulla's *Civil Procedure Code, 12th Edition*, (Bombay: Tripathi, 1990)

Tendon, M.P, *Code of Civil Procedure*, (Allahabad Law Agency, 2005)

Karnataka Civil Rules of Practice – Bare Act.

Reference Books:

Malik, M.R, *Ganguly's Civil Court, Practice and Procedure*, (Eastern Law House, 2012)

Takwani, C.K, *Civil Procedure Code*. (Eastern Book Co., 2010)

COURSE – II: OPTIONAL – III: INTELLECTUAL PROPERTY RIGHTS – I

Objectives:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that “knowledge is property”. The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e., Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two papers namely paper – I and paper – II of 100 marks each.

Course contents:

UNIT – I

Introductory Aspects: Overview of the concept of property; Industrial property and non-industrial property; Historical background of IPR; Importance of human creativity in present scenario; Different forms of Intellectual Property and its conceptual analysis.

Patents: Introduction and overview of patent protection; History of Patent protections; Meaning and definition of patent; Object of patent; Scope and salient features of Patent Act; How to obtain a patent; Product patent and Process patent; Specification – Provisional and complete specification; Opposition proceedings to grant of patents; Register of patents and Patent Office; Rights and obligations of patentee; Transfer of patent Rights; Compulsory licenses; Government use of inventions; Revocation and surrender of patents; Infringement of Patents; Offences and Penalties.

UNIT – II

Trade Marks: Introduction and overview of trade mark; Evolution of trade mark law; Meaning and definition of Trade mark; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trademarks registry and register of trademarks; property in a trade mark; Registrable and non – registrable marks; Basic principles of registration of trade mark; Deceptive similarity; Assignment and transmission; Rectification of register; Infringement of trade mark; Passing off; Domain name protection and registration; Offences and penalties.

UNIT –III

Introduction and overview of Cyber Intellectual Property; Intellectual property and cyberspace; Emergence of cybercrime; Grant in software patent and Copyright in software; software piracy; Trademarks issues related to Internet (Domain name); Data protection in cyberspace; E-commerce and E- contract; Salient features of Information Technology Act; IPR provisions in IT Act; Internet policy of Government of India.

UNIT – IV

Geographical Indications: Introduction and overview of geographical indications; Meaning and scope of geographical indications; Important geographical indications of India and their features; Salient features of the Protection of Geographical Indications Act; Protection of geographical indications; Misleading use of geographical indications; Registration of geographical indications; Right to use geographical indications; Infringement; Remedies against Infringement; Role and functions of Registrar of Geographical indications; Conflict between Trade mark and geographical indications.

UNIT – V

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Cooperation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features; International registration of marks; World Intellectual Property Organization: Background; Salient features WIPO; Organization of WIPO.

Prescribed Books:

1. Narayan, S., *Intellectual Property Law in India*, (Hyderabad: Gogia Law Agency, 2005)
2. Cornish, William, *Intellectual Property: Patents, Copyright, Trademark and Allied Rights*, 2nd Edition, (London: Sweet & Maxwell, 1998)

Reference Books:

1. Ganguli, Prabuddha, *Intellectual Property Rights: Unleashed the knowledge Economy*, (Tata Mc GrawHill Publishing Co., 2001)
2. Caddick, Nicholas et (al)., *Copinger & Skone James, Copyright*, 16th Edition, (U.K: Sweet & Maxwell, 2013).
3. Unni, *Trade Marks and the Emerging concepts of Cyber Property Rights*, (Kolkata: Eastern Law House, 2002)
4. Ryder, Rodney, *Intellectual Property and the Internet*. (Jain Book Agency: 2002)
5. Matthan, Rahul, *The law relating to Computers and the Internet*. (Butterworths India Ltd, 2005)
6. Verkey, Elizabeth, *Law of Plant Varieties Protection*, 1st Edition, (Eastern Book Co., 2007)
7. Duggal, Pavan, *Cyber Law: the Indian Perspective*, (Saakshar Law Publications, 2002)
8. Mittal, D.P., *Taxmann's Law of information Technology (Cyber Law)* (Taxmann Allied Services, 2000)

COURSE – II OPTIONAL – III: PENOLOGY & VICTIMOLOGY

Objectives:

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

Course contents:

UNIT – I

Introduction: Notion of punishment in law; Difference between crime prevention and control; Theories of punishments.

UNIT – II

Kinds of punishment; Sentencing policies and processes; the riddle of capital punishment.

UNIT – III

Prison reforms; Alternatives to imprisonment; Victimology – Introduction, history and philosophy.

UNIT – IV

Victimology – European experience; American experience; Victim witness assistance programmes; Restitution.

UNIT – V

Victimology – Indian experience; Legal framework; Role of Courts; Role of NHRC.

Prescribed Books:

Sutherland, Edwin H., *Principles of Criminology and Penology*, (Eastern Book Co., 2009)

Rajan, V.N., *Victimology in India: Perspectives beyond Frontier*, (APH Publishing, 1995)

Reference Books:

H.L.A. Hart, *Punishment and Responsibility*.

S. Chabra, *Quantum of Punishment in Criminal Law*.

Herbert L. Packer, *The Limits of Criminal sanctions*.

COURSE – III: OPTIONAL – IV: INTERPRETATION of STATUTES & PRINCIPLES OF LEGISLATION

Objectives of the course

As it is difficult to have legislations without ambiguous provisions, there is a need to make proper study of the rules and principles relating to interpretation of statutes. Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy? With the above problems and perspectives in view, this paper is framed.

UNIT – I: Interpretation of Statutes

Meaning of the term ‘statutes’, Commencement, operation and repeal of statutes, Purpose of interpretation of statutes, Restrictive and beneficial construction, Taxing statutes, Penal statutes, Welfare legislation Law, Interpretation of substantive and adjunctival statutes, Interpretation of directory and mandatory provisions, Interpretation of enabling statutes, Interpretation of codifying and consolidating statutes, Interpretation of statutes conferring rights, Interpretation of statutes conferring powers.

UNIT – II: Aids to Interpretation

Internal aids, Title, Preamble, Headings and marginal notes, Sections and sub-sections, Punctuation marks, Illustrations, exceptions, provisions and saving clauses, Schedules, non – obstante clause

External aids, Dictionaries, Translations, Travaux Preparatoires, Statutes in parimaterial, Contemporanea Exposito, Debates, inquiry commission reports and Law Commission reports

UNIT – III – Rules and Principles of Statutory Interpretation

Primary Rules, Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction, Secondary Rules, Noscitur a sociis, Ejusdem generis, Reddendosingulasingulis. Principles of Constitutional Interpretation, Harmonious construction, Doctrine of pith and substance

Colourable legislation, Ancillary powers, "Occupied field", Residuary power, Doctrine of repugnancy.

UNIT – IV Presumptions in statutory interpretation

Statutes are valid, Statutes are territorial in operation, Presumption as to jurisdiction, presumption against impairing obligations or permitting advantage from one's own wrong, Prospective operation of statutes

UNIT – V Principles of Legislation

Law – making – the legislature, executive and the judiciary, Principle of utility, Operation of these principles upon legislation, Distinction between morals and legislation

References:

G.P. Singh, *Principles of Statutory Interpretation*, (7th Edition) 1999, Wadhwa, Nagpur.

P. St. Langan (Ed.). *Maxwell on The Interpretation of Statutes* (1976)

N.M. Tripathi, Bombay

K. Shanmukham, N.S. Bindras's *Interpretation of statutes*, (1997) The Law Book Co. Allahabad.

V. Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow

M.P. Jain, *Constitutional Law of India*, (1994) Wadhwa&Co.

M.P.Singh, (Ed.) V.N. Sukla's *Constitution of India*, (1994) Eastern, Lucknow.

Jeremy Bentham, *Theory of Legislation*, Wadhwa, Nagpur

COURSE – III: OPTIONAL – IV: COMPETITION LAW

Objectives:

The competition plays a key role in ensuring productive, efficient, innovative, and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. But if the anti-competitive practices take precedence in the market, the consumers and the economy of the nation both will be adversely affected. Hence, to prevent such situation and to ensure fair competition in the market the Competition Act, 2002 was enacted. This course is designed to give the students an insight into the Competition Act, 2002. It enables the students to understand the role of competitive market in the economic development of the country, anti-competitive practices and its impact on socio-legal scenario of the country.

Course contents:

UNIT – I

Competition policy and economics, the function of Competition Law, Overview of the Practices Controlled by Competition Law, Constitutional provisions regulating trade.

UNIT – II

Sherman Antitrust Act, 1890; Relevant provisions of Clayton Act, 1914; Relevant provisions of the Federal Trade Commission Act, 1914; Salient features of U.K. Competition Act, 1998; (U.K) Enterprise Act, 2002.

UNIT – III

Overview of the Monopolies and Restrictive Trade Practices Act, 1969; the relevant provisions of Consumer Protection Act, 1986; the Competition Act, 2002; definitions; prohibition of anti-competitive agreements, abuse of dominant position and regulation of combinations.

UNIT – IV

Competition Commission of India; composition of Commission; duties, powers and functions of Commission.

UNIT – V

Duties of Director general; Penalties; Competition advocacy; Case Law

Prescribed books:

1. Richard Whish & David Bailey, *Competition Law*, 7th ed., (New York: Oxford University Press, 2012).
2. Mittal D.P., *Competition Law and Practice*, 3rd ed., (New Delhi: Taxmann Publications (p.) Ltd, 2010)
3. Roy Abir & Jayant Kumar, *Competition Law in India*, (Kolkata: Eastern Book House, 2008).

Reference Books:

1. Dugar S.M., *Commentary on the MRTP Law, Competition Law & Consumer Protection Law*, Vol.I & II, 4th ed., (Nagpur: Lexis Nexis Butterworths Wadhwa, 2006)
2. Dhall Vinod (ed.), *Competition Law today – Concepts, Issues & the law in Practice*, (New Delhi : Oxford University Press, 2007)

COURSE – IV: CLINICAL COURSE – III: DRAFTING, PLEADING AND CONVEYANCE

Objectives:

Translation of thoughts into words – spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

Course contents:

1. General principles of drafting and relevant substantive rules.
2. Pleadings – Civil: plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Art.226 and Art.32 of the Constitution of India.
3. Pleadings – Criminal: complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
4. Conveyance: sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.
5. Drafting of writ petition and Public Interest Litigation petition.

This course shall be taught through class room instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

Examination and allocation of marks:

1. Each student shall undertake 15 practical exercises in drafting of pleadings carrying 45 marks (3 marks for each exercise).
2. Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
3. The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.
4. The cover shall indicate the name of the examination, subject, seat number, and the center code number.
5. There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva – to be conducted by the Principal and the Course teacher.

VI SEMESTER

COURSE – I: LAW OF EVIDENCE

Objectives:

The law of Evidence has its own significance amongst Procedural Laws. The knowledge of law of Evidence is indispensable for a lawyer. The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof. In addition, they are introduced to law relating to production of evidence. The course teacher shall familiarize the students with appreciation of evidence and use innovative techniques like simulation exercises wherever necessary.

Course contents:

UNIT – I

Introduction: Distinction between substantive and procedural law- Salient features of the Indian Evidence Act, 1861.

- Facts – Facts in issue and relevant facts – Evidence – Circumstantial and direct evidence – Presumptions, proved, disproved, not proved – Witness – Appreciation of evidence. Relevancy of Facts – facts connected with facts in issue – Doctrine of *Res gestae*; Sections 6,7,8 and 9 of Evidence Act – Evidence of Common Intention – Section 10, Relevancy or otherwise irrelevant facts – Facts to prove right or custom (Section 13) – Facts concerning state of mind/state of body or bodily feelings (Sections 14 and 15) – Relevancy and admissibility of admissions, privileged admissions – evidentiary value of admissions (Sections 17 to 23).

UNIT – II

Relevancy and admissibility of confessions – Admissibility of information received from an accused person in custody – Confession of co-accused (Sections 24 to 30) – Admitted facts need not be proved (Section 58); Dying declaration – Justification for relevance – Judicial standards for appreciation of evidentiary value – Section 32 (1) with reference to English Law – Other statements by persons who cannot be called as witnesses – (Sections 32 (2) to (8), 33) – Statement under special circumstances (Sections 34 to 39); Relevance of judgments – General principles – Fraud and collusion (Sections 40 to Sec. 44); Expert testimony: General principles (Sections 45 – 50) – Who is an expert – Types of expert evidence – Problems of judicial defence to expert testimony.

UNIT III

Character evidence – Meaning – Evidence in Civil Criminal cases: English Law (Sections 52-55) Oral and documentary Evidence – Introduction of facts – General principles concerning oral ; Evidence (sections 59-60) – General principles concerning documentary : Evidence (Sections 61 -90) General Principles regarding exclusions by evidence (Sections 91-100).

UNIT IV

Burden of proof – The general conception of onus of onus porbandhi (Sections – 101) –General and special exception to onus porbandi (section 102-106. The jurisdiction of presumption and burden of proof (sections 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death – Doctrine of judicial notice and presumptions.

Estoppel: Scope of Estoppel – Introduction as to its rationale (sections 115) Estoppel distinguished from Res judicata – waiver and presumption – kinds of Estoppel – Equitable and Promissory Estoppel – Tenancy Estoppel (section 116).

UNIT - V

Witness, Examination and Cross Examination

Competence to testify (sections 118 to 120) - Privileged communications (sections 121 to 128) – General principles of examination and cross examination (sections 135 to 166) – Leading questions (141 to 145) – Approvers testimony (section 133) – Hostile witness (section 154) Compulsion to answer questions (sections 147,153) – Question of corroboration (sections 156-157) – Improper admission of evidence.

Prescribed Books:

Ratanlal and Dhirajlal, Law of Evidence, (New Delhi, Lexis Nexis, 2011)

Reference Books:

Sarkar, Law of Evidence, 18th Edition (Lexis Nexis Butterworths, 2014)

Lal, Batuk, Law of Evidence, (Central Law Agency, 1990).

COURSE – II: ENVIRONMENTAL LAW

Objectives:

Environmental problems have attained alarming proportions. It is essential to sensitize the students to environmental issues and the laws. The important principles in the field like inter-generation equity, carrying capacity, sustainable development, and precautionary principle, polluter pay principles are to be appreciated. The law in practice is to be analysed and evaluated. The course is designed towards these objectives.

UNIT – I

The Idea of Environment:

Environment: meaning and components – Pollution: meaning, sources, Kinds, and effects of Pollution – Ancient and Medieval Writings – Environmental jurisprudence – National environmental policy.

UNIT – II

Environmental Policy and Law: Pre & Post Independence Period – Constitution provisions on Environment and its Protection: Right to Environment – Duty to protect environment – Public interest litigation and environment – Role of Judiciary on Environmental issues – Doctrines of Environmental Pollution: Evolving new Principles – Absolute Liability – Polluter pays principle – Precautionary principle – Inter generational equity principle – Public trust doctrine.

UNIT – III

International Law and Environmental Protection: Sustainable Development – International conventions in the development of Environmental Laws and its Policy: Stockholm – Rio & Johannesburg Declaration – Trans – boundary Pollution hazards & Regulation; Common Law aspects of Environmental Protection – Criminal Law and environment.

UNIT – IV

Prevention and Control of Water & Air Pollution: Water Act, 1974 and Air Act, 1981 – Pollution Control Boards and its powers and functions – offences and penalties – Remedies in case of water and air pollution – Noise pollution and its control: Noise Pollution (Regulation & Control) Rules, 2000 – Wildlife Protection Act, 1972: Hunting – Trade in Animal articles – Authorities under wild life protection Act – Role of Judiciary on wild life protection – Forest Conservation Act, 1980 – judicial approach.

UNIT – V

Environment Protection Act, 1986 – ECO-Mark, Environmental Audit – Coastal Regulation zone, Environment Impact Assessment: Discretionary Model and Mandatory Model, - Regulation on Bio-Medical Waste – Disposal of Solid Waste.

Prescribed Books:

1. P. Leela Krishnan, Environmental Law in India, Third Edition, Lexis Nexis Armin Rosencranz – Environmental Law and Its Policy in India.
2. S.C. Shastri, Environmental Law, Third Edition, Eastern Book Company.

Reference Books:

1. Lal's Encyclopedia on Environment Protection and Pollution laws, Fifth Edition, Volume 1&2, Delhi Law House.
2. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India (Cases, Materials and Statutes), Second Edition, Oxford University Press.
3. Relevant Bare Acts/Notifications.

COURSE – III: OPTIONAL – V: INTELLECTUAL PROPERTY RIGHTS – II

Objectives:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that “knowledge is property”. The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative works useful to society and law relating to innovation/creativity i.e. intellectual property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India.

Course contents:

UNIT – I

Indian Copyright Law: Introduction and overview of copyright: History of the concept of copyright and related rights; Nature of copyright: Salient features of Copyright Act; Subject matter of copyright; Literary work; Dramatic work; Musical works; Artistic works; Cinematographic films; Sound recordings; Term of copyright; Computer software and copyright protection; Author and ownership of copyright; Rights conferred by copyright;

Assignment, transmission and relinquishment of copyright; Licences; Infringement of copyright; Remedies against infringement of copyright.

UNIT – II

Biological Diversity law: Introduction and overview of Biological Diversity; Meaning and scope of Biological Diversity; Biological resources and traditional knowledge; Salient features of Biological Diversity Act 2002; Regulation of access to Biological Diversity; National Biodiversity Authority; Functions and powers of Biodiversity Authority; State Biodiversity Board; Biodiversity Management Committee and its functions.

UNIT – III

Protection of Plant Varieties and Farmers Rights Law: Legal concepts relating to the protection of plant varieties rights; Legal concepts relating to the protection of plant breeders rights; IPR in new plant varieties; Policy and objectives of protection of plant varieties and farmers rights Act; Plant varieties and farmers rights protection authority; National register of plant varieties; Procedure for registration; Rights and privileges; Benefit sharing; Compensation to communities; Compulsory licence; Infringement; Relief against infringement; National Gene Fund.

UNIT – IV

Designs Law: Introduction and overview of Designs Law; Salient features of Designs Law; Procedure for registration; Rights conferred by registration; Copyright in registered designs; Infringement; Powers and duties of Controller; Distinction between design, trade mark, copyright & patent.

UNIT – V

International Treaties / Conventions on IPR: TRIPS Agreement: Background; Salient features of TRIPS; TRIPS and Indian IPR; **Berne Convention:** Background; Salient features of Berne Convention; **Convention on Biological Diversity: Objectives of CBD; Salient features of CBD;** International IPR agreements affecting protection of plant varieties: The WTO Doha round of trade negotiations; International Treaty on Plant Genetic Resources (“ITPGR”)

Prescribed Books:

1. Narayan, S., *Intellectual Property Law in India*, (Hyderabad: Gogia Law Agency, 2005)
2. Cornish, William, *Intellectual Property: Patents, Copyright, Trademark and Allied Rights*, 2nd Edition, (London: Sweet & Maxwell, 1998)

Reference Books:

1. Ganguli, Prabuddha, *Intellectual Property Rights: Unleashed the knowledge Economy*, (Tata Mc Graw Hill Publishing Co., 2001)
2. Caddick, Nicholas et (al)., *Copinger & Skone James, Copyright*, 16th Edition, (U.K: Sweet & Maxwell, 2013)
3. Unni, *Trade Marks and the Emerging concepts of Cyber Property Rights*, (Kolkata: Eastern Law House, 2002)
4. Verkey, Elizabeth, *Law of Plant Varieties Protection*, 1st Edition, (Eastern Book Co., 2007)

5. Acharya, N.K, Text Book on *Intellectual Property Rights*, 7th Edition, (Asia Law House, 2014)
6. Das, J.K., *Intellectual Property Rights*, 1st Edition, (Kamal Law House, 2008)

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COURSE – III: OPTIONAL – V: WHITE COLLAR CRIMES (PRIVILEGED CLASS DEVIANCE)

Objectives:

This course focuses on the criminality of the privileged classes – the wielders of all forms of state and social power. The course focuses on the relation between privilege, power and deviant behaviour. The traditional approaches which highlight white collar offences, socio-economic offences or crimes of powerful deal mainly deal with the deviance of the economically resourceful. The dimension of deviance associated with the bureaucracy, the new rich, religious leaders and organisations, professional classes are to be addressed. In teaching this course, current developments in deviants reflected in press and media, law reports and legislative proceedings are to be focussed.

Course contents:

UNIT – I

Introduction – Concept of white-collar crime – Indian approaches to Socio-economic offences – forms of privileged class deviance – official deviance (Legislators, judges and bureaucrats), professional deviance, trade union deviants, land law deviance, upper class deviance, police deviance, gender based deviance, deviance by religious leaders and organizations.

UNIT – II

Official deviance; Prevention of Corruption Act, 1988

UNIT – III

Police and politicians’ deviance; N.N. Vorha Committee Report; Lokpal and Lokayukta institutions.

UNIT – IV

Professional deviance; Medical profession – The Lentin Commission Report; Legal profession – Opinions of Disciplinary Committee of Bar Council of India.

UNIT – V

Gender based deviance – sexual harassment; Offences scheduled casted and scheduled tribes

Prescribed Books:

Edwin H.Sutherland – Criminology.

Ahmad Siddique. Criminology.

Reference Books:

Upendra Baxi – The Crisis of Indian Legal system.

Upendra Baxi – Law and Poverty.

Upendra Baxi – Liberty and Corruption.

COURSE – IV: OPTIONAL – VI – LAND LAW

Land plays an important role in the lives of individuals because of which it is elevated to the level of a constitutional status. Of late there is a shift in the approach of the State towards land which is reflected in the laws and their interpretation. Apart from introducing the students to the basic legal regime applicable to land, it is important to introduce them to diverse aspects of land dealings like land revenue, prohibition of transfer, acquisition, conversion, compensation, rehabilitation, resettlement etc. this course is designed towards this end.

UNIT – I

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Determination of social impact and public purpose; provision to safeguard food security; notification and acquisition; rehabilitation and resettlement award and procedure.

UNIT – II

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Utilization, conversion; National Monitoring Committee; Acquisition, Rehabilitation and Resettlement Authority; apportionment of compensation and payment of compensation.

UNIT – III

The Karnataka Land Revenue Act 1964 – Revenue officers and their procedure, Revenue Appellate Tribunal, Appeal and Revision, Land and land revenue, Record of rights, realization of land revenue.

UNIT – IV

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 and Rules 1979

The Karnataka Land Reforms Act, 1961 – general provisions regarding tenancies, conferment of ownership on tenants, ceiling on land holdings, restrictions on holding or transfer of agricultural lands, co-operative farms, fragmentation and consolidation of holdings.

UNIT – V

The Real Estate (Regulation and Development) Act, 2016 – registration of real estate project and registration of real estate agents, functions and duties of promoter, rights and duties of allottees, the real estate regulatory authority, the real estate appellate tribunal, offences, penalties and adjudication.

The Karnataka Real Estate (Regulation and Development) Rules, 2017

Prescribed Books:

S.G.Biradar, Land Acquisition – A Paradigm Shift, KAS Officers' Research and Training Institute, Bangalore.

Relevant Statutes and Rules.

COURSE – IV: OPTIONAL – VI: LAW RELATING TO INTERNATIONAL TRADE ECONOMICS

Objectives:

International trade has assumed great importance in 21st century and its regulation under law has become a necessity to prevent exploitation of the weaker people. A new legal regime to regulate international trade is emerging. Students of law should have understanding of these developments. This course is worked out to provide the future lawyers basic inputs in the area of international trade law.

Course contents:

UNIT – I

Historical perspectives of International Trade, Institutions – UNCTAD, UNCITRAL, GATT (1947-1994);

World Trade Organization – Objectives, Structure, Power; Most favored Nation Treatment and National Treatment; Tariffs and safeguard measures.

UNIT – II

Technical Barriers to Trade; Sanitary and Phyto – sanitary measures; Trade Related Investment Measures (TRIMs); Anti – Dumping, subsidies and Countervailing Measures; Dispute Settlement Process.

UNIT – III

international Sales of Goods formation and Performance of International Contracts, Various forms and Standardization of Terms; Acceptance and Rejection of Goods, frustration of Contract, Invoices and packing, product liability.

UNIT – IV

Exports – Insurance of Goods in Transit; Marine Insurance and kinds; Law on Carriage of goods by sea, land and air, Container transport, Pre-Shipment Inspection; Licensing of Export and Imports.

UNIT –V

Laws Governing Finance and Investments; Foreign Collaboration and Investment Policy; Foreign Direct Investment in Industries and Governing Policies; Foreign Institutional Investors (FIIS): Investment by Non – resident Indians (NRIs) and Overseas Corporate Bodies (OCBs); Foreign Collaboration Agreement – Foreign Technology Agreement; Foreign Companies and Foreign Nationals in India.

Prescribed Books:

Bhalla, Raj, *International Trade Law: Theory and practice*, 2nd Edition, (Lexis Nexis, 2001)

Kaul A.K., *Guide to the WTO and GATT: Economics, Law and Politics*, (Kluwer Law International, 2006)

COURSE – V: CLINICAL COURSE – IV: MOOT COURT EXERCISE AND INTERNSHIP

Objectives:

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO, trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions, law firms, companies, local self-government and other such bodies as the university may stipulate. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

Course contents:

Moot Court (30 marks)

1.1 Each student shall participate in at least 3 moot courts. Each moot court exercise shall carry

10 marks, which, shall be divided as under:

- For oral advocacy: 5 marks, and
- Written submission: 5 marks.

1.2 The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course teacher.

1.3 The written submission for the three moot courts shall be neatly written on one side of the bond size papers and bound together with a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned student.

1.4 The cover shall indicate the name of the examination, subject, seat number and the center code number.

Observation of Trial (30 marks)

1.1 Each student shall attend trial in two cases one civil and one criminal in the course of last two or three years.

1.2 The student shall maintain a record and enter the various steps observed during their attendance on different days in the Court.

1.3 The record shall be neatly written on one side of the bond size paper and bound. It will carry a certificate by the course teacher and principal to the effect that it is the bonafide work of the concerned student.

1.4 The record shall be valued for 30 marks.

1.5 The cover page shall indicate the name of the examination, subject, seat number and the center code number.

Client Interviewing (30 marks)

Each student shall observe two sessions of client interviewing at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which shall carry 15 marks.

Each student shall further observe the preparation of documents and Court papers by the Advocate and the procedure for the filling of the suit/petition.

This shall be recorded in a dairy, which shall carry 15 marks.

The Diaries shall be neatly written on one side of bond size papers and bound with a certificate signed by the course teacher and the Principal to the effect that it is the bonafide work of the concerned student.

The cover page of the dairy shall indicate the name of the examination, subject, seat number, and the center code number.

Viva (10 marks)

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

Method of assessment: The submissions of Moot courts shall be valued by the course teacher. The diaries relating to trial observation and client interviewing and pre-trial preparations shall be valued by the professional under whose supervision the student has completed internship and the course teacher if it is so planned. If internship is with an Authority wherein trial observation and client interviewing is not possible, the student shall undertake these exercises separately and it shall be evaluated by the course teacher. The viva shall be conducted by the Principal of the college and the course teacher.

