

**Syllabus
for
Law (LLM) (COQP14)**

Note:

- i. ***The Question Paper will have 75 questions.***
- ii. ***All questions will be based on Subject-Specific Knowledge.***
- iii. ***All questions are compulsory.***
- iv. ***The Questions will be Bilingual (English/Hindi).***

Law (LLM) (COQP14)

CONTRACT: GENERAL PRINCIPLES OF CONTRACTS

UNIT I - History – 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. Contractual Ability – Electronic Documents as Web Pages – Digital Certificates as Entry Passes – Time and Place of Contract – Secured Custody of Electronic Records.

UNIT II - Capacity to Contract – Minor's Agreements and its effects – Persons of unsound mind – Persons disqualifed by Law. Free Consent – Coercion - Undue influence – Misrepresentation – Fraud – Mistake – Legality of Object – Void Agreements – Agreements against Public Policy – Wagering Agreements – Its exceptions – Contingent Contracts.

UNIT III - Discharge of Contracts and its various Modes – by performance – Time and place of performance

Performance of reciprocal promises - Appropriation of Payments – Discharge by Agreement – By operation of Law – By frustration (Impossibility of Performance) – By Breach (Anticipatory and Actual).

UNIT IV - Remedies for Breach of Contracts – Damages – Remoteness of damages – Ascertainment of damages - Injunction – When granted and when refused – Restitution – Specific performance when granted

Quasi Contracts.

UNIT V-The Specific Relief Act 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. Government as a contracting party: Constitutional provisions – Government powers to contract – Procedural requirements – Kinds of Government Contracts, their usual clauses, performance of such contract, settlement of disputes and remedies.

CONSTITUTION

UNIT I - Salient Features of the Indian Constitution, Preamble, Citizenship, Fundamental Rights.

UNIT II - Directive Principles of State Policy, Fundamental Duties, Parliamentary Government, Bicameralism, Legislative Process, Privileges, Council of Ministers, President of India, Governor.

UNIT III - Judicial process under the Constitution, Nature of Judicial Review, Judicial Review Arts.32, 226 and 227, Court system in India, Judges- Appointments, conditions of service, etc., Advisory Jurisdiction of the Supreme Court, Public Interest Litigation, Activism v. Restraint.

UNIT IV - Federalism, Center-State Relations, Freedom of Inter State Trade, Methods of Constitutional Amendment, Limitation on Constitutional Amendment.

UNIT V - Emergency provisions, Services under the State, State Liability.

LAW OF TORTS

UNIT-I Evolution of law of torts- Nature and scope of law of torts; Meaning; Torts distinguished from Contract; Crime-Development of *Ubi jus ibis Remedios*; Mental elements Intention, Motive, Malice in Law and in Fact.

UNIT-II General Defense, 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 Consumer Protection Act, 1986

FAMILY LAW: HINDU LAW

UNIT – I Introduction - Concept of Dharma - Sources of Hindu Law – Modern and Ancient - Importance of Dharma Shastra on Legislation – Two Principal 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 - A detailed study of Hindu Succession Act, 1956. Stridhana- Woman's Property - Recent State and Central 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 & Maintenance Act 1956.

CRIMINAL LAW: INDIAN PENAL CODE

UNIT – I General Principles of Crime; Conceptions of Crime; Distinction between Crime and other wrongs under common Law – Crime and morality distinction – Circumstances when morality amounts to crime - State's responsibility to detect, control and punish crime. Principles of criminal liability – Actus reus and mens rea (also statutory offences) and other maxims; Variations in liability – Mistake, intoxication, compulsion, legally abnormal persons; Possible parties to the crime: Principal in the I degree; Principal in the II degree; Accessories before the fact; Accessories after the fact. Indian Penal Code:

General Explanation, Sections 6 – 33 and 39 – 52A; Punishment, Sections 53 – 75- Social relevance of Capital Punishment - Alternatives to Capital Punishment - Discretion in awarding punishment and minimum punishment in respect of certain offences with relevance to precedents (judgements).

UNIT – II General Exceptions: Sections 76 – 106; Criminal act by several persons or group: Sections 34 – 38; Abetment: Sections 107 – 120; Criminal Conspiracy: Sections 120A & 120B; Offences against State: Sections 121 – 130; Offences against the public tranquility: Sections 141 – 160; Offences relating to election: Sections 171A – 171; Contempt of lawful authority and public servants: Sections 172 – 190; False evidence and offences against public trust: Sections 172 – 229; Offences relating to coins and Government Stamps: Sections 230 – 263A; Offences relating to weights and measures: Sections 260 – 294A; Offences relating to religion: Section 295 – 298.

UNIT – III Offences affecting human life, causing miscarriage, injuries to unborn children - Exposure of infants, concealment of birth - Hurt, Grievous Hurt- Wrongful restraint - Wrong confinement - Criminal force and Assault (Sections 299 – 358).

UNIT – IV Kidnapping, Abduction - Slavery and forced labor – Rape: custodial rape, marital rape - Prevention of immoral traffic - Prevention of sati - Prohibition of indecent representation of women - Unnatural offences, theft, robbery and dacoity - Criminal Misappropriation of property - Criminal breach of trust - Receiving of stolen property – Cheating - Fraudulent deeds and disposition of property (Sections 378 – 424).

UNIT – V Mischief (Sections 425 – 440) - Criminal Trespass (Sections 441 – 462) - Offences relating to document and property marks (Sections 463 – 480) - Offences relating to marriage (Sections 493 – 498 A)

- Defamation (Sections 499 – 502); Criminal intimidation and annoyance and attempt to commit such offences (Sections 506 – 511).

CONTRACT-II

UNIT – I Contract of Indemnity – Documents/Agreements 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. Contract of Bailment – Definition – Kinds – Duties of Bailer and Bailee – Rights of Finder of goods as Bailee – Liability towards true owner – Rights to dispose of the goods. Contract of pledge – Definition – Comparison with Bailment – Rights and duties of Pawn or and Pawnee.

UNIT – II 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 – III 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 of partners – Retirement – Expulsion – Dissolution of Firm – Registration of Firms.

UNIT – IV Sale of Goods Act – The Contract of sale – Conditions and Warranties – Passing of property – Transfer of title – Performance of the Contract – Rights of Unpaid Seller against goods – Remedies for Breach of Contract

UNIT – V Hire Purchase Act 1972 – Rights and Obligation of the Hirer and Owner, Form and contents of Hire Purchase Agreements, Warranties and Conditions - Standard Form of Contracts: Nature, Advantages

- Unilateral Character, Principles of Protection against the possibility of exploitation – Judicial Approach to such Contracts – Exemption Clauses – Clash between two standard forms of contracts.

COMPANY LAW

UNIT – I The Companies Act, 1956 – Corporate Personality and its kinds – Promoters – Registration and Incorporation – M O A.

UNIT – II AOA – Prospectus – Directors – Meetings – Role of Company Secretary – Dividends; Brief analysis of corporate ethics.

UNIT – III Issue of Shares – Types of Shares – Debentures – Procedure for allotment of shares and debentures – share capital – Rights and privileges of shareholders – Preventions of Oppression and Mismanagement – Different modes of winding up of companies.

UNIT - IV SEBI Act, 1992; Securities Contracts (Regulation) Act, 1956 and Rules.

UNIT - V FEMA Act, 1999; Competition Act, 2002; Brief introduction to BPO & LPO

PROPERTY LAW

UNIT – I General principles of Transfer of Property by Act of parties inter- vivos- Concept and meaning of immovable property- Transferable 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.

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 bona fide holder Doctrine of Lis pendens- Fraudulent transfer and part-performance.

UNIT – III Mortgages of Immovable property: Definition- Kinds of mortgages and their features Rights and liabilities of mortgagor and mortgagee- 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 Trust- 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.

ADMINISTRATIVE LAW

UNIT – I Evolution- Nature and Scope of Administrative Law- Relation with Constitutional Law Separation of powers and concepts- Rule of law- Conseil d' Etat, (French system) - Classification of Administration Action- functions- Administrative direction and discretion.

UNIT – II Legislative power of the administration- Extent of delegation and control over delegated Legislation- Sub-delegation- Judicial- Parliamentary control over delegated Legislation.

UNIT - III Judicial power of Administration- Nature of procedure- Principles of Natural justice Effect of non-compliance with principles of Natural Justice- Exception to principles of Natural Justice.

UNIT – IV Judicial control of administrative action – Writs, Principles and Procedure - Public Law Review and Private Law Review of Administration action- Liability of State – Torts, Contract- Promissory Estoppel-

Government Privileges- Right of information- Doctrine of Legitimate expectation- Doctrine of Accountability- Waiver- Doctrine of Proportionality.

UNIT – V Corporations and Public undertaking- Commission of Enquiry- Ombudsman in India (Lokpal and Lokayuktha) - Central Vigilance Commission- Parliamentary Committees Civil Services in India- Accountability and responsibility- Problems and Prospective Administrative deviance- Corruption- Mal-administration- Control mechanism of Accountability.

FAMILY LAW –II: MOHAMMEDAN LAW AND INDIAN SUCCESSION ACT

UNIT-I Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, the Shariat Act, 1937; 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; Sources of Islamic law; Customary practices and State regulation: Polygamy; Child marriage; Pre-emption; Wakf; Dower.

UNIT-II Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: Legitimacy, Custody, maintenance and education, Guardianship and parental rights.

UNIT-III Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869 (Amended Act) - 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-IV Will and Inheritance: Will- Meaning, difference between will and gift, Will made in death bed or during illness; Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925 (Of Christians, Parsis and Jews) - 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 - Protection of property of the deceased; Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.

ENVIRONMENTAL LAW

UNIT – I The Idea of Environment: Ancient and Medieval Writings, Traditions, Natural and Biological Sciences – Perspectives: Modern concept, Conflicting dimensions, recent issues -Environment and sustainable development - National and International Perspectives - Population and Development.

UNIT- II Environmental Policy and Law: Environmental Policy : Pre & Post Independence Period; From Stockholm to Johannesburg Declaration (Rio) and Role of Government - Five year Plans - Forest Policy - Conservation strategy - Water Policy; Conservation of Natural Resources and its Management; Constitution and Environment: Right to Environment - Constitutional provisions on Environment and its Protection - Role of Judiciary on Environmental issues - Evolving of new Principles - Polluter pays principle - Precautionary principle - Public trust doctrine.

UNIT - III International Law and Environmental Protection: International conventions in the development of Environmental Laws and its Policy - From Stockholm to recent conventions (Special Emphasis on Major Conventions & Protocols) - Control on Marine Pollution; Common Law aspects of Environmental Protection; Remedies under other Laws (I.P.C., C.D.C., C.P.C.) - Riparian rights and prior-appropriation.

UNIT – IV Prevention and Control of Pollution: Pollution of Water, Sources, Legal Control, The Water Act, 1974 - Pollution of Air, Modalities of control, The Air Act, 1981 - Noise Pollution and its control, Noise Pollution control order - Disposal of Waste, laws on waste, disposal and its control - Trans-boundary Pollution hazards & Regulation; Biological Diversity and Legal Order: Bio-diversity and Legal regulation - Utilization of flora and fauna - Experimentation on animals - Legal and Ethical issues - Genetic Engineering - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Prevention of Cruelty against animals - Problems in Legal regulation of medicinal plants - The Plant Varieties Act - Wetland Conservation.

UNIT - V Environment Protection Act, 1986 including, Environment Protection Rules, Coastal Zone Regulation, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing, Regulation on Bio-Medical Waste.

LABOUR LAW

UNIT- I Introduction to Law of Industrial Disputes Act, 1947: Historical Aspects-Master and slave relationship-Industrial revolution-Laissez-faire state-Impact of Constitution on Labor provision; Definition and law relating to Appropriate Government- Award and settlement- Industry-Industrial Dispute- Workman. Strikes and Lock-out

UNIT -II Industrial Disputes Act, 1947: Lay-off –Retrenchment- Closure - Unfair Labor Practices and Role of Government; Authorities under the Act (Chapter II) to be read with chapters II B, III and IV Adjudication and Arbitration; Restrictions on the right of the employer- Chapter IIA-Notice of change, section 11-A and sections 33,33A; Recovery of money due from an employer. Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry

UNIT-III Trade Unions Act, 1926: Salient features of the enactment and important definitions - Registration of Unions, Amalgamation of Unions, Cancellation and Registration of Trade Unions, Funds of the Union, Immunity enjoyed by the Union. Workmen's Compensation Act, 1923: Emergence of the legislation-Total and partial disablement –Dependent-Workman-Wages-Liability of the employer to pay compensation and right of the workman to receive compensation-Accident “Arising out of and in the course of employment” -Occupational Disease-Doctrine of ‘Added peril’

UNIT -IV Labor Welfare Legislations: The Employees State Insurance Act, 1948: Corporation, Standing Committee and Medical Benefit Council; Contributions; Benefits; Adjudication of disputes and Claims; Penalties. The Employees Provident Fund Act, 1952: Employees Provident Fund Scheme and Authorities; Miscellaneous. The Maternity Benefit Act, 1961- object and its scope.

UNIT-V Minimum Wages Act, 1948- Fixation of minimum rates of wages - working hours and determination of wages and claims The Factories Act- its essential features, Safety, Health and Welfare measures. The Contract Labor (Regulation and Abolition) Act, 1970 - object and its essential features.

CRIMINAL LAW –II: CRIMINAL PROCEDURE CODE, 1973, JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND PROBATION OF OFFENDERS ACT, 1958.

UNIT – I Introductory and Pre-trial Process Meaning of procedure; The organization of the functionaries under the Code; their duties, functions and powers; First Information Report, complaint; Arrest; Types of trial and Features of a fair trial.

UNIT - II Trial Process-I: Magisterial Powers to take cognizance; Commencement of proceedings; Dismissal of complaints; Charge; Processes to compel appearance and production of things; Bail; Preliminary pleadoxy or bar trial.

UNIT - III Trial Process-II: Provisions as to Inquiries and Trials; Judgment; Appeals, Revision and Reference; Security for keeping peace and good behavior; Maintenance.

UNIT - IV Miscellaneous: Transfer of cases; Execution, suspension, remission and commutation of sentences; Disposal of property; Preventive action of the police; Irregular proceedings; Limitation of taking cognizance; Compounding of offences and plea bargaining; Criminal Rules and Practice.

UNIT - V 1. Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000. 2. Salient features of the Probation of Offenders Act, 1958.

JURISPRUDENCE

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, mensrea, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation.

CLINICAL COURSE-I: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

UNIT-I The legal profession and its responsibilities; The equipment of the lawyer; Conduct in court; Professional conduct in general; Privileges of a lawyer; Salient features of the Advocates Act, 1961.

UNIT-II Duty to the court; Duty to the profession; Duty to the opponent; Duty to the client; Duty to the self; Duty to the public and the state;

UNIT-III Contempt of Court Act, 1972

Selected major judgments of the Supreme Court: In the matter of D, An Advocate, AIR 1956 SC 102; P. J. Ratnam v. D. Kanikaram, AIR 1964 SC 244; N. B. Mirza v. Disciplinary committee of Bar Council of Maharashtra and Another, AIR 1972 SC; Bar Council of Maharashtra v. M. V. Dabholkar, etc., AIR 1976 SC 242; V. C. Rangadurai v. D. Golan and others, AIR 1979 SC 201; Chandra Shekhar Soni v. Bar Council of Rajasthan and Others, AIR 1983 SC 1012; In Re an Advocate, AIR 1989 SC 245; In Re Vinay Chandra Mishra, 1995 (Vol-I) IBR 118; Supreme Court Bar Association v. Union of India, AIR 1998 SC 1895; Ex-Capt. Harish Uppal v. Union of India, AIR 2003 SC 739.

UNIT-IV Selected opinions of the Bar Council of India

UNIT-V Accountancy for lawyers: Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger Elementary aspects of bookkeeping: Meaning, object, journal,double entry system, closing of accounts The cash and bulk transaction- The Cash book- Journal proper especially with reference to client’s accounts- Ledger, Trial balance and final accounts- Commercial mathematics.

PUBLIC INTERNATIONAL LAW

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 United Nations Organization - Principal organs and their functions; World Trade Organization- Main features; International Labor Organization.

HUMAN RIGHTS LAW AND PRACTICE

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 on 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

RIGHT TO INFORMATION

UNIT-I Right to Information before Right to Information Act, 2005; 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 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, Local Authorities.

BANKING LAW

UNIT – I Indian Banking Structure - Origin – Evolution of Banking Institutions – Types and functions of banks - Commercial banks – Functions – Banking Companies in India – RBI - Constitution, Management and Functions - Banking Regulation Act, 1949 – State Bank of India- UTI, IDBI, RRBs'-Local banks

UNIT - II Employment of funds - Loans and Advances- Guarantees- Advances secured by Collateral securities- Agency Services- Financing of Exports- Special Banking Services – Advances to Priority Sectors and Credit Guarantee schemes- Securitization Act, 2002.

UNIT - III Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) - Negotiable Instruments - Kinds - Holder and holder in due course – Parties – Negotiation- 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 NI Act - Banker's book evidence Act.

UNIT – IV Banker and customer Relationship - Definition of banker and customer – General relationship –Special relationship - Banker's duty of secrecy, banker's duty to honor cheques, banker's lien, and banker's right to set off - Appropriation of payments - Garnishee order - Customer's duties towards his banker. Opening of New Accounts – Special types of customers - Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint Hindu family A/C - Illiterate persons, lunatics, executors - Precautions required in case of administrators, clubs, societies and charitable institutions to open an account

UNIT – V Ancillary Services and E- Banking: Remittances - General, DD, MT, TT, Traveler's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest. E-Banking - Definition

– E-Banking includes - Internet banking, mobile banking, ATM banking, computerized banking –E- bankingservices – retail services – wholesale services – E- Cheque- authentication-Cyber Evidence-BankingOmbudsman.

INSURANCE LAW

UNIT – I Introduction: Nature- Definition- History of Insurance- History and development of Insurance in India- Insurance Act, 1938- (main sections) Insurance Regulatory Authority Act, 1999: Its role and functions.

UNIT – II Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Contracts- Parties thereto- Principles of good faith – non disclosure – Misrepresentation in Insurance Contract- Insurable Interest- Premium: Definition method of payment, days of grace, forfeiture, return of premium, Mortality; The risk – Meaning and scope of risk, Causa Proxima, 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 Act, 1956- Insurance against third party rights- General Insurance Act, 1972- The Motor Vehicles Act, 1988 – Sec. (140-176), Nature and scope- Absolute or no fault liabilities, Third party or compulsory insurance of motor vehicles- Claims Tribunal Public Liability Insurance –Legal aspects of Motor Insurance –Claims – Own Damages Claims – Third Party Liability Claims.

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.

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).

ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

UNIT-I General; Different methods of 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; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

UNIT-III Conciliation: Meaning; Different kinds of 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 to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate.

UNIT-V Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self- responsible; Different models of mediation; Code of conduct for mediators.

CIVIL PROCEDURE CODE AND LIMITATION ACT

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 (Sec. 10,11 and 12); Foreign Judgment (Sec. 13, 14); Place of Suits (Ss. 15 to 20); Transfer of Cases (Ss. 22 to 25).

UNIT – II Institution of suits and summons: (Sec. 26, 0.4 and Sec. 27, 28, 31 and O.5); Interest and Costs (Sec. 34, 35, 35A, B); Pleading: Fundamental rules of pleadings- Plaintiff and Written Statement- Return and rejection of plaintiff- Defenses- 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.10 and O.14) - Admission and affidavit (O.12 and O.19) - Adjournment (O.17) - Death, marriage-Insolvency of the parties (O.22) - Withdrawal and compromise of suits (O.23) - Judgment and Decree (O.20); Execution (Sec. 30 to 74, O.21): General principle 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 (Sec. 79 to 82, O.27); Suits by aliens and by or against foreign rulers, ambassadors (Sec. 85 to 87); Suits relating to public matters (Sec. 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 judgment and attachments before judgment (O.38); Temporary injunctions (O.39); Appointment of receivers (O.40); Appeals (Ss. 90 to 109, O.41, 42, 43, 45); Reference- Review and Revision (Ss. 113, 114, 115, O.46, O.46); Caveat (Sec. 144.A)- Inherent powers of the court (Ss. 148, 149, 151).

UNIT – V Limitation Act

INTELLECTUAL PROPERTY RIGHTS-I

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 IP and its conceptual analysis. Patents: Introduction and overview of patent protection; History of Patent protections; What is patent and definition of patent; Object of patent; Scope and salient features of patent; How to obtain patent; Product patent and Process patent; Specification – Provisional and complete specification; Procedure for patent applications; Register of patents and Patent Office; Rights and obligations of patentee; Transfer of Patent Rights; Government use of inventions; Biotech patents and patentability of life forms; Infringement of Patents; Offences and Penalties.

UNIT II Trade Marks: Introduction and overview of trade mark; Evolution of trade mark law; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trade mark 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 cyber-crime; 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 indication; 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.

PENOLOGY & VICTIMOLOGY

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 programmed; Restitution.

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

INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

UNIT-I Basic Principles; Guiding Rules; Internal aids to construction.

UNIT-II External aids to construction.

UNIT-III Subsidiary rules; Operation of statutes; Expiry and repeal of statutes.

UNIT-IV Statutes affecting the state; Statutes affecting the jurisdiction of courts. Construction of taxing statutes and evasion of statutes; Remedial and penal statutes.

UNIT-V Principles of Legislation.

COMPETITION LAW

UNIT-I Constitutional provisions regulating trade; Salient features of MRTP Act, 1986; Salient features of Consumer Protection Act, 1986.

UNIT-II Sherman Antitrust Act, 1890; Relevant provisions of Clayton Act, 1914; Relevant provisions of the Federal Trade Commission Act; Salient features of U.K. Competition Act, 1998.

UNIT-III Competition Act, 2002; Preliminary; Prohibition of certain agreements, abuse of dominant position and regulation of combinations. UNIT-III Competition Commission of India; Duties, powers and functions. UNIT-III Duties of Director general; Penalties; Competition advocacy; Important judgments of the Supreme Court.

LAW OF EVIDENCE

UNIT-I Introduction: Distinction between substantive and procedural law- Conceptions of evidence in classical Hindu and Islamic Jurisprudence- Evidence in customary law systems (Non-state law)- Introduction to the British 'Principles of Evidence'- Legislations dealing with evidence (other than Indian Evidence Act) with special reference to CPC, C.D.C., Bankers Book Evidence Act, Commercial Document Evidence Act, Fiscal and revenue Laws- Salient features of the Indian Evidence Act, 1861, Applicability of the Indian Evidence Act. Central Conceptions in Law of Evidence – 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-Section10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (Section13) 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 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 defense to expert testimony.

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

UNIT-IV Burden of Proof- The general conception of onus probandi (Section 101) - General and special exception to onus probandi (Sections 102-106) - The justification 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 (Section 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 (Sections 141- 145) - Approver's testimony (Section 133) - Hostile witnesses (Section 154) - Compulsion to answer questions (Sections 147, 153) - Questions of corroboration (Sections 156-157) - Improper admission of evidence.

TAXATION

UNIT – I Concept of Tax- Nature and characteristics of taxes- Distinction between tax and fee, tax and chess- 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- Incomes exempted from tax- Income from salaries- Income from house property- Income from business or profession and vocation- Income from other sources- Taxation of individuals, HUF, firms, association of persons, Co-operative Societies and Non- Residents.

UNIT- II Income Tax Authorities- Their appointment- Jurisdiction- Powers and functions Provisions relating to collection and recovery of tax- Refund of tax, appeal and revision provisions, offences and penalties. Wealth Tax: Charge of Wealth tax, assets, deemed assets, and assets exempted from tax Wealth tax Authorities- Offences and penalties.

UNIT- III Central Excise Laws: Nature, scope and basis of levy of Central Excise duty- Meaning of goods- Manufacture and 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.

UNIT- IV Customs Laws: Legislative background of the levy- Appointment of Customs officers 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 drawback provisions.

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 – Main features of Service Tax; VAT- Introduction to Value Added Tax.

INTELLECTUAL PROPERTY RIGHTS-II

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; 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; Biological Diversity concerns and issues; Bio piracy; 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 license; 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 the 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 Paris Convention; Convention of Bio-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")

WHITE COLLAR CRIMES (PRIVILEGED CLASS DEVIANCE)

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. Vohra 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 against scheduled castes and scheduled tribes

WOMEN AND CRIMINAL LAW & LAW RELATING TO CHILD

UNIT-I Women in Pre-Constitution Period: Social and Legal Inequality; Social Reform Movement in India; Legislative response in India. Women & children in Post-Constitution Period. Provisions of Constitution of India Preamble, Art. 14, 15, 23, and Part IV Legal Measures in relating to Child Labor Women and Political Representation.

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

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

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

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

LAW RELATING TO INTERNATIONAL TRADE

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.