

**PUNYASHLOK AHILYADEVII HOLKAR SOLAPUR UNIVERSITY,
SOLAPUR**



Faculty of Humanities
RULES, REGULATIONS AND SYLLABUS FOR
B.A., LL.B. -III FIVE YEARS COURSE
(FIFTH & SIXTH SEMESTERS)

CHOICE BASED CREDIT SYSTEM (CBCS) FROM
ACADEMIC YEAR 2021-2022 AND ONWARDS

w.e.f. JULY 2021

**PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY,
SOLAPUR**

Faculty of Humanities (Law)

B.A., LL.B. Degree Course

B.A., LL.B. – III SEMESTER–V

S. No.	No. Course and Paper	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Durati on of Exam
19	Core and Compulsory- XVII	Law of Contracts	6	4	80+20=100	3.00 Hrs.
20	Core and Compulsory- XVIII	Special Contracts	6	4	80+20=100	3.00 Hrs.
21	Core and Compulsory- XIX	Law of Torts including MV Act & CP Laws	6	4	80+20=100	3.00 Hrs.
22	Core and Compulsory- XX	Law of Crimes – I (Penal Code)	6	4	80+20=100	3.00 Hrs.
23	Core and Compulsory- XXI	Constitutional Law-I	6	4	80+20=100	3.00 Hrs.

B.A., LL.B. – II SEMESTER–IV

S.No .	Course and Paper No.	Subject	Lectur es	Credit s	Total Marks Ex + Int =Total	Durati on of Exam
24	Core and Compulsory- XXII	Family Law-I	6	4	80+20=100	3.00 Hrs.
25	Core and Compulsory- XXIII	Administrative Law	6	4	80+20=100	3.00 Hrs.
26	Core and Compulsory- XXIV	Labour and Industrial law -I	6	4	80+20=100	3.00 Hrs.
27	Core and Compulsory- XXV	Public International Law	6	4	80+20=100	3.00 Hrs.
28	Core and Compulsory- XXVI	Environmental Law	6	-	80+20=100	3.00 Hrs.

B.A., LL.B. – III: SEMESTER – V

PAPER: XIX CORE AND COMPULSORY-XVII

LAW OF CONTRACTS

Credits: Theory-(4)

Objectives of the Course: -

Every man in his day-to-day life from dawn to dusk makes a variety of contracts. Man's contract making activities increase with the increasing trade, commerce and industry. In a way of living in a modern society would be impossible if the law did not recognize this contract making power of a person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises." In this sense India is also a "Promissory" Society.

The conferment and protection by the law of this contract making a power of persons gives them a considerable leeway to strike best bargain for the contract making persons. In a way they are permitted to regulate and define their relations in a best possible manner they choose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whatever may be the nature of a given society, the contractual relations, as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are enacted in the form of the Indian Contract Act 1872.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the Law of Contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

1. General Principles of Law of Contract

50 Lectures

- 1.1 History and nature of contractual obligations
- 1.2 Agreement and Contract: definition, elements and kinds.
- 1.3 Proposal and acceptance - their various forms, essential elements.
Communication and revocation - proposal and invitations for proposal -

floating offers –tenders.

- 1.4 Consideration- its need, meaning, kinds, essential element- *nudumpactum*-privity of contract and of consideration - its exceptions- adequacy of consideration - present, past andadequate consideration - evaluation of the doctrine ofconsideration.
- 1.5 Capacity of contract - meaning -incapacity arising out of status and mental defect - minor's agreements - definitions of 'minor' -accessories supplied to a minor - agreements beneficial and detrimental to a minor –affirmation -restitution incases of minor's agreements -fraud by a minor -agreements made on behalf of a minor -minor's agreements and estoppel - evaluation of the law relating to minor's agreements -other illustrations of incapacity to contract.
- 1.6 Freeconsent-Itsneedanddefinition-factorsvitiatingfreeconsent
 - 1.6.1 Coercion – definition -essential elements -duressand coercion -various illustrations of coercion -Doctrine of economic duress -effect ofcoercion.
 - 1.6.2 Undue influence –definition -essential elements -between which parties can it exist? Who is to prove it? Illustrations of undue influence -Independent advice-*pardahnashin*women -unconscionable bargains -effect of undueinfluence.
 - 1.6.3 Misrepresentation - definition-misrepresentation of Law and of fact -their effects and illustration.
 - 1.6.4 Fraud –definition -essential elements *suggestiofalsi*- *supperesiovery* -when does silence amount to fraud? Active concealment of truth -importance ofintention
 - 1.6.5 Mistake –definition –kinds -fundamental error -mistake of Law and of fact-their effects - When does a mistake vitiate free consent and when does it not vitiate free consent?
- 1.7 **Legality ofobjects:** -
 - 1.7.1 Void agreements- Lawful and unlawful considerations, and objects - void, voidable, illegal and unlawful agreements and their effects.
 - 1.7.2 Unlawful considerations andobjects:
 - 1.7.2.1 Forbidden by law
 - 1.7.2.2 Defeatingtheprovisionofanylaw
 - 1.7.2.3 Fraudulent
 - 1.7.2.4 Injurioustopersonorproperty
 - 1.7.2.5 Immoral
 - 1.7.2.6 Against publicpolicy
 - 1.7.3 VoidAgreements

1.7.3.1 Agreements without consideration

1.7.3.2 Agreements in restraint of marriage

1.7.3.3 Agreements in restraint of trade - its exceptions - Sale of goodwill,

Section -11 restrictions, under the Partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.

1.7.3.4 Agreements in restraint of legal proceedings - its exceptions.

1.7.3.5 Uncertain agreements.

1.7.3.6 Wagering agreement - its exceptions.

1.8 Discharge of contract and its various modes.

1.8.1 By performance - conditions of valid tender of performance - How? By Whom? Where? When? In what manner? Performance of reciprocal promises - time as essence of contract.

1.8.2 By breach - anticipatory breach and present breach.

1.8.3 Impossibility of performance - specific grounds of frustration - application to leases - theories of frustration - effect of frustration - frustration and restitution.

1.8.4 By period of limitation.

1.8.5 By agreement - rescission and alteration - their effect - remission and waiver of performance - extension of time accord and satisfaction.

1.9 Quasi Contracts or certain relations resembling those created by contract

1.10 Remedies in contractual relations:

1.10.1 Damages - kinds - remoteness of damages - ascertainment of damages.

1.10.2 Injunction - When granted and when refused - Why?

1.10.3 Refund and restitution

1.10.4 Specific performance - when? Why?

2. Government as a Contracting Party

5 Lecture

Constitutional provisions - government power to contract - procedural requirements - kinds of government contracts their usual clauses - performance of such contracts - settlements of disputes and remedies.

3. Standard Form Contract

5 Lectures

Nature, advantages - unilateral character, principles of protection against the possibility of exploitation - judicial approach to such contracts - exemption clauses - clash between two standard form contracts - Law commissions of India's

views

- 4. Strategies and constraints to enforce Contractual obligations** **5 Lectures**
- 4.1 Judicial methods -redressal forum,remedies
 - 4.2 Other methods like arbitration, LokAdalat, and other such non-formal methods.
 - 4.3 Systemic constraints in settling contractual disputes
 - 4.3.1 Court fees, service of summons, injunctions, delay.
- 5. Specific Relief** **15 Lectures**
- 5.1 Specific performance of contract
 - 5.1.1 Contract that can be specifically enforced
 - 5.1.2 Persons against whom specific enforcement can be ordered
 - 5.2 Rescission and cancellation
 - 5.3 Injunction
 - 5.3.1 Temporary
 - 5.3.2 Perpetual
 - 5.4 Declaratory orders
 - 5.5 Discretion and powers of court

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2. **P.S. Atiya Introduction to the Law of Contract 1992 Reprint (Claredon Law Series)**
3. **Avtar Singh, Law of Contract (2000) Eastern, Lucknow.**
4. **G.C. Cheshire, and H.S. Fifoot and M.P. Furmston, Law of Contract (1992) ELBS with Butterworth's**
5. **M. Krishnan Nair, Law of Contracts(1998)**
6. **G.H. Treitel, Law of Contract, Sweet & Maxwell (1997 Reprint)**
7. **R.K. Abichandani(ed.), Pollock and Mulla on the Indian Contract and the specific Relief Act (1999), Tripathi**
8. **Banerjee S.C. Law of Specific Relief(1998), Universal**
9. **Anson, Law of Contract (1998) Universal**
10. **Dutt on Contract (2000) Universal**
11. **Anand & Aiyer, Law of Specific Relief(1999) Universal**

**PAPER: XX CORE AND COMPULSORY-XVIII
SPECIAL CONTRACTS**

Credits: Theory-(4)

Objectives of the Course: -

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

UNIT NO:	TOTAL NO OF THEORY LECTURES-80
1. Indemnity	8 Lectures
1.1 The concept	
1.2 Need for Indemnity to facilitate commercial transactions	
1.3 Methods of creating Indemnity obligations	
1.4 Definition of Indemnity	
1.5 Nature and extent of liability of the indemnifier	
1.6 Commencement of liability of the indemnifier	
1.7 Situations of various types of indemnity creations	
1.8 Documents / Agreements of indemnity	
1.9 Nature of indemnity clauses	
1.10 Indemnity in cases of International transactions	
1.11 Indemnity by governments during interstate transactions	
2. Guarantee	10 Lectures
2.1 The concept	
2.2 Definition of Guarantee: as distinguished from, indemnity.	
2.3 Basic essentials for a valid guarantee contract	
2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts	
2.5 Position of Minor and validity of guarantee when minor is the principal debtor, creditor or surety	
2.6 Continuing guarantee	
2.6.1 Nature of surety's liability	

- 2.6.2 Duration and termination of such liability
 - 2.7 Illustrative situations of existence of continuing guarantee
 - 2.7.1 Creation and Identification of continuing guarantees
 - 2.8 Letter of credit and bank guarantees as instances of guarantee transactions
 - 2.9 Rights of surety
 - 2.9.1 Position of surety in the eye of law
 - 2.9.2 Various judicial interpretations to protect the surety.
 - 2.10 Co-surety and manner of sharing liabilities and rights
 - 2.11 Extent of surety's liability
 - 2.12 Discharge of surety's liability

3 Bailment

10 Lectures

- 3.1 Identification of bailment contracts in day today life.
 - 3.1.1 Manner of Creation of such contracts
 - 3.2 Commercial Utility of Bailment contracts
 - 3.3 Definition of Bailment
 - 3.4 Kinds of Bailees
 - 3.5 Duties of Bailor and Bailee towards each other
 - 3.6 Rights of Bailor and Bailee
 - 3.7 Finder of Goods as a Bailee
 - 3.7.1 Liability towards the true owner
 - 3.7.2 Obligation to keep the goods safe
 - 3.7.3 Right to dispose of the goods

4 Pledge

10 Lectures

- 4.1 Pledge: Comparison with bailment
- 4.2 Commercial utility of pledge transactions
- 4.3 Definition of Pledge under the Indian Contract Act.
 - 4.4 Other Statutory Regulations (State & Centre) regarding pledge, Reasons for the same
 - 4.5 Rights of the Pawnee and Pledgee.
 - 4.5.1 Pawnee's right of sale as compared to that of an ordinary Bailee.
 - 4.6 Pledge by certain specified persons mentioned in the Indian Contract Act

5. Agency

10 Lectures

- 5.1 Identification of different kinds of agency transactions in day-to-day

life in the commercial world.

- 5.2 Kinds of Agents and Agencies.
- 5.3 Essentials of an agency transaction.
- 5.4 Various methods of creation of agency.
- 5.5 Delegation
- 5.6 Duties and rights of Agent.
- 5.7 Scope and extent of agent's authority.
- 5.8 Liability of the principal for acts of the agent including misconduct and tort of the agent.
- 5.9 Liability of the agent towards the principal
- 5.10 Personal liability towards the parties.
- 5.11 Methods of termination of agency contract
 - 5.11.1 Liability of the principal and agent before and after such termination.

6. Sale of Goods

10 Lectures

- 6.1 Concept of sale as a contract
- 6.2 Illustrative instances of sale of goods and the nature of such contracts.
- 6.3 Essentials of contract of sale
- 6.4 Essential conditions in every contract of sale.
- 6.5 Implied terms in contract of sale.
- 6.6 The Rule of *caveat emptor* and the exceptions thereto under the Sale of Goods Act
- 6.7 Changing concept of *caveat emptor*.
- 6.8 Effect and meaning of implied warranties in a sale.
- 6.9 Transfer of title and passing of risk
- 6.10 Delivery of goods: Various rules regarding delivery of goods
- 6.11 Unpaid Seller and his rights.
- 6.12 Remedies for breach of contract

7. Partnership

10 Lectures

- 7.1 Nature of partnership: definition
- 7.2 Distinct advantages and disadvantages *vis-a-vis* partnership and private limited company.
- 7.3 Mutual relationship between partners
- 7.4 Authority of partners.
- 7.5 Admission of partners.
- 7.6 Outgoing of partners
- 7.7 Registration of partnership

7.8 Dissolution of partnership

8. Negotiable Instruments

12 Lectures

8.1 The Concept

8.2 Various kinds

8.3 Essential requirement to make an instrument negotiable

8.4 Competent parties for making negotiations.

8.5 Acceptance of the instruments.

8.6 Dishonour by non-acceptance and remedies available to the holder

8.7 Holder and holder in due course: meaning, essential conditions rights and privileges of holder in course and endorsee from the holder in due course.

8.8 Negotiation of the instrument

8.9 Presentment of the instrument

8.10 Cheques: Rules regarding payment of cheque.

8.10.1 Liability of the collecting banker and paying banker.

8.10.2. Dishonour of cheque and its effect.

8.10.3 Discharge from liability.

8.11 Kinds of Bills

8.12 Evidence

8.12.1 Special rules of evidence regarding negotiable instruments.

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PAPER: XXI CORE AND COMPULSORY- XIX

LAW OF TORTS INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS

Credits: Theory-(4)

Objective of the course

With rapid industrialization action under tort came to be used against manufactures and industrial units for products injurious to human beings. Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economics.

In the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human rights for a healthy life and environment, is now a core subject to be taught as an indispensable part of a socially relevant curriculum.

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

1. Evolution of Law of Torts-

4 Lectures

- 1.1 England-forms of action-specific remedies from case to case.
- 1.2 India- principles of justice, equity and good conscience – un-codified charter -advantages and disadvantages.

2. Definition, Nature, Scope and Objects

4 Lectures

- 2.1 A wrongful act- violation of duty imposed by law, duty which is owed to people generally (*in rem*) -*damnum sine injuria* and *injuria sine damnum*.
 - 2.1.1 Tort distinguished from crime and breach of contract
 - 2.1.2 The concept of un-liquidated damages.
 - 2.1.3 Changing scope of law of torts: expanding character of duties owed to people generally due to complexities of modern society.
 - 2.1.4 Objects - prescribing standards of human conduct, redressal of wrongs by

payment of compensation, proscribing unlawful conduct by injunction.

- 3. Principles of Liability in Torts** **4 Lectures**
 - 3.1 Fault
 - 3.1.1 Wrongful intent
 - 3.1.2 Negligence
 - 3.2 Liability without fault
 - 3.3 Violation of ethical codes
 - 3.4 Statutory Liability
 - 3.5 Place of motive in Torts

- 4. Justification in Tort** **5 Lectures**
 - 4.1 *Volenti non fit injuria*
 - 4.2 Necessity, private and public
 - 4.3 Plaintiff's default
 - 4.4 Act of God
 - 4.5 Inevitable accident
 - 4.6 Private defence
 - 4.7 Statutory Authority
 - 4.8 Judicial and quasi-judicial acts.
 - 4.9 Parental and quasi-parental authority.

- 5. Extinguishment of liability in certain situations.** **3 Lectures**
 - 5.1 *Acti personalismoritur cum persona* -exceptions.
 - 5.2 Waiver and acquiescence
 - 5.3 Release
 - 5.4 Accord and satisfaction.
 - 5.5 Limitation.

- 6. Standing** **3 Lectures**
 - 6.1 Whom may sue-aggrieved individual-class action-social action groups.
 - 6.2 Statutes granting standing to certain persons or groups.
 - 6.3 Who may not be sued?

- 7. Doctrine of Sovereign Immunity and its relevance in India.** **2 Lectures**

- 8. Vicarious Liability** **4 Lectures**
 - 8.1 Basis, scope and justification
 - 8.1.1 Express authorization
 - 8.1.2 Ratification

- 8.1.3 Abetment
- 8.2 Special Relationships.
 - 8.2.1 Master and Servant - arising out of and in the course of employment - who is master? - the control test - who is servant? - borrowed servant - independent contractor and servant, distinguished.
 - 8.2.2 Principal and agent
 - 8.2.3 Corporation and principal officer
- 9. Torts against persons and personal relations. 4 Lectures**
 - 9.1 Assault, Battery, Mayhem.
 - 9.2 False imprisonment
 - 9.3 Defamation - libel, slander including law relating to privileges.
 - 9.4 Marital relations, domestic relations, parental relations, master and servant relations
 - 9.5 Malicious prosecution
 - 9.6 Shortened expectation of life
 - 9.7 Nervous shock
- 10. Wrongs affecting property. 3 Lectures**
 - 10.1 Trespass to land, trespass ab initio, dispossession
 - 10.2 Movable property - trespass to goods, detinue, conversion.
 - 10.3 Torts against business interests - injurious falsehood, misstatements, passing off
- 11. Negligence 4 Lectures**
 - 11.1 Basic Concepts.
 - 11.1.1 Theories of negligence
 - 11.1.2 Standards of care, duty to take care, carelessness, inadvertence
 - 11.1.3 Doctrine of Contributory Negligence
 - 11.1.4 *Res ipsa loquitur* and its importance in contemporary law
 - 11.2 Liability due to negligence: different professionals
 - 11.3 Liability of Common carriers for negligence
 - 11.4 Product liability due to negligence: liability of manufacturers and business houses for their products
- 12. Motor Vehicles Accident 6 Lectures**
 - 12.1 No Fault Liability: Section 140 of the Motor Vehicles Act, 1988
 - 12.2 Hit and Run cases: Section 163

- 123 Structured Formula: As a guide in awarding compensation in death or bodily injury cases: Section 163 – A
- 124 Claims Tribunal: Section 165
- 125 Application for Compensation: Section 166
- 126 Award of Claims Tribunal: Section 168
- 127 Procedure and Powers of Claims Tribunal: Section 169
- 128 Award and Interest: Section 171
- 129 Appeals: Section 173
- 13 Nuisance** **3 Lectures**
- 13.1. Definition, essentials and types
- 13.2 Acts which constitute nuisance - obstructions of highways, pollution of air, water, noise and Interference with light and air
- 14 Absolute/Strict Liability.** **3 Lectures**
- 14.1 The Rule in *Ryland's V. Fletcher*.
- 14.2 Liability for harm caused by inherently dangerous industries.
- 15 Legal remedies.** **4 Lectures**
- 15.1 Legal remedies
- 15.1.1 Award of damages - simple, special, punitive.
- 15.1.2 Remoteness of damages - foreseeability and directness
- 15.1.3 Injunction
- 15.1.4 Specific Restitution of property
- 15.2 Extralegal remedies - self-help, re-entry on land, recaption of goods, *distress damage feasant* and abatement of nuisance.
- 16 Consumer movements: Historical perspectives.** **3 Lectures**
- 16.1 Common law protection: contract and torts.
- 16.2 Consumerism in India: Food adulteration, drugs and cosmetics - essential commodities.
- 16.2.1 Criminal Sanction: Sale of noxious and adulterated substances, false weight and measures. Use of unsafe carriers
- 17 Consumer, the Concept.** **3 Lectures**
- 17.1 General perspectives.
- 17.2 Statutory and government services: to be included or not?
- 17.3 Definition and scope: the Consumer Protection Act 1986 (CPA)
- 17.3.1 Who is not a Consumer?
- 18 Unfair Trade Practices** **3 Lectures**

	18.1 Misleading and false advertising.	
	18.2 Unsafe and Hazardous products.	
	18.3 Disparaging competitors	
	18.4 Business ethics and Business self-regulation	
	18.5 Falsification of trademark.	
19	Consumer of Goods	3 Lectures
	19.1 Meaning of defects in goods	
	19.2 Standards of purity, quality, quantity, and potency	
	19.2.1 Statutes: food and drugs, engineering and electrical goods	
	19.2.2 Common law: decision of courts	
20	Consumer Safety	2 Lectures
	20.1 Starting, distribution and handling of unsafe and hazardous products	
	20.2 Insecticides and pesticides and other poisonous substances	
21	Service	4 Lectures
	21.1 Deficiency-meaning	
	21.2 Professional services	
	21.3 Public Utilities	
22	Enforcement of Consumer Rights	6 Lectures
	22.1 Consumer forum under CPA: Jurisdiction, powers and functions	
	22.1.1 Execution of orders	
	22.1.2 Judicial review	
	22.2 P.I.L.	
	22.3 Class Action	
	22.4 Remedies	
	22.5 Administrative remedies	

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PAPER: XXII CORE AND COMPULSORY- XX

LAW OF CRIMES PAPER - I: PENAL CODE

Credits: Theory-(4)

Objectives of the course:

The Indian society has changed very rapidly since Independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new Perspectives.

UNIT NO:	TOTAL NO OF THEORY LECTURES-80
1. <i>Actus non facit reum nisi mens sit rea</i>	2 Lectures
2. Stages in commission of crime: Intention, Preparation, Attempt, Commission	2 Lectures
3. Operation of the Indian Penal Code: Intra-territorial and Extra-territorial	2 Lectures
4. Definitions in the Penal Code	2 Lectures
5. Law relating to Joint Offenders (Ss.34-38)	2 Lectures
6. Types of Punishment	2 Lectures
7. General Exceptions	3 Lectures
7.1. Mistake of Fact	
7.2. Judicial Acts	
7.3. Accident	
7.4. Absence of Criminal Intent	
7.5. Act done by Consent	
7.6. Trifling acts	
7.7. Right of Private Defence	
8. Abetment	3 Lectures
8.1. Abetment by instigation	
8.2. Abetment by engaging in a conspiracy	
8.3. Abetment by aiding a person to commit it	
8.4. Punishment for Abetment	
8.5. General Provisions relating to Abetment	
9. Criminal Conspiracy	2 Lectures
10. Offences against the State	2 Lectures

11. Offences against the Public Tranquility	3 Lectures
11.1 Unlawful Assembly	
11.2 Rioting	
11.3 Promoting enmity between different groups	
11.4 Affray	
12. Offences by or relating to Public Servants	3 Lectures
13. Offences relating to Elections	2 Lectures
14. Contempt of the Lawful Authority of Public Servants	2 Lectures
15. False Evidence and Offences against Public Justice	6 Lectures
15.1 Giving False Evidence	
15.2 Fabricating False Evidence	
15.3 Causing disappearance of evidence, giving false information, destruction of document and electronic record	
15.4 False Personation	
15.5 False charge of an Offence	
15.6 Harboring Offenders	
15.7 Intentional Insult to Public Servant sitting in Judicial Proceeding	
15.8 Failure by person released on bail or bond to appear in court	
16. Counterfeiting of Coins and Government Stamps	2 Lectures
17. Offences affecting the Public Health, Safety, Convenience and Decency, Moral	2 Lectures
18. Offences relating to Religion	2 Lectures
19. Offences affecting the Human Body	10 Lectures
19.1. Culpable Homicide	
19.2. Murder	
19.3. Causing Death by Negligence	
19.4. Dowry Death	
19.5. Abetment and Attempt to commit Suicide	
19.6. Causing Miscarriage	
19.7. Hurt and Grievous Hurt	
19.8. Wrongful Restraint and Wrongful Confinement	
19.9. Criminal Force and Assault	

19.10	Kidnapping and Abduction	
19.11	Rape	
19.12	Unnatural Offences	
20.	Offences against Property	10 Lectures
20.1.	Theft	
20.2.	Extortion	
20.3.	Robbery	
20.4.	Dacoity	
20.5.	Criminal Misappropriation of Property	
20.6.	Criminal Breach of Trust	
20.7.	Receiving stolen property	
20.8.	Cheating	
20.9.	Fraudulent deeds and disposition of property	
20.10	Mischief	
20.11	Criminal Trespass	
20.12	House-Trespass	
20.13	Lurking House-Trespass	
20.14	House-breaking	
21.	Offences relating to Documents	2 Lectures
21.1.	Forgery	
21.2.	Falsification of accounts	
22.	Offences relating to Property Mark	2 Lectures
22.1.	Using a false Property Mark	
22.2.	Counterfeiting a Property Mark	
23.	Offences relating to Currency-Notes and Bank-Notes	2 Lectures
23.1.	Counterfeiting currency-notes or bank-notes	
23.2.	Using as genuine counterfeit currency-notes or bank-notes	
24.	Offences relating to Marriage	2 Lectures
24.1.	Bigamy	
24.2.	Adultery	
25.	Husband or relative of husband of a woman subjecting her to cruelty	2 Lectures
26.	Defamation	2 Lectures
26.1.	Definition of Defamation	
26.2.	Exceptions to Defamation	

27. Criminal Intimidation, Insult and Annoyance

2 Lectures

28. Attempt to commit offences

2 Lectures

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- 4 P.S.Achuthan Pillai, *Criminal Law* (1995) Eastern, Lucknow**
- 5 Hidayathulla, M. et. al. Ratanlal and Dhirajlal. *The Indian Penal Code* (1994 reprint), Wadhawa & Co. Nagpur**
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PAPER: XXIII CORE AND COMPULSORY- XXI

CONSTITUTIONAL LAW PAPER-I

Credits: Theory-(4)

Objectives of the Course

India is a democracy and her Constitution embodies the main principles of the democratic Government how it comes into being, what are its powers, functions, responsibilities and obligations- how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by one's social economic or political predictions. A student must, therefore, learn how various interpretations of the Constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is a necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law, the concept of secularism and federalism engraved in the constitution are, and are to be, interpreted progressively

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

- | | |
|--|-------------------|
| 1. The Making of the Constitution | 3 Lectures |
| 1.1. Composition of the Constituent Assembly | |
| 1.2. Committees and Sub-Committees of the Constituent Assembly | |
| 1.3. Working of the Constituent Assembly | |
| 1.4. Commencement of the Constitution | |
| 2. Salient Features of the Constitution | 2 Lectures |
| 3. Preamble of the Constitution | 4 Lectures |
| 3.1. Preamble whether part of the Constitution. | |
| 3.2. Purpose of the Preamble | |

3.3. Preamble, limits on its amendment	
3.4. Role of the Preamble	
4. Union and its Territory	3 Lectures
4.1. Name of the Union.	
4.2. States and Union Territories	
4.3. Admission, Establishment and Formation of New States.	
4.4. Alteration of areas, boundaries and names of States.	
5. Citizenship	4 Lectures
5.1 Meaning of Citizenship	
5.2 Citizenship at the Commencement of the Constitution	
5.3 Regulation of the right of Citizenship by Parliamentary Law	
5.4 Acquisition of Citizenship and loss of Citizenship.	
6. Fundamental Rights	36 Lectures
6.1 Definition of 'State'	
6.2 Laws inconsistent with fundamental rights.	
6.3 Right to Equality	
6.4 Right to Freedom	
6.4.1 Rights Under Article 19	
6.4.2 Protection in respect of conviction of offences	
6.4.3 Protection of life and personal liberty	
6.4.4 Protection against arrest and detention	
6.5 Right to Education	
6.6 Right against Exploitation	
6.7 Right to Freedom of Religion	
6.8 Cultural and Educational Rights	
6.9 Rights to Constitutional Remedies	
6.10 Exceptions to Fundamental Rights- Article 31-A, 31-B, 31-C.	
7 Directive Principles of State Policy	4 Lectures
7.1 Directive Principles - directions for social change - a new social order	
7.2 Fundamental Rights and Directive Principles –interrelationship	
7.3 Constitutional amendments to strengthen Directive Principles	
7.4 Reading Directive Principles into Fundamental Rights	
8 Fundamental Duties	2 Lectures
8.1 The need and status of Fundamental Duties	
9 President of India	3 Lectures

9.1	Election, Qualification, Impeachment	
9.2	Powers of the President	
9.3	Privileges and Immunities of the President	
9.4	Position of the President in relation to Prime Minister	
10	Vice-President of India	3 Lectures
10.1	Election, Qualification	
10.2	Functions, Removal	
11	Council of Ministers at the Union	5 Lectures
11.1	Appointment of Ministers	
11.2	Collective Responsibility to the House of the People	
11.3	Individual Responsibility to the President	
11.4	Special position of the Prime Minister	
11.5	Duties of Prime Minister	
12	The Attorney General of India	2 Lectures
12.1	Appointment, Duties	
13	The Governor	3 Lectures
13.1	Appointment, Term of Office	
13.2	Powers of the Governor	
14	Council of Ministers at the State level	4 Lectures
15	The Advocate General	2 Lectures
15.1	Appointment, Qualification	
15.2	Rights and Duties	

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1. T.K. Tope: *Constitution of India*
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B.A., LL.B. - III: SEMESTER – VI

PAPER:XXIV CORE ANDCOMPULSORY- XXII

FAMILY LAW–I

Credits: Theory-(4)

OBJECTIVES OFTHE COURSE:

The course structure is designed mainly with three objectives in view. One is to provide adequate sociology perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational in-equalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religious but as the onecutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familialrelations more meaningful.

UNITNO:

TOTAL NO OF THEORYLECTURES-80

1 MarriageandKinship

5Lectures

1.1 Evolutionoftheinstitutionofmarriageandfamily.

1.2 Roleofreligiousritualsandpracticesinmouldingtherulesregulatingtomartialrelations.

1.3 Typesoffamilybasedupon

1.3.1 Lineage- patrilineal,matrilineal

1.3.2 Authority structure- patriarchal andmatriarchal

1.3.3 Location- patrilocalandmatrilocal.

1.3.4 Numberofconjugalunits-nuclear,extended,jointandcomposite.

1.4 Emergingconcepts:*maitrisambandhanddividedhome*.

2 Customary practices andStateregulation

5Lectures

2.1 Polygamy

2.2 Concubiage

2.3 2.3. Child marriage

2.4 Sati

2.5 Dowry

3 Conversion and its effecton family

4Lectures

3.1 Marriage

3.2 Adoption

3.3 Guardianship

3.4 Succession

(In view of the conflict of inter-personal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code are some of the basics that need to be examined)

4 Joint Family

16 Lectures

4.1 *Mitakshara* joint family

4.2 *Mitakshara* coparcenary - formation and incidents

4.3 Property under *Mitakshara* law - separate property and coparcenary property

4.4 *Dayabhaga* coparcenary - formation and incidents.

4.5 Property under *Dayabhaga* law.

4.6 *Karta* of the joint family - his position, power, privileges and obligations

4.7 Alienation of property - separate and coparcenary

4.8 Debts - *Doctrines of Pious obligations* and antecedent debt.

4.9 Partition and re-union.

4.10 Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it

4.11 Matrilineal joint family.

5. Inheritance Lectures

30

5.1 Hindus

5.1.1 Historical perspective of traditional Hindu law as a back-ground to the Study of Hindu Succession Act 1956.

5.1.2 Succession to property of a Hindu male dying intestate under the provisions Of Hindu succession Act 1956.

5.1.3 Devolution of interest in *Mitakshara* coparcenary with reference to the Provision of Hindu Succession Act, 1956.

5.1.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956.

5.1.5 Disqualification relating to succession

5.1.6 General rules of succession.

5.1.7 *Marumakkattayam* and *Aliyasana* laws governing people living in Travancore – Cochin and the districts of Malabar and South Kanara

5.2 Muslims

5.2.1 General rules of succession and exclusion from succession

5.2.2 Classification of heirs under *Hanafi* and *Ithna Ashria* Schools and their shares and Distribution of property

5.3 Christians, Parsis and Jews

5.3.1 Heirs and their shares and distribution of property under the Indian Succession Act of 1925.

6 Matrimonial Remedies Lectures

20

6.1 Non-judicial resolution of marital conflicts

6.1.1 Customary dissolution of marriage - unilateral divorce, divorce by Mutual Consent and other modes of dissolution

6.1.2 Divorce under Muslim personal law- *talaq* and *talaq-e-tafweez*.

6.2 Judicial resolution of marital conflicts: the family court.

6.3 Nullity of marriage

6.4 Option of puberty

6.5 Restitution of conjugal rights

6.6 Judicial separation

6.7 Desertion: a ground for matrimonial relief.

6.8 Cruelty: a ground for matrimonial relief

6.9 Adultery: a ground for matrimonial relief.

6.10 Other grounds for matrimonial relief

6.11 Divorce by Mutual Consent under: Special Marriage Act 1954; Hindu Marriage Act 1955; Muslim law (*Khula* and *Mubaraat*).

6.12 Bar to matrimonial relief

6.12.1 Doctrine of Strict Proof

6.12.2 Taking advantage of one's own wrong or disability

6.12.3 Accessory

6.12.4 Connivance

6.12.5 Collusion

6.12.6 Condoning

6.12.7 Improper or unnecessary delay

6.12.8 Residuary clause - no other legal ground exists

for refusing the matrimonial relief

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PAPER:XXV CORE ANDCOMPULSORY- XXIII

ADMINISTRATIVE LAW

Credits: Theory-(4)

OBJECTIVES OFTHE COURSE:

The modern state governs in the traditional sense, that is, it maintains law and order, adjudicates upon disputes and regulates economic and social life of individuals and groups in the state; at the same time, it is also the provider of essential services. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries incarrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology. The aggregate of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long, administrative lawyers have primarily been concerned with such matters as excess or abuse of power, maladministration and abuse of discretion. However, in recent years there has been a shift in emphasis for finding what the administration may not do to what it must do. The Courts in India, no doubt, strike down administrative acts which are *ultra vires* or in violation of procedural norms; however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties. Most of the statutory duties impose on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and *modus operandi* of administration. It must take note of developmental perspectives and attainment of social welfare objectives through bureaucratic process. It should go into matters, which facilitate or hinder the attainment of these objectives.

Though in the matter of protection of rights of individuals against administration the role of courts cannot be minimized, it is no less important to know the advantages of informal methods of settlement. Many new methods of grievance redressal have been devised which not only efficacious but also inexpensive and less time consuming.

Remedies available for administrative deviance need a critical study and

evaluation in the context of realities.

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

1. Evolution, Nature and Scope of Administrative Law **4 Lectures**

- 1.1 From *laissez faire* to a social welfare state
 - 1.1.1 State as regulator of private interest
 - 1.1.2 State as provider of services
 - 1.1.3 Other functions of modern state: relief, welfare
- 1.2 Evolution of administration as the fourth branch of government
necessity for delegation of powers on administration
- 1.3 Evolution of agencies and procedures for settlement of
disputes between individual and administration.
 - 1.3.1 Regulatory agencies on the United States
 - 1.3.2 *Conseil d'Etat*
 - 1.3.3 Tribunalization in England and India
- 1.4 Definition and scope of administrative law
- 1.5 Relationship between constitutional law and administrative law
- 1.6 Separation of powers
- 1.7 Rule of Law

2. Civil Service in India **4 Lectures**

- 2.1 Nature and organization of civil service: from colonial relics to democratic aspiration.
- 2.2 Powers and functions
- 2.3 Accountability and responsiveness: problems and perspectives
- 2.4 Administrative deviance - corruption, mal-administration.

3. Legislative Powers of Administration **10 Lectures**

- 3.1 Necessity for delegation of legislative power
- 3.2 Constitutionality of delegated legislation - powers of Exclusion and
Inclusion and Power to modify statute
- 3.3 Requirements for the validity of delegated legislation
 - 3.3.1 Consultation of affected interests and public participation in Rule Making.
 - 3.3.2 Publication of delegated legislation
- 3.4 Administrative directions, circulars and policy statements
- 3.5 Legislative control of delegated legislation
 - 3.5.1 Laying procedures and their efficacy
 - 3.5.2 Committees on delegated legislation - their constitution,

function and effectiveness.

3.5.3 Hearings before legislative committees

3.6 Judicial control of delegated legislation

3.7 Sub-delegation of legislative powers

4. Judicial Powers of Administration **10 Lectures**

4.1 Need for devolution of adjudicatory authority on Administration

4.2 Administrative tribunals and other adjudicating authorities: their *ad hoc* character

4.3 Tribunals - need, nature, constitution, jurisdiction and procedure

4.4 Jurisdiction of administrative tribunals and other authorities

4.5 Distinction between quasi-judicial and administrative functions

4.6 The right to hearing - essentials of hearing process

4.6.1 No man shall be judge in his own cause

4.6.2 No man shall be condemned unheard

4.7 Rules of evidence - no evidence, some evidence and substantial evidence rules

4.8 Reasoned decisions

4.9 The right to counsel

4.10 Institutional decisions

4.11 Administrative appeals

5. Judicial Control of Administrative Action **12 Lectures**

5.1 Exhaustion of administrative remedies

5.2 Standing: Standing for Public Interest Litigation (social action litigation) collusion, bias

5.3 *Laches*

5.4 *Res judicata*

5.5 Grounds

5.5.1 Jurisdictional error/*ultra vires*

5.5.2. Abuse and non exercise of jurisdiction

5.5.3. Error apparent on the face of the record

5.5.4 Violation of principles of natural justice

5.5.5 Violation of Public Policy

5.5.6 Unreasonableness

5.5.7 Legitimate expectation

5.6 Remedies in judicial Review:

- 5.6.1 Statutory Appeals
- 5.6.2 *Mandamus*
- 5.6.3 *Certiorari*
- 5.6.4 Prohibition
- 5.6.5 *Quo-Warranto*
- 5.6.6 *Habeas Corpus*
- 5.6.7 Declaratory judgments and injunctions
- 5.6.8 Specific performance and civil suits for compensation

6. Administrative Discretion 10 Lectures

- 6.1 Need for administrative discretion
- 6.2 Administrative discretion and rule of law
- 6.3 Limitations on exercise of discretion
 - 6.3.1 *Malafide* exercise of discretion
 - 6.3.2 Constitutional imperatives and use of discretionary authority
 - 6.3.3 Irrelevant considerations
 - 6.3.4 Non-exercise of discretionary power.

7 Liability for wrongs (Tortious and Contractual) 10 Lectures

- 7.1 Tortious liability: sovereign and non-sovereign functions.
- 7.2 Statutory immunity.
- 7.3 Act of state.
- 7.4 Contractual liability of government.
- 7.5 Government privilege in legal proceedings - state secrets, Public interest
- 7.6 Transparency and right to information.
- 7.7 Estoppel and waiver

8 Corporations and Public Undertakings... 10 Lectures

- 8.1 State monopoly - remedies against arbitrary action or for acting against public policy
- 8.2 Liability of public and private corporations - departmental undertakings.
- 8.3 Legislative and governmental control.
- 8.4 Legal remedies.
- 8.5 Accountability - Committee on Public Undertakings, Estimates Committee etc.

9 Informal Methods of Settlement of Disputes and Grievance Redressal Procedures

10 Lectures

- 9.1 Conciliation and Mediation through social action groups.

9.2 Use of media, lobbying and public participation

9.3 Public inquiries and commissions of inquiry.

9.4 Ombudsman: *Lokpal, LokAyukta*

9.5 Vigilance Commission

9.6 Congressional and parliamentary Committees

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PAPER: XXVI CORE AND COMPULSORY – XXIV

LABOUR AND INDUSTRIAL LAW PAPER – I

Credits: Theory-(4)

Objectives of the Course

Protection of labour is a Constitutional mandate. The Constitution inspired by the vision of social justice is committed to the cause of up-liftment of labour. Well balanced Industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect.

Today's labour is engaged in a battle for position of honour and status equal with management. The study of labour law has its aim on the societal impulses on, and state reactions to the complex socio-economic, human and political problems arising out of the constant conflicts between different classes. The student should get an insight into legislative attempts made by Indian Government. The students also must have knowledge of existing laws and present position of labour.

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

1. Trade Unions Act, 1926

10 Lectures

- 1.1 Registration, Recognition, Cancellation or Withdrawal of Registration, Change of name, Office-bearers, Amalgamation, Dissolution of Union, Outside leadership in Trade Unions
- 1.2 Rights and Liabilities of Trade Unions – General Fund, Political Fund, Immunities, Verification, Reference, Penalties, Role of Trade Union, Labour Participation in Management
- 1.3 Collective Bargaining – Meaning, Advantages, Disadvantages, Bargaining Power, Process, Structure, Enforcement
- 1.4 Tripartism

2. The Industrial Employment (Standing Order) Act, 1946

8 Lectures

- 2.1 Scope, Definitions, Standing Orders
- 2.2 Procedure for Certification of Standing Orders and operation thereof
- 2.3 Duration and Modification of Certified Standing Orders and Penalties
- 2.3 Disciplinary Proceedings – Domestic Inquiry
- 2.4 Unfair Labour Practices, Safeguards, Code of Discipline etc.

3 Equal Remuneration Act, 1976

10 Lectures

- 3.1 Definitions
- 3.2 Payment of Remuneration at equal rates to men and women workers

- 3.3 Duties of Employer under the Act
- 3.4 Prohibition of discrimination while recruiting men and women workers
- 3.5 Advisory Committee
- 3.6 Powers of appropriate Government under the Act
- 3.7 Inspectors
- 3.8 Penalties
- 4 Payment of Bonus Act, 1965 10 Lectures**
 - 4.1 Definitions
 - 4.2 Bonus – Kinds, Bonus Commission, Available Surplus, Prior Charges
 - 4.3 Eligibility and Extent of Bonus, Disqualification, Minimum and Maximum Bonus
 - 4.4 Machinery and Miscellaneous matters
- 5 Contract Labour (Regulation and Abolition), Act 1970 12 Lectures**
 - 5.1 Object, Scope, Definitions
 - 5.2 Registration of Establishments employing Contract Labour, Revocation of Registration, Prohibition of Employment of Contract Labour
 - 5.3 Licensing Contractor
 - 5.4 Welfare and Health of Contract Labour, liability of employer
 - 5.5 Penalties and Procedure
 - 5.5.1 Offences by Companies, Limitation of Prosecution
 - 5.6 Miscellaneous
- 6 Maternity Benefit Act, 1961 10 Lectures**
 - 6.1 Object, Scope, Definitions
 - 6.2 Maternity Benefit – Eligibility, Notice of Claim, Medical Bonus, Leave etc. 6.2.1 Prohibition against dismissal, discharge, wage deduction
 - 6.3 Authorities under the Act – Inspectors, Powers and Functions of Inspectors
 - 6.4 Forfeiture of Maternity Benefit
 - 6.5 Power of Central Government to make Rules
- 7. Payment of Wages Act, 1936 8 Lectures**
 - 7.1 Objectives, Scope and Definitions
 - 7.2 Payment of Wages and Deductions from wages
 - 7.2.1. Responsibility to pay wages, wage period, time of payment
 - 7.3 Authorities under the Act
 - 7.4 Penalty and Miscellaneous Provisions
 - 7.5 Rulemaking power
- 8. The Employees' Provident Fund and Miscellaneous Provisions Act, 1952 12 Lectures**

- 8.1 Objectives and Scope of the Act
- 8.2 Definitions
- 8.3 Employees' Provident Fund Scheme and Authorities
- 8.3 Employees' Pension Scheme
- 8.4 Employees' Deposit-linked Insurance Scheme
- 8.5 Authorities under the Act – Central Board, Tribunals, Inspectors
- 8.6 Recovery of Moneys due from employer, Power to exempt, Powers of Government

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PAPER: XXVII CORE AND COMPULSORY- XXV

PUBLIC INTERNATIONAL LAW

Credits: Theory-(4)

Objectives of the Course

The twentieth Century has witnessed new dimensions in mutual intercourse among nations in the Socio-economic and Political fields. The intensity, frequency and complexity of international intercourse have grown tremendously during this century, which have led to the establishment of various international Organization

At present day man is not confined to a region or nation but he is a member of the world community. International relations led the states to form International Organizations and the states are required to follow the International Law. Thus comprehensive knowledge of international laws is necessary.

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

1. International Law 3 Lectures

1.1 Definition.

1.2 Evolution

2. Nature and Basis of International Law.

4 Lectures

2.1. Whether International Law is a Law?

2.2. Is International Law a mere positivemorality?

2.3. Whether International Law is the vanishing point of Jurisprudence?

2.4. Does International Law Comprise of the rules of International comity?

2.5. Public International Law and Private International Law.

2.6. Weaknesses of International Law and Suggestions for its improvement

2.7 Sanctions in International Law

2.8 Basis of International Law.

2.8.1 Theory of Consent, Auto-Limitations, *Pacta Sunt servanda*, Fundamental Rights, Influence of Natural Law.

3. Sources of International Law.

4 Lectures

3.1 International Conventions

3.2 International Customs

3.3 General Principles of Law recognized by civilized States

3.4 Decisions of Judicial and Arbitration Tribunals.

3.5 Juristic works.

3.6	Subsidiary Sources.	
4.	Relationship between International Law and Municipal Law	4 Lectures
4.1.	Theories - Monism, Dualism, Specific adoption theory, Transformation theory, Delegation theory.	
4.2.	Question of Primacy- State practices.	
5.	Nature of State and Different Kinds of States and non-State entities.	3 Lectures
5.1	Elements of a State, its functions	
5.2	Sovereignty and Principles of Equality of States.	
5.3	Different kinds of States & Non State entities.	
5.3.1.	Confederation, Federation, Condominium, Vassal State, Protectorate State, Trust territories.	
5.3	Neutral and Neutralized State.	
6.	Subjects of International Law	4 Lectures
6.1	States, Individuals, International Organizations and non-State entities.	
6.2	Place of Individuals in International Law.	
7.	State Responsibility	5 Lectures
7.1	Meaning- Original & Vicarious Responsibility.	
7.2	State Responsibility for - International Delinquency, Notion of imputability, Aliens, individuals, mob violence, insurgents, governmental organs, <i>Calvo-Doctrine</i> , contracts with foreigners, breach of treaty obligation.	
7.3	Defences to State Liability.	
8.	Recognition.	5 Lectures
8.1	Meaning, Theories of recognition, modes of recognition.	
8.2	Recognition of Insurgency and Belligerency.	
8.3	Duty to recognize, Consequences of non-recognition.	
8.4	Withdrawal of recognition.	
8.5	Retroactive effect of recognition	
9.	Intervention.	3 Lectures
9.1	Meaning and Definition	
9.2	Grounds of intervention.	
10.	State Territory	3 Lectures
10.1	Maritime territory	
10.2	International Rivers, Inter oceanic canals (Suez, Kiel, Panama)	

10.3 Acquisition and loss of territory	
10.3.1 Modes of acquiring territories	
10.3.2 Modes of loss of territory.	
11. Nationality	3 Lectures
11.1 Meaning, Definition, International Importance.	
11.2 Nationality, Domicile and Citizenship	
11.3 Modes of acquisition of Nationality and loss of Nationality	
11.3.1 Double Nationality, Statelessness, Commonwealth citizenship.	
12. Extradition	3 Lectures
12.1 Basis, Meaning and Definition.	
12.2 Conditions for extradition	
13. Asylum	3 Lectures
13.1 Meaning and Definition	
13.2 Right to Asylum- types of Asylum	
13.3 Asylum and Extradition are mutually exclusive.	
14 Air Law	4 Lectures
14.1 Air Space, Aerial Navigation, Five freedoms of Air	
14.2 Air-craft Hijacking	
14.2.1 Law relating to Hijacking	
14.2.2 Proposal for establishment of an International Court,	
14.3. Principal of Universal Jurisdiction in respect of the crime of Hijacking.	
14.4. Piracy	
14 Law of the Sea.	6 Lectures
14.1 Maritime Belt, Territorial waters, Contiguous Zone, Straits Used for International Navigation	
14.2 Continental shelf, Exclusive Economic Zone	
14.3 Freedom of High Seas, International Sea-bed Area	
14.4 Settlement of Disputes, International Tribunal for the Law of Sea, Applicable Law	
15 United Nations Organization	8 Lectures
15.1 Origin, Purposes and Principles of the U.N.	
15.2 Membership, withdrawal of membership from U.N.	
15.3 Expulsion of members and Suspension of members	

- 15.4 Principal Organs of U.N.
 - 15.4.1 The General Assembly
 - 16.4.2 The Security Council
 - 16.4.3 The Economic and Social Council
 - 16.4.4 The Trusteeship Council
 - 16.4.5 The Secretariat
 - 16.4.6 The International Court of Justice

17 The Specialized Agencies 5 Lectures

- 17.1 ILO
- 17.2 WHO
- 17.3 UNESCO
- 17.4 IMF
- 17.5 WIPO

18 Diplomatic Agents. 3 Lectures

- 18.1 Classification.
- 18.2 Immunities, Privileges of Diplomatic Agents.
- 18.3 Immunities of Servants of Diplomatic Agents.
- 18.4 Can a Diplomatic Agent waive or lose his immunity?
- 18.5 Termination of Diplomatic Mission.
- 18.6 Consuls.

19 Treaties. 4 Lectures

- 19.1 Definition & Binding force of treaties
- 19.2 *Pacta sunt servanda*
- 19.3 Classification of Treaties.
- 19.4 Parties Competent to make a treaty.
- 19.5 Consent of the States.
- 19.6 Formation, Ratification and Termination of Treaties.

20 Settlement of International Disputes. 3 Lectures

- 20.1 Pacific
- 20.2 Coercive

Select Bibliography

- 1) **Dr.S.K. Kapoor, *International Law*, Central Law Agency**
- 2) **R.S. Chavan, *An Approach to International Law*, Sterling Publishers Private Ltd. New Delhi**
- 3) **J.G. Starke, *An Introduction to International Law*, Butterworths**
- 4) **V.D. Mahajan, *Public International Law*, Eastern Book Company**
- 5) **Dr. Sharma B.M., *International Law*, Eastern Book Company, Lucknow**
- 6) **M.P. Tandon and Rajesh Tandon, *Public International Law*, Allahabad Law Agency, Allahabad**
- 7) **D.P. O'Connell, *International Law for Students*, Stevens & Sons 1971**
- 8) **N. March Hunnings, *International Law*, Sweet and Maxwell Ltd., London**
- 9) **S.K. Varma, *Public International Law* (1998) Prentice-Hall, New Delhi**

**PAPER: XXVIII CORE AND COMPULSORY-XXVI
ENVIRONMENTAL LAW**

Credits: Theory-(4)

Objectives of the Course: -

The Environment law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter-generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly Environmental law necessarily demands an inter- disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology- related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

UNIT NO:

TOTAL NO OF THEORY LECTURES-80

- | | |
|--|---------------------|
| 1. Concept of Environment and Pollution- | 5 Lectures |
| 1.1. Environment | |
| 1.1.2 Meaning and Contents | |
| 1.2 Pollution | |
| 1.2.1 Meaning | |
| 1.2.2 Kinds of Pollution | |
| 1.2.3 Effects of pollution. | |
| 2. Legal Control: Historical Perspectives | 6 Lectures |
| 2.1 Indian tradition: Dharma of Environment. | |
| 2.2 British Raj - Industrial development and exploitation of nature. | |
| 2.2.1 Nuisance: Penal Code and procedural codes. | |
| 2.3 Free India - Continuance of British influence. | |
| 2.3.1 Old Laws and new interpretations. | |
| 3. Constitutional | Perspectives |
| 15 Lectures | |
| 3.1. Constitution Making – development and property oriented approach. | |
| 3.2. Directive Principles | |
| 3.2.1 Status, role and interrelationship with fundamental rights and | |

fundamental duties.

3.3 Fundamental Duty.

3.3.1 Contents.

3.3.2 Judicial Approach.

3.4 Fundamental Rights.

3.4.1 Rights to clean and healthy environment.

3.4.2 Right to Education.

3.4.3 Right to Information.

3.4.4 Environment v. Development.

3.5 Enforcing agencies and remedies.

3.5.1 Courts.

3.5.2 Tribunal

3.5.3 Constitutional, statutory and judicial remedies.

3.6 Emerging Principles

3.6.1 Polluter Pays: Public liability insurance.

3.6.2 Precautionary principle

3.6.3 Public trust doctrine

3.6.4 Sustainable development.

4. Water and Air Pollution.

12 Lectures

4.1 Meaning and Standards.

4.2 Culprits and victims

4.3 Offences and penalties.

4.4 Judicial approach.

5. Noise Pollution.

5 Lectures

5.1 Legal Control

5.2 Courts of balancing: permissible and impermissible noise.

6. Environment Protection

12 Lectures

6.1 Protection agencies: Power and functions.

6.2 Protection: means and sanctions

6.3 Emerging protection through delegated legislation

6.3.1 Hazardous waste.

6.3.2 Bio-medical waste.

6.3.3 Genetic engineering.

6.3.4 Disaster emergency preparedness

6.3.5 Environment impact assessment.

6.3.6 Coastal zone management

6.3.7 Environment audit and ecomark

6.4 Judiciary: complex problems in administration of environmental Justice.

**7. Forest and Greenery
Lectures**

10

7.1 Greenery Conservation laws.

7.1.1 Forest Conservation

7.1.2 Conservation agencies.

7.1.3 Prior approval and non-forest purpose

7.1.4 Symbiotic relationship and tribal people.

7.1.5 Denudation of forest : Judicial approach.

7.2. Wild Life Protection

7.2.1 Sanctuaries and National parks.

7.2.2 Licensing of zoos and National parks.

7.2.3 State monopoly in the sale of wild life and wild life articles.

7.2.3 Offences against wildlife.

8. International regime

10 Lectures

8.1 Stockholm Conference

8.2 Green house effect and ozone depletion

8.3 Rio Conference

8.4 Bio-diversity

8.6 U.N. declaration on right to development

8.7 Wetlands.

9. Prevention of Cruelty to animals.

5 Lectures

9.1 Animal Welfare Board

9.2 Cruelty to Animals generally

9.3 Experimentation on Animals

9.4 Performing animals.

Select Bibliography:

- 1 **Armin Rosencranz, et.al.[eds.] *Environmental Law and Policy in India*, [2000], Oxford**
- 2 **R.B. Singh & Suresh Mishra, *Environmental Law in India* [1996], Concept Publishing Company, New Delhi.**
- 3 **Kailash Thakur, *Environment Protection Law and policy in India* [1997], Deep & Deep Publications, New Delhi.**
- 4 **Richard L. Riversz, et.al.[eds] *Environmental Law, the economy and others sustainable***

Development
[2000], Cambridge.

- 5 Christopher D. Stone, *Should Trees Have Standing and other Essays on Law, Morals and the Environment* [1996], Oceana.
- 6 Leelakrishnan, P. et.al.[eds] *Law and Environment* [1990], Eastern Lucknow
- 7 Leelakrishnan P. *The Environmental Law in India* [1999], Butterworth's, India.
- 8 Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection [1980] [Tiwari Committee Report]
- 9 *Indian Journal of Public Administration*, Special Number on Environment and Administration, July- September 1988, Vol.XXXV No.3, pp, 353-801
- 10 Centre for Science and Environment, *The State of India's Environment 1982, The State of India's Environment 1984-1985 and The State of Indian Environment 1999-2000*
- 11 *World Commission on Environment and Development, our Common Future* [1987], Oxford.
- 12 Maneka Gandhi, et.al *Animal Laws of India* [2001], Universal Law Publishing Company Private Ltd. New Delhi.