

1st Semester

Legal History

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

1st Semester

Paper-I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Legal History. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Administration of justice in Bombay, Madras and Calcutta
 - 1.1. Emergence of the East India Company: development of authority under charters
 - 1.2. Trading body to a territorial power: subsequent Charters
 - 1.3. Administration of justice in Madras from 1639 to 1726
 - 1.4. Administration of justice in Bombay 1668-1726
 - 1.5. Administration of justice in Calcutta 1619-1726
2. The Mayors Court
 - 2.1. Genesis of the Charter of 1726
 - 2.2. Provisions of the Charter
 - 2.3. Working of Judicial System
 - 2.4. Charter of 1753
 - 2.5. Defects of Judicial Systems

Unit-2

1. Adalat System
 - 1.1. Grant of Diwani
 - 1.2. Execution Diwani functions
 - 1.3. Judicial Plan of 1772
 - 1.4. Defects of the plan
 - 1.5. New Plan of 1774
 - 1.6. Reorganization of adalats in 1780
 - 1.7. Reforms of 1781
 - 1.8. The first civil code
 - 1.9. Reforms in the administrations of Criminal Justice.

Unit-3

1. The Regulating Act 1773
 - 1.1. Charter of 1774 and the Supreme Court of Calcutta
 - 1.2. Some land mark cases
 - 1.2.1. Trial of Raj Nandkumar (1775):
 - 1.2.2. The Patna case (1777-79)
 - 1.2.3. The Cossijurah case (1779-80)
 - 1.3. Act of settlement 1781
 - 1.4. Major defects of Act of Settlement
 - 1.5. Supreme Courts at Calcutta, Madras and Bombay.
 - 1.6. Law and administration in the Supreme Court.

Unit-4

1. Process of Codification in India.
 - 1.1. The Charter Act of 1833.
 - 1.2. The First Law Commission.
 - 1.3. The Second Law Commission.
 - 1.4. The Third Law Commission.
 - 1.5. The Fourth Law Commission.

Unit-5

1. Establishment of the High Courts
 - 1.1. The Indian High Court Act 1861
2. The Federal Court of India
 - 2.1. Foundation of the Federal Court
 - 2.2. Jurisdiction
 - 2.3. Authority of law
 - 2.4. Expansion of jurisdiction
 - 2.5. Abolition of the Federal Court

Recommended Readings

Courtney Illbert, Government of India (1962)

Courtney Illbert, The Mechanics of Law making (1914)

M.P. Jain, Constitutional Law of India (1987) Tripathi, Bombay

M.P. Jain, Outlines of Legal History 2006 ed. Wadhwa Nagpur

M.Rama Jois, legal and constitutional History of India 1600-1936 (1936)

Rankin. G.C. Background to Indian Law (1946)

V.D. Kulshreshtha's Landmarks in Indian Legal History (1992), Eastern Book Company Lucknow.

Eric Stakes, the English Utilitarian and India (1992) Oxford Delhi.

Mittal J.K. legal & Constitutional History of India.

General English

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

1st Semester

Paper-II

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of General English. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Language and communication
2. Barriers in communication
3. Body language or non-verbal communication

Unit-2

1. Interpersonal communication
2. Small group communication
3. Listening effectively to other speakers

Unit-3

1. Using Legal terminology in oral and written communication; using legal dictionary
2. Comprehending and summarizing texts related to legal matters
3. Developing a written text from notes

Unit-4

1. Writing formal letters and memoranda
2. Writing reports
3. Writing legal documents: deeds, appeals etc

Unit-5

1. Pronunciation of English: Word, syllable ,stress
2. English intonation
3. English words and sentences for practice in pronunciation

Recommended Readings

1. Larry L Barker: Communication (Prentice Hall)
2. Akmajina, Demers, Farmer and Harnish : Linguistics: an introduction to language and communication: chapter 9 (Prentice Hall)
3. Raymond Murphy: Murphy's English Grammar (3rd ed.) with CD (Cambridge University Press)
4. O'Connor: Better English Pronunciation (with Cassettes) (Cambridge University Press)

Political Science-I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

1st Semester

PAPER-III

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Pol. Science. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Nature of Political Science
 - 1.1 Definition, Nature and Scope
 - 1.2 Approaches to the Study of Political Science
 - a) Legal/ Institutional
 - b) Normative /Philosophical

Unit-2

1. State Origin
 - 1.1 Meaning, Essential Elements
 - 1.2 Theories of its origin
 - a) Divine Origin Theory
 - b) Social Contact Theories: An Introduction

Unit-3

1. Sovereignty:
 - 1.1 Definition and characteristics, Different Views of Sovereignty
 - 1.2 Austinian Concept of Sovereignty
 - 1.3 Pluralistic View of Sovereignty

Unit-4

1. Types of Political Structure
 - 1.1 Unitary And Federal Structure of State
 - 1.2 Presidential and Parliamentary System of Government

Unit-5

1. Democracy
 - 1.1 Meaning Conditions and development
 - a) 1.2. Welfare State.

Recommending Readings

- | | |
|----------------|---------------------------------|
| 1. A.C Kapoor | Principles of Political Science |
| 2. J.C Johri | Political Theory |
| 3. S.P. Verma | Modern Political Theory Science |
| 4. S. E. Finar | Five Constitutions |

Economics –I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

1st Semester

PAPER-IV

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Economics. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

Definition of Economics; Microeconomics and Macroeconomics; market Command and mixed economics; society's technological possibilities; Market mechanism; market solution of economic problem; Trade, Money and capital. The economic role of Government.

Unit-II

Basic elements of supply and demand- the demand curve, market demand, the supply curve; equilibrium of supply and demand; elasticity of demand; elasticity of supply; prices fixed by law; Marginal utility and the law of diminishing marginal utility; the indifference curve; Budget line; consumer's equilibrium; consumer surplus.

Unit-III

Theory of product- production function, law of diminishing returns, returns to scale, short run and long run; business organizations; analysis of costs- various types of costs; Link between production and costs; choice of inputs by the firm; Business accounting- profit and loss account, balance sheet; opportunity costs.

Unit-IV

Behaviour of a competitive firm; the shutdown rule; supply behaviour in competitive industries; short run and long run equilibrium; efficiency and equity of competitive markets; patterns of imperfect competitive; sources of market imperfections; Monopoly equilibrium; collusive oligopoly; monopolistic competition.

Unit-V

Distribution of income and wealth; Marginal productivity and the price of inputs; Demand for labour, wage differences, the economics of discrimination, supply of labour, collective bargaining; Rent as return to fixed factors; capital- basic concepts, classical theory of capital; profits- main determinants.

Recommended Readings

1. Paul A. Samuelson and William D. Nordhaus (1995) : Economics

Law & Society

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

1st Semester

Paper V

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Law & Society. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

The subject involves study of law, in context of some contemporary social problems and some vulnerable groups of the society.

Unit-1 Law and Poverty.

- Legal Aid
- Lawyering for the poor

Unit-2 Bonded Labour

- Modern form of bondage
- Globalisation, Privatization and Labour

Unit-3 Women and the Law-I

- Constitutional protection
- Dowry and dowry related crimes

Unit-4 Women and the Law-II

- Harassment of women at work places
- Female infanticide and Female foeticide
- Women in conflict situations.

Unit-5 Child and the Law

- Child labour
- Child marriage
- a) Children as victims of conflict

Recommended Readings:

1. Upenda Baxi, Law & Poverty, N.M. Tripathi Private Ltd. Bombay 1988.
2. A.T. Singh, Poverty and Social Change (2nd 1969)
3. Chutkarm M.G Metha PI, Law and the Poor. A Socio-legal Study (1991)
4. K. Kumar and Punam Ravi, offences Against women Socio-legal. Perspective (1996) (Regency Publication New Delhi)
5. Paras Diwan Dowry and Protection to Married Women (1995) Deep and Deep Publications.
6. Child Labour and Legal Control – A Socio-Legal Study (Altaf Ahmad Mir)

2nd Semester

Constitutional History of India

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

2nd Semester

Paper-I Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Constitutional History. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. The Charter Acts of 1833 and 1853
2. The Government of India Act, 1858

Unit-2

1. The Government of India Act, 1861
2. Indian Councils Act, 1909

Unit-3

1. Government of India Act-1919 - features of Diarchy
2. Government of India Act, 1935 with special emphasis on the concept of provincial autonomy and federalism

Unit-4

1. The Federal Court- constitution and jurisdiction
2. Cripps Mission, Wavel Plan and Cabinet Mission

Unit-5

1. Indian Independence Act, 1947.
2. The Constituent Assembly of India.

Recommended Readings

1. Keith- Constitutional History of India
2. Mittal J.K – Constitutional History of India
3. Bhagwan V. - Constitutional History of India
4. Kulsheshta- Indian Legal and Constitutional History
5. Seerai H.M. - Constitutional Law of India
6. Mahajan V.D. Constitutional History of India.
7. M.P.Jain Outlines of Indian Legal and Constitutional History (6th ed. 2006)Wadhwa an Company Nagpur.

Legal Language

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

2nd Semester

Paper-II

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Legal Language. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- i) What is legal language
- ii) Nature and Scope of legal Language
- iii) Legal Language in J&K

Unit-II

1. Reading skills: skimming, scanning, intensive and extensive reading
2. Making précis of a long text (preferably related to law)
3. Reading, comprehending and answering questions based on unseen legal texts (minimum five questions to be given at the end of the text)

Unit-III

1. Oral communication/presentation-Techniques of
2. Effective oral communication using audio-visual aids
3. Use of Modal Verbs

Unit-V

1. Translation and transliteration: theory
2. Translating an Urdu text into English
3. Translating English into Urdu: problems and solutions.

Unit-5

- i) Legal Essays
- ii) Legal Maxims – Meanings
- iii) Legal Terminology in Urdu

Recommended Readings

1. Francoise Grellett: Developing Reading skills (Cambridge University Press)
2. Mohammad Aslam: Teaching of English for B.Ed students (Foundation Books)
3. Any book or official document that talks about Urdu in J&K
4. MK Gandhi: The Law and the Lawyers (Navjivan Publications, Ahmedabad)
5. Ishtiaque Abidi: Law and Language (University Publishers, Aligarh)
6. Raymond Murphy: Murphy's English Grammar (3rd ed.) with CD (Cambridge University Press)
7. G.M.D. Baba's : Fundamentals of Legal Learning & Patwar Record Formation (Urdu) 2005

Political Science-II

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

2nd Semester

PAPER-III

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Pol. Science. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Plato
 - 1.1 Concept of ideal state
 - 1.2 Justice
 - 1.3 Communism

Unit-2

1. Aristotle
 - 1.1 Concept of Revolution
 - a) Views on Slavery

Unit-3

1. Machiavelli
 - 1.1 Views on State Craft
 - 1.2 Views on Relationship between Ethics and Politics

Unit-4

1. Hobbes
 - 1.1 Views on the State of Nature
 - 1.2 Views on Social Contract

Unit-5

1. Locke
 - 1.1 Locke's Concept of Natural Rights
- Rousseau
State of Nature
- Bentham
Bentham as Utilitarian

Recommended Books

1. George E. Sabine A History of Political Thought
2. Earnest Barker The Political Thought of Plato and Aristotle
3. J.P. Suda History of Political Thought
4. Brain R. Nelson Western Political Thought from Socrates to the Age of Ideology.

Economics-II

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

2nd Semester

PAPER-IV

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Economics. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

Gross domestic product- Concept and measurement; problem of double counting; Details of the national accounts- real Vs. nominal GDP, net vs. gross investment, government expenditures, net exports, net domestic product, gross national product, disposable income; GDP and net economic welfare; National income estimation in India- methodology and conceptual problems; trends in national and per capita income in India.

Unit-II

Income distribution- measurement of inequality sources of inequality; concept of absolute poverty; equity vs efficiency; Income inequality in India- sources, government policy and measures. Incidence of poverty in India; Population in India- size and growth rate, causes of rapid growth of population; Human resource development- importance of education, health and nutrition in India.

Unit-III

Government control of the economy; public choice theory; Government failure; objectives of public expenditure; Growth of public expenditure in India; composition of public expenditure in India; principles of taxation; Horizontal vs. vertical equity; classification of taxes; The Indian structure- tax burden in India, taxes on income wealth, indirect taxes.

Unit-IV

Public debt in India- debt obligation of central and state governments. Deficit financing in India – rationale and consequences; objectives of fiscal policy; fiscal imbalance in India and the new fiscal approach; Fiscal federalism in India- transfer of resources through finance commissions; XIth Finance Commission's Awards.

Unit-V

Basis of international trade; Foreign exchange rates; Foreign exchange market; Purchasing power parity and exchange rates; balance of payments accounts; Ricardo's analysis of comparative advantage; protectionism and its economic costs; Negotiating free trade- functions and agreements of WTO; India's balance of payments problems; Indian and WTO.

Recommended Readings

1. Paul A. Samuelson and William D. Nordhaus (1995), Economics
2. S.K Misra and V.K. Puri (2003) Indian Economy.

Criminology and Penal Administration

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

2nd Semester

Paper –V
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Criminology & Penal Administration. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Nature and Scope of Crime and Criminology.
1. Schools of Criminology

Unit-2

1. Factors in Relation to Criminal Behaviour:
 - Physical and physiological factors
 - Psychological factors and
 - Economic factors
2. Social factors with special emphasis on:
 - i) Home and Family in relation to Crime;
 - ii) Mass Media and Crime;
 - iii) Theory of Differential Association;
 - iv) Multiple factor Approach to Crime Causation.

Unit-3

1. Punishment of Offenders: Evolution, Nature and Theories of Punishment;
2. Kinds of punishment with special emphasis on Imprisonment and Capital punishment.

Unit-4

1. Prison system in India
2. Police system in India

Unit-5

1. Recidivism : Causes of Recidivism, Prevention of Recidivism
2. Prevention and Control of Crimes and Delinquency
- 3) Drug Addiction;
 - i) Extent, Causes and Effects
 - ii) Control of Drug Addiction

Recommended Readings:

- | | | |
|----|----------------|---|
| 1. | Sutherland | Principles of Criminology. |
| 2. | Ahmad Siddique | Criminology Problems and Perspectives. |
| 3. | Gillin | Criminology and Penology |
| 4. | Sirohi | Criminology and Criminal Administration. |
| 5. | Sethna | Society and the Criminal. |
| 6. | Qadri, M.A | Police and Law- A Socio Legal Analysis. |
| 7. | Chadha, K.K | The Indian Jail: A Contemporary Study. |
| 8. | Sharma, P.D | Police And Criminal Administration in India . |
| 9. | Carry, J.C | Indian Police |

3rd Semester

Sociology

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

3rd Semester

PAPER-I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Sociology. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Introduction

- a) Nature, Scope and subject matter
- b) Sociology, Psychology and Anthropology
- c) Sociological Theories
 - i) Functionalism
 - ii) Symbolic inter-actionism
 - iii) Conflict theories
- d) Sociological Methods
 - i) Weber
 - ii) Durkhain

Unit-2

1. Basic concepts

- a) Society, community and association
- b) Norms, values, role, culture and Flokways
- c) Primary, secondary and reference groups

Unit-3

1. Social institutions

- a) Family, marriage and kinship
- b) Economy, religion, political
- c) Socialization
- d) Social change & social control

Unit-4

1. Indian society
 - a) Rural-urban structure
 - b) Caste and class in India
 - c) Approaches to Indian society

Unit-5

1. Social change in India
 - a) Modernization
 - b) Urbanization
 - c) Industrialization
 - d) Secularization

Recommended Readings

1. Bottomore, Selected Texts from Marx, PP. 186-209
2. Max Weber, Class, Status and Party (articles)
3. Hutton, Caste in India
4. Johson: sociology
5. Srinivas, Social Change in Modern India
6. Andre Baiteille, Studies in Agrarian Structure
7. Durkheim, Rules of Sociology Methods
8. M. Weber, Methodology of Social Sciences
9. Timansheff: An Introduction to Sociology Theory.

Family Law-I

3rd Semester

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

Paper II

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Family Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

Sources & Schools of Muslim Law.

Unit-2

1) Marriage

- a) Nature of Muslim Marriage
- b) Essential Conditions of a valid marriage and legal effects of valid Marriage.
- c) Classification of marriage and Effects of valid, Void and Irregular Marriage.

2) Dower:

Definition and Nature, Classification of Dower, Enforcement of Dower including Widow's Right of Retention.

Unit-3

Divorce

- a) Nature, Classification,
- b) Dissolution of Muslim Marriage Act, 1939.

Maintenance

- a) Maintenance of, Divorcee under the (Muslim Women Protection of Right on Divorce) Act, 1986.
- b) Maintenance under Muslim Personal Law

Unit-4

Wills and Gifts

Wakfs

Unit-5

- 1) General Principles of inheritance
- 2) Guardianship

Syllabus for the 5 year BA.LL.B. Integrated Course
for the Academic-2009 and onwards

Leading Cases on Muslim Law

1. Sarla Mudgal V. Union of India (1995) 3 SCC 635
2. Sayyed Ali V. Andra Pradesh Wakf Board AIR 1998 SC 972
3. Mohammad Ahmad Khan V. Shah Banu Begum AIR 1985 SC 945
4. Ghousiyar Khan V. Fatima Begum AIR 1988 AP 354
5. Begum Sabanu V. A.M. Abdul Gafoor AIR 1987 SC 1103.

Recommended Readings

- 1) Fyzee A.A.A. Outlines of Mohammadan Law
- 2) TahirMohmood The Muslim Law of India
- 3) Paras Diwan Muslim Law in Modern India
- 4) S.Athar Hussain and S. Khalid Rashid. Wakf Laws and Administration in India
- 5) Al-haji Muhammad-Ullah The Muslim Law of Inheritance
- 6) Paras Diwan: Law of intestate and testamentary succession (1998)
- 7) Basu N.D. law of Succession (2000) Universal
- 8) Kusum- Marriage and Divorce Law Manual (2000) Universal
- 9) Machanda S.C., Law and Practice of Divorce in India (2000) Universal
- 10) Paras Diwan: Family Law of Marriage and Divorce in India (1984)
- 11) A.M. Bhattacharjee: Muslim Law and the Constitution (1994)
- 12) Paras Diwan: Law of Adoption Minority Guardianship and custody (2000) Universal

CONTRACT -I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

3rd Semester**Paper –III****Time Duration 3 Hours**

Note: The subject includes a comprehensive and upto date study of various aspects of Contract. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- General Principles of Law of Contract
Agreement and contract: definitions, elements and kinds.
Proposal-acceptance- their various forms, essential elements, communications and revocation- proposal and invitations for proposal- tenders

Unit-2

- Consideration- its need, meaning, kinds, essential elements- privity of contract and of consideration- its exceptions- adequacy of consideration- present, past and adequate consideration- unlawful consideration and its effects-
- Capacity to contract-meaning- definition of minor, accessories supplied to a minor, agreements beneficial and detrimental to a minor affirmation- restitution in cases of minor's agreement- fraud by minor- agreements made on behalf of a minor minor's agreement and tested-evaluation of the law relating to minor's agreement.

Unit-3

Free consent-definition-essential factors vitiating free consent.
Coercion-definition-essential-elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.
Undue influence-definition-essential elements –Who is to prove it? Illustrations of undue influence-independent advice-pardahanashin women- unconscionable bargains – effect of undue influence.
Misrepresentation- definition-misrepresentation of law and of fact their effects and illustration.
Fraud-definition-essential elements-suggestion falsi-suppressio veri- when does silence amounts to fraud? Active –concealment of truth- importance of intention.
Mistake- definition- kinds- fundamental error- mistake of law and of fact – their effect- when does a mistake vitiate free consent and when does it not vitiate free consent?

Syllabus for the 5 year BA.LL.B. Integrated Course
for the Academic-2009 and onwards

- Legality of objects:
 - Void agreements – lawful and unlawful considerations and objects- void, violable, illegal and unlawful agreements and their effects.
 - Forbidden by law
 - Defeating the provision of any law
 - Fraudulent
 - Injurious to person or property
 - Immoral
 - Against public policy
 - Void agreements:
 - Agreements in restraint of trade – its exceptions- sale of goodwill, section 11 of the Partnership Act, trade combinations exclusive dealing agreements, restraint on employees under agreements of service.
 - Agreement in restraints of legal proceedings – its exceptions.

Unit-IV

- Discharge of contract and its various modes
- By breach- anticipatory breach and present breach.
- Impossibility or performance – specific grounds of frustration – application to leases-theories of frustration – effect of frustration –frustration and restitution
- By period of limitation

Unit-V

- Quasi-contracts of Certain Relations Resembling those Created by Contract
- Damages Kinds- Remoteness of damages- ascertainment of damages.

Leading Cases

- 1) Carlill V. Carbolic Smoke Ball Co. (1892) 2QB. 484
- 2) Chinnaya V. Ramayya (1882) 4 Mad. 137
- 3) Mohori Bibee V. Dhurmodas Ghose (1903) ILR 30 Cal. 539 (PC)
- 4) Nordenfelt V. Maxim Nordenfelt Gunns & Ammunition Co. Ltd. (1894) AC 535
- 5) Satyabrata Ghose V. Mugneeram Bangur & Co. AIR 1954 SC 44.
- 6) Hadley V. Baxendale 16 LQR 275 (1900)

Recommended Readings

- 1) Mulla Indian Contract Act.
- 2) R.K. Bangia Indian Contract Act.
- 3) Desai Indian Contract Act.
- 4) Anson Law Contract.
- 5) Pollock and Mulla Indian Contract and Special Relief Acts.
- 6) Beatesen (ed.) Anson's Law of Contract (27th ed. 1998)
- 7) P.S. Atiya, Introduction to the law of contract 1992 reprint
- 8) Avtar Singh, Law of Contract (2000)
- 9) M.Krishnan Nair, Law of Contracts (1998)
- 10) G.H. Treitel, Law of Contract
- 11) Anson, Law of Contracts (1998)
- 12) Dutt on Contract (2000)

Labour Law –I

3rd Semester

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

Paper IV

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Labour Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Labour – Changing Perspectives and labour Policy.
2. History of Trade Union Movement in India.
3. Definition of Trade Union and the right to form the Trade Union
4. Legal Control and Protection of Trade Union: Registration, amalgamation, rights, immunities liabilities and dissolution, Trade Union Funds.

Unit-2

1. Problems: multiplicity of unions, over politicization- intra-union and inter-union rivalry, out side leadership, closed shop and union shop, recognition of unions.
2. Collective bargaining
3. Theoretical foundations of state regulations of Industrial relation: social justice, labour welfare, public interest, and productivity.
4. The conceptual conundrum: industry, industrial dispute, and workmen.

Unit-3

1. Machinery for settlement of industrial disputes and power of reference
2. Strikes, lock-outs, lay off and retrenchment Transfer and Closure

Unit-4

- 1) Unfair labour practices
- 2) Disciplinary proceedings.
- 3) Labour welfare: concept, classification and importance
- 4) Obligations of employer for health, safety and welfare
- 5) Working hours of adults” and “Annual Leave with wages

Unit-5

1. Liability for hazardous and inherently dangerous industries- environmental protection.
2. Employment of young persons: prohibition of employment of children, regulation of employment of young persons.
3. Women and labour force: equal remuneration law, maternity benefits, and protective provisions for women under factories law.
4. Sexual Harassment of Women at Work Place

Leading Cases:

Air India V Nergesh Meerza and others AIR 1981 SC 1929
Assistant general Manager, SBI V Thomas Jose (2000) 10 SCC280.
Bangalore Water Supply V. A.Rajappa, AIR 1978 SC 548.
Hariprasad Shiv Shanker Shukla V. A.D.Divakar Air 1957 SC 121.
Mackinon Mackenzie & Co Ltd V Andrey D'costa AIR 1987SC 1281
Mihir Kumar Guha VS Registrar of Trade Unions West Bengal Calcutta AIR 1961 Calcutta 165.
Municipal Corporation of Delhi V Prem Chand Gupta (2000) 10SCC115.
Municipal Corporation of Delhi V Female Workers AIR 2000 S.C. 1275
Omana Oommen VS F.A.C.T. Ltd. (1991)2 LLJ541.
People's Union for Civil Liberties V Union of India (1998)8SCC485.
Rohtas Industries Staff Union VS State of Bihar AIR 1963 Pat. 531.
Santosh Gupta Vstate Bank of India (1980) II LLJ 72 (SC)
Syndicate Bank V. K.Umesh Nayak AIR 1995 SC 319.
Tamil nadu NGO Union Vs Registrar of Trade Unions AIR 1962 Madras 234.
Rajangam Vs State of Tamil Nadu (1991) Lab. IC 241.

Recommended Readings

John Bowers and Simon

Honey Ball :

O.P. Malhotra

R.C. Saxena

V.V. Giri

S.C. Srivastava

S.C. Srivastava

S.N. Dhyani

G.Q. Mir

Report of the National Commission on Labour 1969.

Text Book on Labour Law

The law of industrial Disputes

Labour Problems and Social welfare

Labour Problems in Indian Industry

Commentary on Factories Act.

Industrial Relations and Labour Laws

Trade Unions and the Right to striks

Women workers and the Law

LAW OF TORTS AND MOTOR VEHICLES ACT

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

3rd Semester

PAPER-V
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Law of Torts and Motor Vehicles Act. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I Introduction and Principles of Liability in Torts

1. Definition of Torts
2. Development of Tort actions in England and India Tort distinguished from contract, quasi contract and crime
3. Constituents of Torts - wrongful act, Damage – Injuria sine damno & Damnum sine Injuria;
4. Strict liability & Absolute liability.
5. Vicarious liability

Unit-II Justification in Tort

1. Volenti non fit injuria
2. Act of God
3. Inevitable Accident
4. Necessity
5. Private defence
6. Judicial & quasi Judicial acts

Unit-III Specific Torts

1. Defamation
2. Negligence
3. Nuisance
4. Trespass to Person
5. Malicious prosecution and Nervous Shock

Department of Law, University of Kashmir,
Syllabus for the 5 year BA.LL.B. Integrated Course
for the Academic-2009 and onwards

Unit-IV Consumer Protection

1. Basic concepts: Consumer, service and goods
2. Authorities for consumer protection
3. Remedies

Unit-V Motor Vehicles Act,

1. General overview of the Law.
1. Rule for Payment of compensation
2. Fault based liability.
3. No-fault liability
4. Liability of insurer
5. Claims Tribunals.

Leading Cases

Law of Torts:

- 1) Ashby V. White (1703) Ld. Raym. 938
- 2) Haynes V. Harwood (1935) IKB 146
- 3) Donoghue V. Stevenson (1932) AC 562
- 4) Municipal Corporaion of Delhi V. Subhagwanti AIR 1966 SC 1750.
- 5) Re Polemis and Furness Withy & Co. Ltd. (1920) 2KB 560
- 6) Ryland V. Fletcher (1868) LR-I Ex. 265.
- 7) M.C. Mehta V. Union of India AIR 1987 SC. 1086.
- 8) Bhim Sigh V. State of J&K AIR 1986 SC 494.
- 9) Town Area Committee V. Prabudayal AIR 1975 All 132.
- 10) Kasturi Lal Ralia Ram Jain V. State of U.P AIR 1965 SC 1039.
- 11) Union Carbide Corporation V. Union of India AIR 1990 SC 273.

Motor Vehicles Act.

- 1) Prabhu Dhayal Agarwal V. Saraswati Bhai 1975 ACJ. 355
- 2) Divisional Manager L I C v. Raj Kumari Mittal 1985 ACJ 179 (DB)
- 3) B.P. Venkatapa V. B.L. Lakshmiah AIR 1973 Mysore 350
- 4) Gyarsilal V. Sitacharn AIR 1963 MP 164
- 5) Minu B. Mehta V. Balkrishna AIR 1977 SC 1248.

Recommended Redings:

- | | |
|--------------------------|---|
| 1) Bangia R.K. | Law of Torts |
| 2) Ratanlal Dhirajlal | Cases on Law of Torts |
| 3) Rogers, W.H.V. | Winfield and Jolowicz on Torts. |
| 4) Heuston R.V. F. | Salmond on Law of Torts |
| 5) Arora J C. | Motor Vehicles Act With Ready Referencer. |
| 6) Salmond and Heuston | On the Law of Torts (2000) |
| 7) D.D. Basu, | The Law of Torts (1982) |
| 8) B.M. Gandhi | Law of Torts (1987) |
| 9) P.S. Achuthan Pillai, | The Law of Torts (1994) |
| 10) Ratanlal Dhirajlal, | The Law of Torts (1997) |

4th semester

CONSUMER PROTECTION

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

4th Semester

PAPER-I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Consumer Protection Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. **Consumer, the concept (The Consumer Protection Act)**

Need of consumer protection law

Definitions and scope:

Who is a consumer?

2. **Consumer of Goods**

Meaning of Goods; Defect in Goods

Commercial purpose of Goods

Unit-2

1. **Service**

Deficiency – meaning

Contract of Personal Service

Professional services

Medical Services

Architects and Engineers

Lawyering services:

Unit-3

Public Sector Services

Electricity Services

Telecommunication and Postal services

Insurance service

Banking Service

Transport Service

Private Sector Services

Housing Service

Financing
Education

Unit-4

Constitution and Jurisdiction of consumer Forum

District Forum
State Commission
National Commission

Unit-5

1. Enforcement of Consumer Rights

Consumer fora under CPA: jurisdiction, powers and functions
Remedies

Leading Cases

- 1) Lucknow Development Authority V. M.K. Gupta 1994 SCC 243, 252,(1994) ICPR 469 (SC)
- 2) Consumer Unity and Trust Society V. State of Rajasthan (1990)1. Comp.L.J.314.
- 3) A.C.Modagi V. Cross Well Tailor. (1991) II CPR 432 NCDRC; 1991 II CPT 586 NCDRC.
- 4) P.B. Khait Mazdoor Sangh V. State of West Bengal 1996 SC 2426.
- 5) V.P. Shanta V. Indian Medical Association AIR 1995 SC.

Recommended Readings:

1. Farooq Ahmad Consumer Protection Law in India (Problems & Prospects)
2. Avtar Singh Law of Consumer Protection (Principles and Practices)
3. Gurjeet Singh The Law of Consumer Protection in India (Justice within Reach)
4. Farooq Ahmad & Mushtaq Ahmad Dar Law on Consumer Services (2003) (Valley Publishers)

Family Law-II

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

4th Semester

Paper II

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Hindu Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- 1) Sources and Schools of Hindu Law.
 - a) Ancient Sources
 - i) Sruti
 - ii) Smritis
 - iii) Digest and Commentaries
 - iv) Custom
 - b) Modern Sources
 - i) Equity Justice and Good Conscience
 - ii) Precedent
 - iii) Legislation
- 2) School of Hindu Law
 - a) Mitakshra School
 - b) Dayabhaga School

Unit-2

- 3) Hindu Marriage Act, 1955:
 - a) Origin and evolution of marriage and family
 - b) Nature and Concept of Hindu Marriage
 - c) Essential conditions of a Hindu Marriage
 - d) Grounds for Divorce under Hindu Law
 - e) Divorce by mutual consent
 - f) Matrimonial Causes
 - i) Nullity of Marriages
 - ii) Separation
 - iii) Cruelty
 - iv) Adultery
 - v) Bar to Matrimonial Relief
 - (a) Taking advantage of One's own wrong or disability
 - (b) Accessory

-
- (c) Connivance
 - (d) Condonation
 - (e) Collusion.

Unit-3

- 1) Mitakshra Joint Family
- 2) Dayabhaga Joint Family
- 3) Karta (Position Powers)

Unit-4

- 1) Hindu Minority and Guardianship Act, 1956
- 2) Hindu Succession Act.

Unit-5

- 1) Hindu Adoption and Maintenance Act 1956

Leading Cases

- 1) Sarla Mudgal V. Union of India (1995) 3 SCC 635
- 2) Kapoor Chand V. Ganesh Dutt AIR (1993) SC 1145
- 3) Gurpad Khandappa Medgum V. Hereibai AIR 1978 SC 1239.
- 4) Sawan Ram V. Kulwati 1967 SC 1761.

Recommended Readings

- Paras Diwan: Law of interstate and testamentary succession (1998) Universal
Basu N.D. Law of Succession (2000) Universal
Kusem- Marriage and Divorce Law Manual (2000) Universal
Machanda S.C., Law and Practice of Divorce in India (2000) Universal
P.V. Kane. History of Dharmasatras Vol 2. Pt. 1. At 624-632 (1974)
A. Kuppaswami (ed); Maynis Hindu Law and Usage ch 4(1986)
B. Sivaramayy's Inequities and the Law (1985)
J.D.M. Derrett. Hindu Law: Part and Present
J.D.M Derrett; Death of marriage Law
Arradi Kuppaswami (ed) Mayne's Hindu Law and Usage (1986)
J.D.M. Derret. A critique of Modern Hindu Law (1970)
Paras Diwan : Hindus Law (1985)
S.T. Desai (Ed); Mulla's Principles of Hindu Law (1998)
Paras Diwan: Family Law of Marriage and Divorce in India (1984)
A.M. Battachargee: Hindu law and Constitution (1994)
Paras Diwan: Law of Adoption Ministry Guardianship and custody (2000) Universal

CONTRACT- II

4th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Indian Contract Act. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

▪ Indemnity

Definition of Indemnity

Nature and extent of liability of the indemnifier

Commencement of liability of the indemnifier

Unit-2

▪ Guarantee

The concept

Definition of guarantee: as distinguished from indemnity.

Basic essentials for a valid guarantee contract.

Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety

Continuing Guarantee

Nature of surety's liability

Illustrative situations of existence of Continuous guarantee.

Rights of surety

Position of surety in the eyes of law

Various judicial interpretations to protect the surety

Co-surety and manner of sharing liabilities and rights

Extent of surety's liability

Discharge of surety's liability

Unit-3

▪ Bailment

- Definition of bailment
- Kinds of bailee
- Duties of bailor and bailee towards each other
- Rights of bailor and bailee
- Finder of goods as a bailee

Unit-4

▪ Agency

- Kinds of agents and agencies
- Distinction between agent and servant
- Essentials of a agency transaction
- Various methods of creation of agency
- Delegation

Unit-5

- Nature and Scope of Pledge
- Definition of pledge
- Rights of pounce pledge by pledge- who can pledge

Leading Cases:

1. Somnath Berman V. Dr S P Raju AIR 1970 SC 846
2. Beswick V. Beswick (1967) 2 All ER 1197 HL
3. Cicka Lingam V. T Ianickavasagam AIR 1974 SC 104
4. M/S Balga V. Manglore City Corporation AIR 1998 Kant.
5. Kaliram V.V.Durai AIR 1998 Mad. 657 B.
6. Rather Ford V. Acton Adams 1915 AC 866
7. Munawar Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB)

Recommended Readings

1. R.K Abhichandani (ed.) Pollock and Mulla on Contracts and Specific Relief Acts (1999), Tripathi, Bombay
2. Avtar Singh, Law of Contract (2000), Eastern, Lucknow
3. Krishnan Nair, Law of Contract (1999), Orient, New Delhi
4. Beatson (ed.), Ansons, Law of Contract, (1998), Oxford, London

Labour Law –II

4th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper IV
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Labour Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Concept of minimum wage, fair wage, living wage and need based minimum wage;
2. Constitutional validity of the Minimum wages Act, 1948.
3. Procedure for fixation and revision of minimum wages
4. Procedure for hearing and deciding claims
5. Components of wages: dearness allowance, principle of fixation.

Unit-2

1. National Wage policy
2. Principles of wage fixation by adjudication and by wage Board and Pay Commission.
3. Definition of wage under Payment f Wages Act 1936 and responsibility for payment of wages.
4. Fixation of wage period and time of payment of wage.
5. deductions from wages
6. Remedial measures.

Unit-3

1. Social security: concept and scope
2. Concept of employer, workmen, dependent, disablement.
3. Workmen's compensation: employer's liability for compensation, amount and distribution of compensation.

Unit-4

1. Employee's state insurance: benefits, ESI fund and contribution.
2. Concept of bonus: computation of bonus
3. Gratuity
4. Provident fund and family pension.

Unit-5

1. Unorganized labour: problems and perspectives.
2. Agricultural labour
3. Bonded labour
4. Contract labour
5. Tribal labour
6. Domestic labour
7. Daily wage workers
8. Inter-state migrant workmen: regulation of employment and conditions of service

Leading Cases:

Air India Statutory Corporation V United Labour Union (1997) 9SCC 377
Airfreight Ltd. V State of Karnataka (1999) 6SCC 567.
Arya Munni V. Union of India (1965) ILLJ 24.
B. Shah V. Labour Court Coimbatore AIR 1978 SC 12.
Kerala State Electricity Board V Valsala K (1999) 8 SCC 254
Manganese Ore (India) Ltd. V. Chandi Lal Sinha 1991 Lab. IC 524.
National Insurance Co.Ltd. V. Balawwa 1994 ILLJ 433 (Karnataka)
Peoples Union for Democratic Rights V. Union of India (1982) II LLJ. 454 (SC)
Pratap Narain Singh Deo V. Srinivas AIR 1976 SC 222.
Regional Provident Fund Commissioner V Shiv Kumar Joshi 200 LLR 217.
Royal Talkies Hyderabad V. E.S.I. Corporation AIR 1978 SC 1478.
State Bank Staff Union V. State Bank of India 1991 Lab. I 197.
Steel Authority of India Ltd. V. National Union Water Front Workers 2001 L/L r 961

Recommended Readings:

1. K.D. Srivastava Commentaries on the payment of wages Act
2. K.D. Srivastava Commentaries on Minimum Wages Act
3. R.C. Saxena Labour Problems and social welfare
4. S.C. Srivastava Social Security and Labour Laws
5. Abdul Majid Legal Protection to Un-organised Labour
6. Indian Law Institute: Labour Law and Labour Relations
7. Report of the National Commission on Labour, 1969.

Criminal Law -I

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

4th Semester

Paper V

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Criminal Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Introduction to Criminal Law:
 - a) Purpose and scope of Criminal Law
 - b) Nature and concept of crime
2. Definitions under sections 21,22,23,24,25,39,40 and 52 of IPC
3. Elements of criminal liability
 - a) Actus Reus
 - b) Mensrea- Importance of Mensrea and recent trends to fix liability without mensrea in certain socio-economic offences.

Unit-II

General Defences:-

1. Mistake
2. Judicial and Executive acts
3. Accident
4. Necessity
5. Infancy

Unit-III

General Defences (Continued)

1. Insanity
2. Intoxication
3. Consent
4. Right of Private Defence

Unit-IV

1. Group liability under sections 34 and 149 of the IPC
2. Unlawful Assembly, Rioting and Affray

Unit V

Preliminary Crimes

1. Abetment: Section 107-109 IPC
2. Criminal Conspiracy: Section 120A and 120B of IPC
3. Criminal Attempt: Sections 511 and 307 of IPC
 - a. Attempt when punishable
 - b. Tests for determining what constitutes attempt
 - c. Impossible attempt.

Leading cases should be read as under

1. Queen v. Prince, (1875) LR 2CCR 154 (HL)
2. Queen v. Tolson, (1889) 23 QBD168 (HL)
3. State of Maharashtra v. M.H. George, AIR 1965 SC 722
4. Lim Chin Aik v. The Queen, (1963)1 All ER 23 (PC)
5. Nathulal v. State of M.P., AIR 1966 SC 43
6. State of West Bengal v. Shew Mangal Singh AIR 1981 SC 1917
7. R.v. Daniel M'Naughten (1843) Revised Reports Vol.59: 8ER 718 (HL)
8. Shrikant Anandrao Bhosale v. State of Maharashtra, (2002) 7 SCC 748
9. Vishwanath v. State of UP AIR 1960 SC 67
10. Bhupindra Singh A. V. Chudasama v. State of Gujrat 1998 2SCC 603
11. Moti Singh v. State of Maharashtra (2002) 9 SCC 494
12. Mehboob Shah v. Emperor, AIR 1943 PC 118
13. Barendra Kumar Ghosh v. King Emperor AIR 1925 PC 1.
14. Faguna Kanta Nath v. State of Assam, AIR 1959 SC 673
15. State (CBI/SIT) v. Nalini (Rajiv Gandhi Murder Case), (1995) 5 Supreme 60.
16. Mohd Khalid v. State of W.B, (2002) 7 SCC 334
17. Devendra Pal Singh v. State of NCT of Delhi, (2002) 5 SCC 234
18. Abhayanand Mishra v. State of Bihar, AIR 1961 SC 1698.
19. Om Prakash v. State of Punjab, AIR 1961 SC 1782.

Recommended Readings

1. Pillai, P.S Criminal Law
2. Nigam R.C. Law of Crimes in India.
3. K.D.Gaur Cases and Materials on Criminal Law.
4. H.S. Gour Penal Law of India.
5. S.N.Mishra Indian Penal Code.

5th Semester

Constitutional Law-I

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

5th Semester

Paper-I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Constitutional Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- Constitutional law: Salient Features- Written Constitution- Preamble- Federal Constitution.
- Parliamentary form of Government:

Unit-2

- Westminster Model- President of India- Election, Qualifications, Impeachment,.
- Position & powers.
- Legislative Privileges- Privileges V. Fundamental Rights.
- Cabinet System, Collective responsibility- Individual responsibility, President-Prime Minister relationship.

Unit-3

- Federalism:
- Principles- Distribution of Legislative Powers-- Arts. 245, 246, and 254. Failure of Constitutional Machinery (Art.356)- J&K Special Status (Art 370).

Unit-4

- Constitutional Amendment- Methods of Constitutional Amendment- Limitation.(Article 368)
- Freedom of Trade and Commerce- Position in other countries, Position in India
- Regulatory and Compensatory measures (Articles 301-304).

Unit-5

- Articles 141 & 143

- Appointment and impeachment of the Judges of the High Courts and Supreme Court.
- Services Under the Constitution- Doctrine of Pleasure 310, Restrictions 311.

Leading Cases

Ramjawaya V, State of Punjab AIR 1955 SC 549.

U.N.Rao V. Indira Gandhi AIR 1971

Shamsher Singh V. State of Punjab AIR 1955 SC 556.

A.K.Roy V. Union of India 1982 SC 710.

K.M. Nanavati V. State of Bombay AIR 1961 SC 112.

Gunupati V.N. Hasan AIR 1959 SC 395.

Keshav Singh V. Speaker Legislative Assembly AIR 1965 All. 359

In re Keshav Sing AIR 1965 SC 745.

M.S.M. Sharma V. Sri Krishan Sinha AIR 1959 SC 395.

State of Bombay V. R.M.D. Chamarbaugwala AIR 1957 SC 699.

Prafulla Kumar V. Bank of Commerce, Khulna 74 I.A.

Moopit Nair V. State of Kerala, AIR 1959 SC 648.

Purshotam Lal Dhingra V. Union Of India AIR 1958 SC 316

Union of India V. Tusiram Patel AIR 1985 SC 1416.

Deep Chand V. State of U.P. AIR 1959 SC 648.

Zaverbhai V. State of Bombay AIR 1954 Sc 752.

In Re-residential Reference AIR 1999. SC 1

Advocates on Record Association v Union of India AIR 1994. SC 268

Dharam Dutt v. Union of India (2004) ISCC 712

Raja Rampal v. Hon'ble speaker Lok Sabha (2007) 35CC184

Recommended Readings:

1. D.D.Basu Commentary on Constitution of India
2. M.P.jain Indian Constitutional law.
3. M.P.Singh Shukla's Constitutional law.
4. H.M.Seervai Constitution of India.
5. K.C. Wheare Modern Constitution.
6. Dicey Law of the Constitution.

Jurisprudence-I

5th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper –II
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Jurisprudence. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Introduction

- 1.1. Meaning and scope of term “Jurisprudence”
- 1.2. Nature and definition of “Law”

Unit-2

1. Analytical positivism

Unit-3

- 1 Natural Law

Unit-4

- 1 Historical School
- 2 Sociological School

Unit-5

1. Sources of law

- 1.1. Legislation
- 1.2. Precedents : concept of stare decisis
- 1.3. Customs

Leading cases;

A.K.Gopalan V. State of Madras AIR 1950 SC 27-137.

Maneka Gandhi V., Union of India AIR 1978 SC 597.

Gokhul Chand V. Parvin Kumar AIR 1952 SC 862.

Bengal Immunity Co. V. State of Bihar AIR 1955 SC 661.

Ganga Sugar Corporation V. State of U.P. AIR 1980 SC 286.

Recommended Readings:

1. Salmond Jurisprudence
2. Dias Jurisprudence.
3. Friedman Legal Theory
4. Paton G.W. A Text Book of Jurisprudence.
5. S.N. Dhyani Jurisprudence: A study on Legal Theory.

MERCANTILE LAW

5th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Mercantile Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

Sale of Goods

1. Concept of sale as a contract
2. Essentials of contract of sale

Unit-2

1. Conditions and warranties
2. Passing of property

Unit-3

1. Transfer of Title
2. Unpaid seller and his rights

Unit-4

Partnership

1. Nature of partnership: definition
2. Mutual relationship between partners
3. Relation of Partners to third parties

Unit-5

1. Incoming and outgoing partners.
2. Registration of Partnership
3. Dissolution of Partnership

Leading Cases:

1. Somnath Berman V. Dr S P Raju AIR 1970 SC 846
2. Beswick V. Beswick (1967) 2 All ER 1197 HL
3. Cicka Lingam V. T Ianickavasagam AIR 1974 SC 104
4. M/S Balga V. Manglore City Corporation AIR 1998 Kant.
5. Kaliram V.V.Durai AIR 1998 Mad. 657 B.
6. Rather Ford V. Acton Adams 1915 AC 866
7. Munawar Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB)

Recommended Readings

1. Krishnan Nair, Law of Contract (1999), Orient, New Delhi
2. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern, Lucknow
3. J.P Verma (ed.) Singh and Gupta, the Law Partnership in India (1999), Orient, New Delhi
4. A.G. Guest (ed.) Benjamin's sale of Goods (1992), Sweet & Maywell
5. Saharay, H.K, Indian Partnership and Sale of goods Act (2000), Universal
6. Ramnainga, The Sales of Goods Act (1998), Universal

INTERNATIONAL LAW-I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

5th Semester

PAPER –IV

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of International Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Origin, Development,
2. Definition, Nature and Theories;

Unit-2

1. Sources of International Law: Custom, Treaties, General Principles and judicial Decisions.
2. Treaties: Ratification, Reservations, Amendment, modification.

Unit-3

1. Subjects of International Law:
 - a) State including an overview of Rights and Duties
 - b) International organizations
 - c) Individuals
2. Recognition : Nature, Forms, Theories, and effects

Unit-4

1. Jurisdiction : territorial, Personal and Universal
2. Modes of Acquisition of State territories

Unit-5

1. Extradition and Asylum
2. Privileges and immunities of Diplomatic Envoys

Cases:

- | | | |
|-------|--------------------------------|----------------------------|
| I. | Asylum case | (1950)ICJ. |
| II. | The Lotus case | (1927)ICJ |
| III. | Luther V. Sagor | (1921) 3II B532. |
| IV. | Corfu channel case | (1949)ICJ) |
| V. | South West Africa Namibia Case | (1962)ICJ,2319,(1966)ICJ 6 |
| VI. | Reparations for injuries case | (1949 ICJ) |
| VII. | Hostage case | ICJ (1980) |
| VIII. | Lockcrbie and Pinochet case | |
| IX. | Island of Palma's Case | |

Recommended Redings:

- | | | |
|----|----------------|---|
| 1. | Oppenheim | International Law |
| 2. | Stark, J.G | Introduction to International Law |
| 3. | Max Sorenson | A manual of Public International Law |
| 4. | M.P.Tandon | International Law |
| 5. | S.K.Kapoor | International Law |
| 6. | S.K. Verma | Public International Law |
| 7. | R.C. Hingorani | Modern International Law |
| 8. | Tim Hillier | Source-book on Public International Law |

Criminal Law - II

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

5th Semester

Paper V
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Criminal Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- a) Specific Offences Against Human Body:
- Causing death of human beings
 - Culpable homicide and murder
 - Distinction between culpable homicide and murder
 - Situations justifying treating murder as culpable homicide not amounting to murder
 - Grave and sudden provocation
 - Exceeding right to private defence
 - Public servant exceeding legitimate use of force,
 - Death in sudden fight,
 - Death caused by consent of deceased
 - Death caused of a person other than the person intended
 - Death due to rash and negligent act
 - Dowry death and cruelty by husband and his relatives.

Unit-II

- Hurt and grievous hurt: Sections 319-326 IPC
- Wrongful restraint and wrongful confinement: Sections 339-343 I.P.C
- Kidnapping and abduction: section 359-363 IPC
- Criminal Force and Assault: Sections 349-352 IPC

Unit-III

- Obscenity – Sections 292-294 of IPC
- Forgery – Sections 463-465 of IPC
- Bigamy – Sections 494 and 495 of IPC
- Adultery – section 497 of IPC

Unit-IV

- 1) Offences Against Property
 - a) Theft : Sections 378 & 379 of IPC
 - b) Extortion: Sections 383 & 384 of IPC
 - c) Robbery : Sections 390 & 392 of IPC
 - d) Dacoity: Sections 391 & 395 of IPC

Unit-V

- 1) Criminal Misappropriation and Criminal Breach of Trust : Sections 403 & 405 of IPC
- 2) Cheating : Sections 415 - 417 of IPC
- 3) Mischief : Sections 425 & 426 of IPC

Leading Cases:

1. Reg v. Govinda, ILR (1876) 1 Bom. 342
2. Abdul Waheed Khan v. State of Andhra Pradesh, (2002) 7 SCC 175.
3. Virsa Singh v. State of Punjab, AIR 1958 SC 465
4. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.
5. Bachan Singh v. State of Punjab AIR 1980 SC 898 and AIR 1982 SC 1325
6. Machhi Singh v. State of Punjab AIR 1983 SC 957.
7. Suresh Gupta v. Govt. of NCT of Delhi, AIR 2004 SC 4091.
8. K. Prema S. Rao v. Yadla Srinivasa Rao, (2003) 1 SCC 217
9. State (Delhi Administration) v. Laxman Kumar and Indian Federation of Women Lawyers v. Shakuntala, AIR 1986 SC 250.
10. S. Varadarajan v. State of Madras, AIR 1965 SC 942
11. State of Punjab v. Gurmit Singh, AIR 1996 SC 1393.
12. Ranjit D. Udeshi, AIR 1965 SC 881
13. Body Art International V. Om Pal Singh Hoon, (1996) 4 SCALE 75.
14. Dr. Vimla v. Delhi Administration AIR 1963 SC 1572
15. Sarla Mudgal v. Union of India, AIR 1995 SC 1531
16. Lily Thomas v. Union of India, AIR 2000 SC 1650
17. Yusuf Abdul Aziz v. State of Bom. 1954 Cri.LJ. 886 (SC)
18. K.N. Mehra v. State of Rajasthan, AIR 1957 SC 369.
19. Common Cause, A Registered Society v. Union of India, (1996) 6SCC530 and AIR 1999 SC 2979.

Recommended Readings

1. Pillai, P.S Criminal Law
2. Nigam R.C. Law of Crimes in India.
3. K.D.Gaur Cases and Materials on Criminal Law.
4. H.S. Gour Penal Law of India.
5. S.N.Mishra Indian Penal Code.

6th Semester

Constitutional Law-II

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

6th Semester

Paper-I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Constitutional Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- Fundamental Rights- Concept Of State (Art 12).
- Justifiability of Fundamental Rights (Art 13.)

Unit-2

- Right to equality- Articles 14 ,15and 16.
- Right to Freedom- Art.19,

Unit-3

Personal Liberty Arts.20 to 22.

- Freedom of Religion- Arts 25 to 28.

Unit-4

- Cultural and Educational Rights- Arts 29 and 30.
- Constitutional Remedies:
 - Writ Jurisdiction
 - Scope of Article 32
 - Scope of Article 226.

Unit-5

- Directive Principles-Relationship between Directive principles and Fundamental Rights
- Emergency Provisions: Arts 352 to 354, ,358 and 359.

LEADING CASES:

1. P.Mohan Pillai v. State of Kerala & Ors 2007(3) SCALE 548
2. Pradeep Kumar Biswas v. Indian Institute of chemical Biology 2002 5 SCC 111
3. Lt. Governor of Delhi v. V.K. Sodi AIR 2007 SC 2885

4. Air India Cabin Crew Assn v. Yesaswinee Merchant 2003 111 LLJ SC1
5. M. Nagraj v. Union of India 2006 8SCC 212
6. State of Bihar v. Project Uchala Vidya Sikshak (2006) 2SCC 545
7. Electricity Board Rajasthan V. Mohan Lal AIR 1967 SC 1857
8. R.D. Shetty V. The International Airport Authority AIR 1979 SC 1628.
9. Sodan Singh V. New Delhi Municipal Committee AIR 1984 SC 1966.
10. Ajay Hashia V. Khalid Mujib AIR 1981 SC 487.
11. State of West Bengal V. Anwasr Ali Sarkar AIR 1952 SC 75.
12. Kathi Ranni Rawat V.State of Saurashtra AIR 1952 SC 123.
13. In re Special Court Bill, 1978, AIR 1979 SC 478.
14. Air India V.Nargesh Meerza AIR 1981 SC 1829.
15. Indra Sawhney V.Union of India AIR 1993 SC 477.
16. L.I.C. India V.M.D. Shah(1992) 3 SCC 615.
17. Bijoe Emmanuel V. State of Kerala(1986) 3 SCC 615.
18. Mohni Jain V.State of Karnataka (1993) 1 SCC 666.
19. Unni Krishnan V State of A.P (1993) 1 SCC 645.
20. A.K. Gopalan V. State of Madras AIR 1950 SC 597.
21. Kharak Singh V.State of U.P. AIR 1963 SC1295.
22. Francis Coralie V.Union Territory of Delhi AIR 1978 SC 597.
23. Manika Gandhi V.Union of India AIR 1981 SC 746.
24. Ministry of I &B V. Cricket Association of West Bengal 1995 2SCC161.
25. Shankri Prasad V. Union of India 1951 SC 455.
26. Sajjan Singh V. State of Rajasthan AIR 1965 SC 845.
27. Golak Nath V. State of Punjab AIR 1971 SC 1643.
28. Kesavananda Bharati V. State of Kerala AIR 1973 SC 1461.
29. Minerva Mills V. Union of India AIR 1980 SC1789.
30. A.D.M. Jabalpur V. S.Shukla AIR 1976 SC 1207
31. Mr. "X" v Hospital Z AIR 1999. SC 495
32. Ahmadabad Municipal Corporation v Nawab Khan Gulab Khan (1997) II SCC 21
33. D.K.V. Basu v State of West Bengal (1997) I SCC 416.
34. Vishaka v State of Rajasthan AIR 1997 SC 3011.
35. T.A Pai Faindatren v. State of Karnataka (200) 8SCC 481
36. Union of India v. Association for Democratic Reforms (2000) 5 SCC 294
37. Air India Cabin Crew Association v. Yeshaswinee Merchant (2003) 6 SCC 277
38. Islamic Academy of Education v. State of Karnataka (2003) 6 SCC 697.

Recommended Readings:

- | | | |
|----|--------------|--------------------------------------|
| 1 | D.D. Basu | Commentary on Constitution of India. |
| 2. | M.P.Jain | Indian Constitutional Law. |
| 3. | M.P. Singh | Shukla's Constitutional Law. |
| 4. | H.M. Seervai | Constitution of India. |
| 5. | K .C. Wheare | Modern Constitution . |
| 6. | Dicey | Law of the Constitution. |

Jurisprudence-II

6th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

Paper –II
Time Duration 3 Hours

Purpose of this course is to impart analytical skill among students and equip them with an understanding of basic concepts concerning law and suggested solutions propounded by various schools of Jurisprudence.

Note: The subject includes a comprehensive and upto date study of various aspects of Jurisprudence. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Legal Rights: The Concept
 - 1.1. Rights : Kinds
 - 1.2. Right-duty correlation

Unit-2

1. Persons
 - 1.1. Nature of Personality
 - 1.2. Status of the unborn, minor, lunatic drunken and dead person.
 - 1.3. Corporate personality

Unit-3

1. Possession: the Concept
 - 1.1. Kinds of Possession

Unit-4

1. Ownership: the Concept
 - 1.1. Kinds of Ownership
 - 1.2. Difference between possession & ownership.
2. Property: the concept
 - 2.1. Kinds of property

Unit-5

1. Administration of Justice, Civil & Criminal
 - 1.1. Theories of punishment
2. Liability, Concept, Civil & Criminal Liability

Recommended Readings

1. Bodenheimer Jurisprudence – The Philosophy & Methods of law (1996), Universal Publishers, Delhi
2. Fitzgerald (ed.), Salmond on Jurisprudence (1999) Taipathi, Bombay
3. Friedmann, Legal theory (1999) Universal Publishers Delhi
4. Mahajan V.D., Jurisprudence & Legal Theory (1996 reprint) Eastern, Lucknow
5. Lloyds Introduction to Jurisprudence, M.D.A Treeman (ed) (1994) Sweet & Maxwell
6. Paton G.W. Text Book Ed. Jurisprudence (1972) Oxford, ELBS
7. Hart H.L.A, The Concept of Law (1970) Oxford, ELBS
8. Rosecoe Pound, Introduction to Philosophy of the Law (1998 Reprint) Universal Delhi
9. Dias, Jurisprudence (1994 First Indian reprint) Adithya Books, New Delhi
10. Dhyani S.N. Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.

CORPORATE LAW

6th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper - III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Corporate Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Law relating to companies- Companies Act 1956

Unit-1

Need of company for development, formation of a company, registration and incorporation.

Memorandum of association- various clauses- alteration therein- doctrine of ultra vires

Unit-2

Articles of association- binding force- alteration- its relation with memorandum of association- doctrine of constructive notice and indoor management- exceptions.

Prospectus- issue- contents – liability for misstatements- statement in lieu of prospectus and relevant provisions of SEBI.

Promoters- position- duties and liabilities

Unit-3

Shares- general principles of allotment statutory restrictions – share certificate its objects and effects- transfer of shares- restrictions on transfer- procedure for transfer- refusal of transfer- role of public finance institutions- relationship between transferor and transferee- issue of shares at premium and discount- depository receipts- dematerialized shares (DEMAT) and relevant provisions of SEBI

Shareholder- who can be and who cannot be a shareholder- modes of becoming a shareholder- calls on shares- forfeiture and surrender of shares – lien on shares

Unit-4

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

Directors- position- appointment- qualifications- vacation of office- removal resignation- powers and duties of directors.

Debentures- meaning- fixed and floating charge- kinds of debentures- shareholder and debenture holder- remedies of debenture holders

Unit-5

Prevention of oppression and mismanagement.

Winding up - types - who can apply? - consequences of winding up

Leading Cases:

Solomon V. Soloman & Co 1897 AC 22.

Daimler Co.Ltd V. Continental Tyre & Rubber Co. 1916 2 AC 307.

Lakshmanasawami Mudaliar V. Life Insurance Corporation of India AIR 1963 SC 1185.

Royal British Bank. V. Turquand (1856) 119 ER 886.

T.R. Pratt (Bombay) Ltd. V. M.T. Ltd.AIR 1938 PC 159.

Foss V. Harbottle (1957) Camp. LJ. 194

Shanti Prasad Jain V. Kalinga Tubes AIR 1965 IC 1535.

Recommended Readings:

Avtar Singh, Indian Company Law (1999)

L.C.B. Gower, Principles of Modern Company Law (1997)

Palmer, Palmer's Company law (1987)

R.R. Pennington, Company Law (1990)

A. Ramaiya, Guide to the Companies Act (1998)

S.M.Shah, lectures on Company Law (1988)

International Law-II

6th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper –IV
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of International Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. State Succession:
2. State Responsibility: Introduction, theories and the responsibility for the treatment of aliens

Unit-2

- 1 The law of neutrality:
 - Neutrality in historical perspective;
 - Permanent neutrality and neutralization;
 - Rights and duties of neutral states
1. Pacific settlement of international disputes Negotiations, mediation, conciliation and arbitration.

Unit-3

- 1 The use of force:
 - The law before 1945
 - Article 2(4) of the UN charter
 - Enforcement actions under Chapter VII
 - Self-defence

Unit-4

- 1 The law of international institutions:
 - Covenant of the league of nations; An overview
 - United Nations: Purpose, Principles, Membership
 - General Assembly: composition, nature of powers, scope of jurisdiction
 - Security Council: composition , Nature of powers including VETO power, security council and the General Assembly relationship
 - International court of justice: composition and jurisdiction

Unit-5

1. Introduction to International Trade Law
2. International Criminal Court

Leading Cases

1. Corfu Channel Merits cases (1949) ICJ
2. Alabama Claim's Award (1872)
3. Legality of the threat or use of Nuclear Weapons –(ICJ 1996)
4. Admission to the membership case
5. Caroline case (1841)
6. Lockerbre case(1992)

KCEF LAW COLLEGE PULWAMA

INSURANCE & BANKING

6th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper V
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Banking & Insurance. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. General principles of Insurance
2. Nature of Insurance contract
3. Insurable interest
4. Premium, risk
5. Assignment of insurance policy
6. Socio-economic Significance of Insurance

Unit-2

The definition, Nature and Scope of

- a) Life Insurance
- b) Fire Insurance
- c) Marine Insurance

Unit-3

1. Organization, Operation and Functions of Bank
2. Banker- Customer relationship
3. Bank guarantee
4. Letters of credit.

Unit-4

1. Nature of Negotiable instrument
2. Definition and Nature of Promissory Notes, Bill of Exchange and Cheaques.
3. Holder and Holder-in-due course and his special privileges

Unit-5

1. Parties
2. Endorsement
3. Negotiation, Presentment, Dishonour
4. Maturity and Grace period
5. Liability of Parties.

Leading Cases:

1. Union of India V.Sri Sarda Mills AIR S.C.281.
2. Vulacari Insurance Co.Ltd. V. Maharaj Singh AIR 1976 S.C.287
3. LIC of India V.G.M.Channabasemine AIR 1991 S.C.393
4. Congoganis V.Guardain Assurance Co.Ltd..AIR 1921 P.C.95.
5. LIC of India V.Raga Basireddy Komalawalli Kamba and others AIR 1948 S.C.1014
6. Mithoo Lal Naik V.LIC of India AIR 1962 SC 814.
7. Reserve Bank Of India V. Peerless General Finance and investment Co. AIR SC 1023.
8. General Assurance Society Ltd. V. Chand Mull Jain and Another AIR 1996 SC 1644.

Recommended Readings

- M.S. Parthasarathy (ed.), Khergamvala on the Negotiable Instruments Act 1898
Buterworth, New Delhi
- M.L. Tannen, Tannen's banking Law and Practice in India (2000) India Law House,
New Delhi
- S.N. Gupta, the Banking law in Theory and Practice (1999) Universal, New Delhi
- G.SN. Tripathi (ed.) Sethi's Commentaries on Banking Regulation Act 1949 and
Allied banking laws (2000) Law Publishers, Allahabad
- Bashyam and Adiga, The Negotiable Instruments Act (1997) Bharath Law House,
New Delhi
- S.N. Gupta, Banks and the Consumer Protection Law (2000) Universal Delhi
- Mukherjee T.K Banking Law and Practice (1999) Universal Delhi

7th Semester

Administrative Law-I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

7th Semester

Paper –I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Administrative Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Evolution, Nature and Scope of Administrative Law
 - 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 and welfare
 - 1.2. Necessity for delegation of powers on administration.
 - 1.3. Definition, nature and scope of administrative law
2. Some Constitutional Principles And Their Impact On Administrative Law
 - 2.1. Relation between constitutional law and administrative law
 - 2.2. Rule of law
 - 2.3. Separation of powers
 - 2.4. Droit administrative

Unit-2

1. Classification Of Administrative Action
 - 1.1. Definition of administrative action
 - 1.2. Need for classification
 - 1.3. Identification of legislative action
 - 1.4. Distinction between Judicial, quasi-judicial and administrative actions
2. Legislative powers of administration
 - 2.1. Necessity for delegation of legislative powers
 - 2.2. Constitutionality of delegated legislation
 - 2.3. Delegation of various types of legislative powers, Power of inclusion and exclusion, taxing power, power of modification including Henry VIII Clause
 - 2.4. Some procedural safeguards
 - 2.4.1. Consultation of affected interests and public participation in rule-making

- 2.4.2. Publication of delegated legislation
- 2.5. Judicial control of delegated legislation

Unit-3

- 1. Judicial Powers of Administration
 - 1.1. Need for devolution of adjudicatory authority on administration:
 - 1.2. Administrative tribunals and other adjudicatory authorities: their adhoc character
 - 1.3. Tribunals-need, nature, constitution, jurisdiction and procedure.
 - 1.4. Problems of administrative adjudication
 - 1.5. Articles 323 A and 323B
 - 2.5.1. CAT and SAT
- 3. Natural Justice- Applicability
 - 3.1. Natural Justice: Need for
 - 3.2. The right to hearing: when can it be claimed
 - 3.3. Doctrine of fairness
 - 3.4. Doctrine of legitimate expectation
 - 3.5. Exclusion of natural justice
 - 3.6. Post-decisional hearing

Unit-4

- 1. Natural Justice: Principles
 - 1.1. No man shall be judge in his own cause
 - 1.2. No man shall be condemned unheard.
 - 1.3. Rules of evidence- no evidence, some evidence and substantial evidence rules
 - 1.4. Reasoned decisions
 - 1.5. Institutional decisions
 - 1.6. Failure of natural justice

Unit-5

- 1. Judicial Control Of Administrative Action
 - 1.1. Exhaustion of administrative and other remedies
 - 1.2. Locus standi
 - 1.3. Public interest litigation
 - 1.4. Laches
 - 1.5. Res-judication
 - 1.6. Grounds of judicial control
 - 3.6.1. Error of jurisdiction
 - 3.6.2. Error of law apparent on the face of the record
 - 3.6.3. Jurisdictional fact
 - 3.6.4. Findings of fact
 - 3.6.5. Moulding of relief
- 2. Specific Writs
 - 2.1. Mandamus
 - 2.2. Certiorari
 - 2.3. Prohibition
 - 2.4. Habeas corpus

Recommended Readings

D.D. Basu, Comparative Administrative Law (1998)

Wade, Administrative Law (Seventh Edition, Indian print 1997) Universal, Delhi

M.P. Jain, Cases and Materials on Indian Administrative Law, Vol. I & II (1996),
Universal, Delhi

Jain & Jain, Principles of Administrative Law (1997) Universal, Delhi

S.P. Sathé, Administrative Law (1998) Butterworths-Indian, Delhi

Schwartz, An Introduction to American Administrative Law

Massey Administrative law

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Civil Procedure Code and Specific Relief

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

7th Semester

Paper-II
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of C.P.C. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Preliminary Sections Jurisdiction of Courts, Sec. 2 to 14

Unit-2

Place of suing Institution of Suits, Service of Summon, appearance of parties and consequences for non-appearance Section 15- 32.

Unit-3

1. Amendment of Pleadings, settlement of issues o.6,r.17,and 014, 018 rr. 1-6, 11-18
2. Parties to suit, Addition of parties o1 rr 1-8

Unit-4

1. Judgment and decree and execution of decree sec. 33, 020 rr1-8 & section 36-44A
2. Specific Relief Act. Preliminary Sections and Recovery of possession of property Sec. 1-8

Unit-5

- 1 Specific Performance of Contracts (Sections 9 to 25)
- 2 Temporary and Perpetual Injunctions (Sections 37 to 42)

Leading Cases:

1. Somnath Berman V. Dr S P Raju AIR 1970 SC 846
2. Beswick V. Beswick (1967) 2 All ER 1197 HL
3. Cicka Lingam V. T lanickavasagam AIR 1974 SC 104
4. M/S Balga V. Manglore City Corporation AIR 1998 Kant.
5. Kaliram V.V.Durai AIR 1998 Mad. 657 B.
6. Rather Ford V. Acton Adams 1915 AC 866
7. Munawar Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB)

Recommended Readings:

1. Pollock and Mulla Indian Contract and Specific Relief Acts.

Specific Relief Act.
Property Law

7th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper-III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Property Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

Interpretation Clause- Section 3 and Transfer of property by Section 5 to10 Act of parties.

Unit-2

Transfer of Property by Act of Parties continued Sections 11to 21 and Sections 25 to 29.

Unit-3

Doctrine of Election Section 35, 54 , Sale of immovable property Section 55, Mortgage of immovable property Section 58, 60, 67,81,82,91,92,93.

Unit-4

Charge and lease of Immovable Property- Sections 100, 101,105 to 108 and 111. Section 139 and 140 of the J&K Transfer of Property Act

Unit-5

The Indian Easement Act, 1882.

1. Easement generally.
2. The incidents and disturbance of easements.
3. Licences: Lease and Easement, distinction.

Leading cases:

1. Associated Hotels V.R.N. Kapoor AIR 1959 SC 1262
2. Mrs. Achamma Cyriac V. The Kerala Financial Corpn. And Others AIR 1997 Kerala.
3. Nemi Chand V. Onkar Lal AIR 1991 SC 2046.

4. Munisami Naidu V. R.Ranganathan AIR 1991 SC 492.
5. A.K. Veeraghava Lyengar V. N.V.Prasad AIR 1994 SC 2357.
6. Shanta Bai V. State of Bombay, AIR 1958 SC 582.
7. Barndev Panigrahi V. Smt.Moharama AIR 1974 AP.
8. Ahmadabad Municipal Corporation V. Haji Abdul Gofoor, AIR 1971 SC 1201.
9. Ram Baran V. Ram Mohit AIR 1967 SC 755
10. R.Kempraj V. Barton Sons and Co. AIR 1970 SC 1872.
11. Rajesh Kanta Roy V. Smt.Shanti Devi AIR 1957 SC 255.
12. Aamirtham Kudumbah V. Sarnam Kudumbah AIR 1991 SC 1256.

Recommended Readings:

1. Mulla Transfer of Property Act.
2. B.B. Mitra Transfer of Property Act.
3. Suba Rao Lectures and Commentaries on Transfer of Property.
4. Shukla Transfer of Property
5. Tripathi G.P. The India Easement Act.
6. Jain J.D. The Indian Easement Act.

Taxation Law- I

7th semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper IV
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Taxation Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Income Tax

Unit-1

- 1 Definitions S 2-3
- 2 Basis of Charge Ss 4-9

Unit-2

- 1 Heads Of Income
 - 1.1 Salaries
 - 1.2 Income from house property
 - 1.3 Income from business or profession
 - 1.4 Capital Gains
 - 1.5 Income from other sources

Unit-3

- 1 Incomes not included in Total Income s 10-13

Unit-4

- 1 Setoff and carry forward
- 2 Avoidance of Double Taxation S 90-91
- 3 Deductions, S 80-88

Unit-5

- 1 Income Tax Authorities S 116-119, 120,124, 131-32.
- 2 Procedure for Assessment S 139-148

Leading Cases:

1. Madhu Kishwar V. State of Bihar 1996 5 SCC 125.
2. Union of India V. Raghbir Singh 1989 178 ITR 548 SC
3. CIT V. Carew and Co.Ltd 1979 120 ITR 540 SC
4. CIT V. G.K. Karthi Keyen 1993 201 ITR 866 SC/
5. Income Tax officer V. Sarabai M. Lakhani & Anr (2000) 243 ITRI.
6. Trustees of HEH Nizam's Trust v. CIT. (2000) 242 ITR 381.

Recommended Readings

1. Taxman, Tax Planning & management (1998)
2. Kanga & Palkhivala: Income Tax Law (1991)
3. A.C. Sampat Iyengar, Three Taxes
4. K.Chaturvedi and S.M Pithisaria, Income Tax Law
5. Bhagwati Prasad, Direct Taxes : Law & Practice (1996) Wissha Prakasan, New Delhi.
6. Income Tax in India 1860-2001 by Indian Tax Foundation, India
7. Policy issue in Designing a system of Income tax (2001) Indian Tax Foundation, India
8. Tax incidence studies in India- A Survey, Indian Tax Foundation (2001)
9. Tax Reforms in India 1991-2001 Indian Tax Foundation (2001)
10. Kunwar Deo Prasad, Taxation in Ancient India, 1987.

Local Laws-I

7th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper V
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Local Laws. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. The J&K Agrarian Reforms Act, 1976
 - 1.1. Definition (Sec 2-3)
 - 1.2. Vesting of rights in State (Sec 4-8)
 - 1.3. Restrictions on rights in land (9-17)
 - 1.4. Jurisdiction & procedure for settlement of disputes (18-25)

Unit-2

1. The J&K Land Revenue Act, Samvat 1996
 - 1.1. Definitions (Sec. 3)
 - 1.2. Revenue officers- Classification, appointment & powers (6-19A)
 - 1.3. Record of Rights & Annual Records and procedure for making records (21-34)

Unit3

1. The Jammu and Kashmir Houses & Shops Rent control Act, 1966.
 - 1.1. Definitions (Sec. 2)
 - 1.2. Payment of Rent and Fixation of fair Rent (Sec. 3-10)

Unit-4

1. Rent Control Act
 - a) Protection of a tenant against Eviction (Sec. 11-13)
 - b) Deposit of Rent (Sec. 14-16)

Unit-5

1. Rent Control
 - a) Powers of Controller (Sec. 17-20)
 - b) Appeals (Sec. 21)
 - c) Repairs and maintenance of Essential Supply (Sec. 27-29)

3.

Leading Cases:

1. Jai Manmohan Kapoor V Kedar Nath Sekhri J K LR (1991) Vol 21
2. Mst Bega Begum & Others V Abdul Ahad Khan AIR 1979 Sc 272 Vol 66
3. Abdul Rashid Bakshi V. Devki Durrani JKIR P 382 Vol 10
4. Haji Gh Mohd Bhat V. Gh Hassan Nahavi JKLR. 1981 at 433
5. Thuru V. Rasal Sing AIR 1997 J&K
6. Asha V. Rasaloo AIR 1997) J&K 39
7. Premnath Raina & Others V. State of Jammu And Kashmir AIR 1983 SC920

Recommended Readings

1. J&K Houses & Shops Rent Control Act, 1966
2. Commentary on J&K Houses & Shops Rent Control Act 1966
3. J&K Land Revenue Act 1996 (Smtv.)
4. J&K Agrarian Reforms Act 1976
5. Constitution of India (Relevant Provisions)

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8th Semester

Administrative Law-II

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

8th Semester

Paper I
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Administrative Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Administrative Discretion
 - a) Need for administrative discretion
 - b) Administrative discretion and rule of law
 - c) Need for safeguards
2. Doctrine Of Excessive Delegation Of Discretion
 - a) Constitutionality of discretionary powers
 - b) Administrative discrimination and arbitrariness

Unit-2

1. De tournament De pouvoir
 - a) Malafide exercise of discretion
 - b) Improper purpose
 - c) Irrelevant considerations
 - d) Unreasonableness
 - e) Non- exercise of discretionary powers

Unit-3

1. Liability Of The Government
 - a) Tortions liability: sovereign and non-sovereign
 - b) Statutory- immunity
 - c) Act of state
 - d) Contractual liability of government
 - e) Freedom of information

Unit-4

1. Corporations And Public Undertakings
 - a) Characteristics and classification
 - b) Liabilities of public corporations

- c) Legislative and government control.
- d) Legal Remedies
- 2. Statutory Judicial Remedies: General
 - a) Declaratory judgment compared with certiorari
 - b) Injunctions
 - c) Injunctions compared with Mandamus.
 - d) Specific performance and civil suits for compensation
 - e) Specific statutory remedies

Unit-5

- 1. Exclusion of Judicial Review
 - a) Scope of exclusionary and finality clauses
 - b) Impact of doctrine of ultra vires on privative clauses
- 2. Ombudsman
 - a) Central Vigilance Commission.

Recommended Readings

- 1. D.D. Basu, Comparative Administrative Law (1998)
- 2. Wade, Administrative Law (Seventh Edition, Indian print 1997) Universal, Delhi
- 3. M.P. Jain, Cases and Materials on Indian Administrative Law, Vol. I & II (1996), Universal, Delhi
- 4. Jain & Jain, Principles of Administrative Law (1997) Universal, Delhi
- 5. S.P. Sathe, Administrative Law (1998) Butterworth-Indian, Delhi
- 6. Schwartz, An Introduction to American Administrative Law
- 7. Massey Administrative law

Civil Procedure Code And Limitation Act

8th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

Paper-II
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of C.P.C & Limitation Act. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Powers of executing court sec. 47 to 58 & 021 rr 1-17 & r26, 30,37, 64-68 r 74,
2. Attachment of property - sec. 60-63, o xxx viii rr 1 to 9
3. Commissions - sec. 75-76
4. Suits by and against govt.- sec. 79-80

Unit-2

1. Public Nuisance and procedure for such suits Sec. 91-92
2. Appeals, Reference, - sec. 96 to 109,
3. Review, Revision - Sec. 113 to 115
4. Application for Restitution -Section 144

Unit-3

1. Enlargement of time and powers of courts in terms of - section 148, 151 to 153 .
2. Law of Injunctions in terms of Sections 0 39 rr 1 to 9 (1-9)
3. Suits by And Against Minors And persons of Unsound Mind - O XXXII rr 1 to 5 only

Unit-4

1. Suits by indigent persons –O XL. rr . 1-8
2. Appointment of Receivers - O XL. rr. 1-5
3. Limitation of suits, Appeals and applications and law of computation of period of limitation Sec. 3 to 14.

Unit-5

1. Computation of period of limitation, and acquisition of ownership by Possession, etc- Sections 15 to 27.

Leading Cases:

1. Smt. Isabella Johnson V.M.A. Sausi AIR 1991 SC 993.
2. Dalpat Kumar and another V. Prahlad Singh and others AIR 1993 SC 276.
3. Premier Tyres Ltd. V. Kerala State Road Transport Corporation, AIR 1993 SC 1202.
4. P.K. Vijayan V. K. Amma and others AIR 1994 SC 2145.
5. Bijendra Nath Srivastva V. Mayank Srivastawa AIR 1994 SC 2562.
6. Durga Prasad V. Deep Chand AIR 1954 SC 75.
7. Udyan Chand Bhai V. R.C. Bala AIR 1977 SC 319
8. M/S Lakeshmi Rathan Cotton Mills Co. Ltd. V. Aluminum Corporation of India Ltd. AIR 1971 SC 1482.

Recommended Readings

1. .Mulla Code of Civil Procedure.
2. Sarkar Civil Procedure Code.
3. Tandon Civil Procedure Code
4. B.B. Mitra The Limitation Act.
5. J.D. Jain Limitation Act.
6. T.R. Desai The Limitation Act.

Cyber Law

8th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Cyber Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

History of Internet

- (a) Genesis of Internet
- (b) Internet Functioning
- (c) Access to Internet
- (d) Modes of Communication
 - (i) e-mail
 - (ii) Listserve
 - (iii) Distributed Message Databases
 - (iv) Real Time Text Based Communications
 - (v) Real Time Remote Computer Utilization
 - (vi) Remote Retrieval of Information

Genesis, Object and Scope of the IT Act

- I. Genesis
- II. Object
- III. Scope

Unit-2

Authentication of Electronic Records and Electronic Governance

- I. Authentication of Electronic Records
 - (a) Digital Signatures
 - (b) Hash function
 - (c) Digital Signatures in practice
 - (d) Secure Electronic record and Secure Digital Signatures

- II. Electronic Governance
 - (a) Legal Recognition of Electronic Records
 - (b) Legal Recognition of Digital Signatures
 - (c) Use of Electronic Records and Digital Signatures in Government and its Agencies
 - (d) Retention of Electronic Records

Unit-3

Certifying Authorities

- I. Need of Certifying Authority
- II. Functioning of the Certifying Authority
- III. Types of Certificates
 - (a) Identification Certificate
 - (b) Authorizing Certificate
 - (c) Transactional Certificate
 - (d) Digital Time Stamping Service
- IV. Validity Period of Digital Signatures
- V. Certificate Chain
- VI. Appointment of Controller
- VII. Functions of Controller
- VIII. Controller to act as a Repository
- IX. Powers of Controller
 - (a) Power to Recognize Foreign Certifying Authorities
 - (b) Power to issue Licence
 - (c) Power to Renew Licence
 - (d) Power to Suspend or Revoke Licence
 - (e) Power to Delegate and Investigate
 - (f) Power of Search & Seizure
 - (g) Power to Call for Information
 - (h) Power of Survey
 - (i) Power to Collect Certain Information
 - (j) Power to Inspect Registers of Companies
 - (k) Power to have Access to Computers and Data
 - (l) Power to Issue Directions
 - (m) Power to Decrypt Information
 - (n) Power to Make Regulations
- X. Database of Certifying Authorities
- XI. Who can be a Certifying Authority?
- XII. Application for Licence
- XIII. Certification practice statement

- XIV. Issuance of Licence
- XV. Refusal of Licence
- XVI. Surrender of Licence
- XVII. Cross Certification
- XVIII Duties of Certifying Authorities
- XIX Certifying Authority to Follow Procedures
- XX Certifying Authority as an Indemnifier
 - XXII Commencement of commercial operation by licensed Certifying Authorities.
 - XXIII Requirements prior to Cessation as Certifying Authority
 - XXIV Digital Signature Certificates
 - XXV Digital Signature Standard
 - XXVI Representation upon Issuance of Digital Signature Certificate
 - XXVII Generation of Digital Signature Certificate
 - XXVIII Issue of Digital Signature Certificate
 - XXIX Certificate life time
 - XXX Suspension of Digital Signature Certificate
 - XXXI Revocation of Digital Signature Certificate
 - XXXII Certification Revocation List (CRL)
 - XXXIII Compromise of Digital Signature Certificate
 - XXXVII Duties of Subscribers
 - (a) Generating Key Pair
 - (b) Acceptance of Digital Certificate
 - (c) Control of Private Key

Unit-4

Electronic Commerce

- I. Introduction
- II. Formation of Electronic Contracts
 - (a) Contract by Electronic Data Interchange
 - (b) Cyber Contracts
- i. E-mail
- ii. World Wide Web (www)
- III. Validity of Electronic Transactions
- IV. Dichotomy of Offer and Invitation to Treat
- V. Application of Mirror Image Rule
- VI. Communication of Offer and Acceptance
- VII. Revocation of Offer and Acceptance
- VIII. Incorporation of Terms by Reference
- IX. Attribution of Electronic Records
- X. Time and Place of Despatch and Receipt of Electronic Record
- XI. Jurisdiction

XII. Identity of the Parties

Unit-5

Cyber Regulations Appellate Tribunal

- I. Establishment and Composition of Cyber Appellate Tribunal
- II. Qualifications of Presiding Officer
- III. Resignation, Removal and Filling up of Vacancies
- IV. Jurisdiction of Cyber Appellate Tribunal
- V. Adjudicating Officer
- VI. Powers of the Adjudicating Officer
- VII. Factors to be taken into account by the Adjudicating Officer
- VIII. Power to Award Compensation
- IX. Power of Adjudicating officer to impose penalty
- X. Compounding of Contraventions
- XI. Appeal to Cyber Regulations Appellate Tribunal
- XII. Procedure and Powers of the Cyber Appellate Tribunal

Computer Systems and Liability Issues (Cyber Crimes)

- I. Definition of Cyber Crimes
- II. Classification of Cyber crimes
- III. Target of computer crime
- IV. Challenges of Cyber crime
- V. Indian Scheme of offences and Punishment
 - a. Damage to Computer, Computer System etc.
 - b. Unauthorized Access
 - c. Computer Contaminant or Computer virus
 - i. Virus
 - ii. Logic Bomb
 - iii. Worms
 - iv. Trojan Horse programme
 - v. Denial of Service
 - d. Tampering with computer source Documents

Recommended Readings

- Cees J. Hamelink, The Ethics of Cyberspace (2000) Sage
Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi.
Farooq Ahmad ,Cyber Law in India (2002) Pioneer Book Publisher Delhi
Chris Reed Computer Law, Universal, New Delhi.
Nandi Kamath The Law Relating to Computers

Taxation Law- II

8th semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper IV

Note: The subject includes a comprehensive and upto date study of various aspects of Taxation Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1 (Income Tax)

1. Appeals
2. Reference and Revisions
3. Advance Rulings mechanism S 245.

Unit-2 (Income Tax)

1. concept of Fringe benefits under Income Tax Law.
2. Penalties – S 271-280.

Unit-3

J&K Professions, Traders, Callings & Employment Tax Act, 2005

1. Definition S. 2
2. Levy of Tax S. 3
3. Authorities: Powers & Functions: S. 4-6
4. Registration : S. 7-8
5. Procedure for Administration of the Self – Employment Promotion Fund : S. 18-19
6. Appeal, Review and Revision: S. 14-17.

Unit-4 (Service Tax)

- 1 Introduction
 - 1.1 Definition
 - 1.2 Scope and Nature
- 2 Basis of charge
- 3 Registration
- 4 Procedure for assessment
- 5 Penalties
- 6 Appeals and revision

Unit-5 J&K Value Added Tax-2005

- 1 Definition: S. 2
- 2 Taxation Authorities: S. 3-10
- 3 The incidence and Levy of Tax: S. 12-26
- 4 Returns, Assessment, Recovery (S. 31-33, 37-40,42)
- 5 Appeals & Revision: (S. 72-77)

Leading Cases:

1. Leghu Vdyog Bharati v. Union of India (1999) IIL ELT 365(SC)
2. State of UP v. Union of India (2004) 170 ELT 385
3. Chartered Accountants Association v. Union of India (2005) 179 ELT 129.
4. Bajaj Auto Ltd. V. Commissioner of Central Excise and Customs, Aurangabad (2005) 1 STJ 58.

Recommended Readings

1. J&K Laws, Vol. 23 Ed(2006)
2. Kanga Palkhivala & Vyas: The Law and Practice of Income Tax, Vol II 9th Ed (2004). Lexis Nexis Butterworths
3. Rohni Aggarwal : Service Tax, Law & Practice, Ed. (2005), Eastern Book Co.
4. Mohan R. Levi : Service Tax 15th Ed (2005), Bharat Law House
5. Report of the Kelkar Task Force Regarding service Tax
6. Chaturvedi M.K.& Nirmala Asokan: Guide to Mastering VAT, Ed (2005) Wadhwa & Co.
7. Chandra Kant T. Shah: Value Added Tax, Insta Vat, 2004.
8. Taxmann's CENVAT, Law & Practice, 2003.
9. J&K Statutes Vol. 3. (2005) Jay & Kay Law Reporter
10. Ajay Joshi Concept & Procedure of VAT in India, Ed (2005) Bharat Law House.

Local Laws-II

8th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

Paper-V
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Local Laws. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- 1) Registration Act. 1977
 - a) Registration Establishment (Sec. 5-12)
 - b) Time for presenting a place for registration (Sec. 23-31)

Unit-2

- 1) Registerable Documents (Secs. 17-21)
- 2) Effect of Registration and Non-registration (Secs. 47-50 and 60)

Unit-3

- 1) Persons to present Documents for registration (Sec. 32-35)
- 2) Refusal to Register (Sec. 71-77)
- 3) Registration fees (Sec. 78-80)

Unit-4

- 1) Court Fees Act, 1977 and Suit Valuation Act 1977
 - a) Exemptions (Sec. 19)
 - b) Mode of Levying Fess Schedule I and II (Sec. 25-30)
 - c) Suit valuation in suit (sec. 4,8 and 11)

Unit-5

- 1) Self Reliant Co-operatives Act, 1999
 - a) Definition (Sec. 2)
 - b) Incorporation (sec. 3-15)
 - c) Membership (sec. 16-29)
 - d) Management (Sec. 31-36)
 - e) Finance (sec. 39-41)
 - f) Dispute Resolution (sec. 49)

g) Dissolution (sec. 51-56)

Leading Cases

1. General Manager, J&K Cooperative Supply and Marketing Federation v. M/S Rama Rice & General Mills, JKLR Vol.23 (1993) p 135.
2. Chairman, J&K Central Cooperative Land Development Bank Ltd. & anr v. Krishan Chand JKLR Vol 23 (1993) P 369.
3. Ramzan Rather & others v. Khaliq Bhat & others JKLR Vol. 12 (1993) P. 321
4. Life Insurance Corporation of India v. Smt. Iqbal Kour & others JKLR Vol. 13 (1983) P. 293.
5. Kasturi Lal v. Bharat Finance Co & anr JKLR Vol. II (1980) P. 207
6. Harnam Singh v. Dharshan Singh & anr JKLR Vol. II (1980) P 240
7. Mst Kamla Devi & Others v Mst Sianpo JKLR (1980) P. 249 (June).

Recommended Readings

1. Mulla: The Indian Registration Act, N.M. Tripathi (1992)
2. J&K Registration Act.
3. Court Fees Act.
4. Stamp Duty Act, 1929
5. The Jammu & Kashmir Self Reliant Cooperatives act, 1999.

ENVIRONMENTAL LAW

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

8th Semester

Paper VI

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Environmental Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Environment: meaning, environment pollution – Meaning and issues
2. Historical Development of Environmental Laws in India
Nuisance: Penal Code, Criminal and civil Procedure Codes, old laws and new interpretations – Absolute and no-fault liability under Environmental Laws
3. Constitutional Provisions – Art. 14,19(1)(g),48-A, 51A,g,Art,21, right to whole some environment – evolution and application. PIL and protection of the Environment.

Unit-2

The Water and Air Pollution Control Acts

- a) Standards, CPCB and SPCB Consent Mechanism, Control Areas and Restraint Orders
- b) Citizen Suit and Access to Environmental information
- c) Corporate and Governmental Liability for environmental Offences,

Unit-3

Environmental Protection Act, 1986 and other Environmental legislation.

- i) Powers of Central Govt, Citizen suit, Policing of Pollution
- ii) Rules.
Bio-medical Waste Rules, 1998
Hazardous Waste Rules,1998
Ozone Deleting Substances Rules
Noise Pollution control Rules,2000
- c) EIA, Bio-logical Diversity Act 2003 and National Environmental Appellate Authority Act, 1997.

Unit-4

International Environmental Law and Norms

- a. Stockholm Declaration, Global Warming and Ozone conventions

- b. Sustainable development, Public Trust doctrine
- c. Precautionary Principle, polluter Pays Principle

Unit-5

Local Environmental Laws and Problems in J&K

- a) Forest Act 1930, J&K Wild Life Protection Act J&K Forest Conservation Act, (Summary of the Provisions with special emphasis on Forest Dwellers and Forests, medicinal Plants and related traditional knowledge)
- b) Protection of Biodiversity in J&K- Local Laws and central Acts – Forest (Protection) Force Act
- c) Preservation and protection of lakes and waterways in J&K Existing related laws and future legal needs

Recommended Readings

- (1) Centre For Science and Environment Citizen's Reports - Anil Agarwal
- (2) Rosencranz, Diwan Noble Environmental Law And Policy In
India
- (3) Lal Commentaries on Water And Air
Pollution Law
- (4) Chaturvedis Law On Protection of Environment and
Prevention of pollution
- (5) Baxi Upendra The Environment Protection Act ,
An Agenda for Implementation (ILI
Publication
- (6) Bakshi P.M The Air Act, 1986.
- (7) Bakshi P.M. The Environment Protection Act.
- 8) P. LeelaKrishnan Environmental Law in India. .
- (9) Iyer V. R Krishna Environmental Pollution And
the Law.
- 10) Kashmir University Law Review – Relevant Papers

International Documents

Stockholm Conference, Ozone Convention, climate change convention

Local Legislations :

- J & K Wildlife (Protection)Act, 1978
- J&K Prevention of Cruelty to Animals Act,1934
- J&K Forest (Protection) Force Act, 2001
- J&K Kuth Act , 1921, J&K Preservation of Specified Trees Act, 1969

Central Legislations :

- 1. The Water (Prevention and Control of Pollution) Act, 1974.
- 2. The Air (Prevention and Control of Pollution) Act, 1981.
- 3. The Environment (Protection) Act, 1986.
- 4. Noise Pollution Control Rules,2000
- 5. Bio Medical Waste Management Rules, 1998 as amended
- 6. Ozone Deletion (Substances and Control) Rules;

7. Hazardous Waste Management Rules,1989
8. Ozone Depleting Substances Rules
9. Bio-logical Diversity Act,2003

Essential Case Law

1. Subhash Kumar V. State of Bihar, AIR 1991 SC 420
2. M C Mehta V. Union of India, AIR 1997 SC 734
3. M C Mehta v. Kamal Nath, AIR 2000 SC 1997.
4. M/s Abhilash Textiles v. Rajkot Municipal Corpn, AIR 1988 Guj. 57
5. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446
6. Vellore Citizen welfare Forum v. Union of India , AIR 1996 SC 2715
7. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812
8. Narmada Bachao Andolen v. Union of India, AIR 2000 Sc 3751
9. M.C. Mehta v. Union of India, AIR 2002 SC 1696
10. M.C. Mehta v. Union of India, AIR 1988 Sc 1037
11. M.C. Mehta v. Union of India, AIR 1988 SC 1115
12. M/S Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution AIR 1986 Del. 152
13. Tata Tea Ltd. v. State of Kerala 1984, KLT 645.
14. M.C. Mehta v. Union of India, AIR 2001 SC 1948
15. M.C. Mehta v. Union of India, AIR 1998 (4) SCALE 196
16. Orissa State Pollution Control Board v. M/S Orient Paper Mills, AIR 2003 SC 1966
17. Tarun Bharat Singh v. Union of India (1994) 2 SCALE 68
18. T.N Godavarman Thirumulkpad v. Union of India AIR 1998 SC 769
19. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715
20. S. Jagannath v. Union of India, AIR 1997 SC 811
21. M.C. Mehta v. Union of India, AIR 2002 SC 1696
22. M.C. Mehta v. Union of India, AIR 1987 SC 965
23. M.C. Mehta v. Union of India, AIR 1987 SC 982
24. M.C. Mehta v. Union of India, AIR 1987 SC 1086
25. M.C. Mehta v. Union of India, AIR (Relocation of Industries in Delhi), AIR 1996, SC 2231
26. A.P. Pollution Control Board v. M.V. Nayudu, AIR 199 SC 812

9th Semester

Code of Criminal Procedure-I

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

9th Semester

Paper- I

Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Cr.P.C. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Definitions- Section 2
2. Constitution of Criminal Courts-Powers and Function. (SS 6 to 31)
3. Jurisdiction of Criminal Court- (SS 177 to 189)

Unit-II

1. Arrest, and Compelled Procedure for Appearance:
 - a. Arrest by Police and Public (SS 36, 41-49)
 - b. Rights of Arrested Persons and production of things (S-61-90, 90-101)
 - c. Production and attachment (Ss. 82-86)

Unit-III

- a) Conditions necessary to initiate proceedings
- b) Cognizance by Courts (S. 190 to 199)
- c) Filing of Complaints (S. 200-203)
- d) Commencement of Proceedings Before magistrate (S. 204-210)

Unit-IV

Security for keeping peace and good behaviour (Ss 106-124,151)

Unit-V

- a) Definition and Framing of charges
- b) Joinder of Charge
- c) Sessions Trials
- d) Warrant Trials
- e) Summons Trials
- f) Summary Trials

Law of Evidence-I

9th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20
Paper-II
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Law of Evidence. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- 1 Interpretation Clause (Sec. 3-4)
- 2 Relevancy of Facts (sec. 5-16)

Unit-2

- 1 Admissions and Relevancy of Admissions (sec. 17-23)

Unit-3

- 1 Relevancy and Admissibility of Confessions (Sec. 24-31)

Unit-4.

- 1 Relevancy of Statements by Persons who cannot be called as witness (Sec. 32,33)
- 2 Relevancy of Statements made under special circumstances (Sec. 34-39)

Unit-5

1. Judgements of Courts when relevant (Sec. 40-44)
2. Opinion of third person when relevant (sec. 45-51)
3. Character when relevant (Sec. 52-55)
4. Facts which need not be proved (sec. 56-58)

Leading Case:

1. R.V. Foster, 172 ER 1261.
2. Awadesh V. State of UP, AIR 1995 SC 375.
3. Brij Mohan V. Amar Nath AIR 1980 JK 54.
4. Pakala Naryan Swami V. Emp AIR 1939 PC 47.
5. Dagdu V. State of Maharashtra 1977 SC 3.
6. State of UP V. Deoman Upadhya AIR 1960 SC 1125.
7. R.Singh V. State of Punjab 1976 1SCC 181.
8. State V. Bal Krishna n 1992 CRLJ 1872.
9. Tuka Ram V. State of Maharashtra AIR 1979 SC 185
10. Union of India V. Ramaswamy AIR 1997 SC 2055
11. R.K.Dalmia V. Delhi Administration AIR 1962 SC 1821.
12. Ram Krishan V. Savitri Devi AIR 1982, Delhi.
13. Rafiq V. State of UP AIR 1981 SC 559.

Recommended Readings:

1. Sarkar Evidence
2. Field C.D. Law of Evidence
3. Monir, M. Law of Evidence
4. Rattan Lal & Dhiraj Lal Law of Evidence
5. Amir Ali & Woodroff Law of Evidence
6. Sarathi V.P. Elements of Law of Evidence

Interpretation of Statutes

9th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

Paper-III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Interpretation of Statutes. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Introduction
- 3 Classification of Statutes.

Unit-2

1. Methods of Interpretation.
 - a) Literal Rule
 - b) Golden Rule
 - c) Mischief Rule

Unit-3

1. Aids of Construction
 - a) Intrinsic
 - b) Extrinsic

Unit-4

1. Specific Interpretations
 - a) Taxing Statutes
 - b) Penal Statutes
2. Interpretation of Constitution

Unit-5

1. Repeal, Repugnance and Retrospective Doctrine.

Leading Cases:

1. Surajeet Singh V. State of UP 1984 AIR SC 98
2. London Rubbver Co.Ltd.V. Durex Productions Incorporated and another AIR 1963 SC 1982.
3. Maneka Gandhi V. Union of India AIR 1978 Sc 597
4. Reserve Bank of India & others V. Peerless General Finance and Investment Co.Ltd and another 1996 1 SCC 642.
5. State of Patiala and Others V. S.K. Sharma 1996 3 SCC 364.
6. S.Gopal Reddy V. State of AP AIR 1996 SC 2184
7. Shanmugam Servai V. P.Periyankaruppan Seervai AIR 1996 Madras 411.

Recommended Readings:

1. Maxwell Interpretation of Statutes
2. Bindra N.S. Interpretation of Statutes
3. Chattarji Interpretation of Statutes
4. Sarathi Vepa Interpretation of Statutes

KCEF LAW COLLEGE PULWAMA

CLINIC-I

Arbitration, Conciliation and Alternate Dispute Resolution System

Max. Marks = 100

9th Semester

Paper-IV
Time Duration 2 Hours

The paper will carry 100 marks, out of which 60 marks will be for theory and 40 marks for clinic. The break-up of marks for clinic will be as under:

1. Practice Exercises and Case Studies 30 Marks
2. Viva-Voce 10 Marks

This course will focus on dispute resolution methods, client interviewing and counseling, litigation planning, investigation strategies, negotiation and mediation. The students will be required to learn the language of negotiation, mediation and settlement conferences, so that all these processes can be placed in a practical, conceptual framework. To understand latest empirical studies in business, communication psychology and law and their application to negotiation, mediation and settlement conferences

The students will be also required to identify strategies in dispute resolution and apply them to actual cases.

The whole exercise will be done by the student in the presence of the Board of examiners to be nominated by the Head, Department of Law, which will include the teacher concerned. The student will be required to secure the minimum pass marks in both theory and clinic separately.

Note: The subject includes a comprehensive and upto date study of various aspects of ADR. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 mark each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I Introduction

- a) Alternative Dispute Resolution (ARD): Concept and Need
- b) International Commercial arbitration and ADR under Legal Services Schemes

- Concept, Dimensions and Practice of International Commercial arbitration
- Legal Services Authority Act, 1987 / Section 89 CPC
- Legal Literacy Mission
- Unit-II Techniques of ADR-I**
- Negotiation /conciliation
- Mediation
- Good offices
- Unit-III Techniques of ADR-II**
- Conciliation: Nature, Scope and methods, applicable law
- Arbitration – Arbitration agreement / Clause, Jurisdiction of the arbitral tribunal, Applicable Law, IIC, UNCITRAL, KSID.
- Unit-IV The Arbitration and Conciliation Act 1996**
Arbitration Sections 3-34
- Unit-V Recognition and Enforcement**
- ◆ Indian Practice
- ◆ International Practice

Leading Cases:

1. State of Jharkand v. R.K. onstruction (Pvt) Ltd. AIR 2006 Jhar 98.
2. Reshtriya Ispat Nigam Ltd. v. Verma Transport Company, AIR 200 SC 2800
3. P. Anand Gajapathi Raju v. P.V.G Raju (Dead), 2000(4) SCC 539
4. Mahesh Kumar v. Rajasthan State Road Transport Corporation, AIR 2006 Raj 56.
5. Kalpana Kothari v. Sdha Yadaw, AIR 2001 SC 404
6. Baby Arya v. Delhi Vidyut Board , AIR 2002 Dal 50
7. M.M.T.C Ltd. v. Sterlite Industries (Indir) Ltd. AIR 1997 SC 60
8. Sanshin Chemicals Ltd., AIR 2001 SC 1219
9. Tamil Nadu Electricity Board v. Bridge Tunnel Constrictions AIR 1997 SC 1376.
10. T.P. George v. State of Kerala AIR 1997 SC 816
11. Union of India v. G.S. Atwal & Co., AIR 1996 Sc 2965
12. National Thermal Power Corp v. Singer Co.
13. First Day Lawson Ltd. v. Jindal Export Ltd. AIR 2001 Sc 2293.

Recommended Readings

1. P.C. Rao et al., Alternate Dispute Resolution : What It is and How It Works?
ICADR(1997)
2. M. Menon Clinical Legal Education Relevant Chapters

Legislation

The Arbitration and Conciliation Act, 1996 with upto date amendments

Seminar-I

Intellectual Property/Social and Economic offences

Intellectual Property

9th Semester

Max. Marks = 100

Paper-V

Time Duration 2 Hours

The paper Intellectual Property will carry 60 marks for theory examination and 40 marks for the seminar. The seminar will be purely research oriented with a focus on empirical research. The students will be divided into groups depending upon the availability of the teachers. The teacher in-charge of the group will assign topic to each student on which research has to be conducted. However, teacher concerned is free to allow joint research. The report will be submitted to the concerned teacher who will after proper certification of the report forward it to the Head of the Department for presentation before the Board of Examiners. The Head of the Department will constitute the Board of examiners comprising of the Head of the department, or his nominee having specialization in the field and the teacher concerned. The break up of the marks shall be as follows:

1. Field work/Research tools and techniques	10 marks
2. Assignment/Project	15 marks
3. Presentation/viva voce	15 marks
Total	40 marks

Note: The subject includes a comprehensive and upto date study of various aspects of Intellectual Property. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 mark each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- Copyright
- Definition
- Nature, and scope of Copyright law - Types.
- Assignment & licencing

Unit-2

- Infringement
- Remedies
- Copyrights and Technology

Unit-3

- Trade marks
- Nature, purpose & transmission
- Infringement of Trade Mark & passing off
- Remedies.

Unit-4

- Patents
- Nature & Scope of patents
- Types of Patents

Unit-5

- Rights & obligations of a patentee
- Infringement
- Relevant provisions of TRIPS

Leading cases:

1. Najma Heptulla v. Orient Longman Ltd. AIR 1989, Del 63
2. Anand v. Delux Films AIR 1978 SC. 1613
3. Apple Computers v. Apple Leasing (1993) IPLR 63
4. Whirlpool Corporation v. N.R. Donga 56 DLT 304 (Del)
5. Mishra Bandhu Karyalya v. S. Koshat AIR 1970 MP. 261

Recommended Readings:

1. W.R. Cornish, Intellectual property: patents Copyright, Trade Marks and Allied Rights 1999, Sweet and Maxwell Lord.
2. Michael F. Flint, A User's Guide to Copyright (1990) Butterworth London.
3. Jeremy Phillips and Alison Firth, Introduction to Intellectual Property Law (1995) Butterworth, London
4. P. Narayanan, Intellectual Property Law (1997) Eastern Law House.

Social and Economic offences

9th Semester

Max. Marks = 100

Paper-V

Time Duration 3 Hours

The paper Social and Economic offences will carry 60 marks for theory examination and 40 marks for the seminar. For the seminar in this subject students will be divided into groups. The teacher concerned will assign a topic contemporary relevance to a student/group of students. The student shall be required to conduct a field study on the subject and prepare a complete assignment based on his observations. He will analyse the problem critically and will present it to the concerned teacher.

In his field survey the student will apply various tools of research which are essential for Socio legal research i.e. questionnaire /interview schedule. He will prepare a complete report/ assignment in consultation with his teacher concern After submitting his assignment the student will present his findings before Board of examiners. The Head of the Department will constitute the Board of examiners comprising of the Head of the department, or his nominee having specialization in the field and the teacher concerned. The break up of the marks shall be as follows:

- | | | |
|----|--------------|----------|
| 1. | Field Wok | 10 marks |
| 2. | Writing | 15 marks |
| 3. | Presentation | 15 marks |

Note: The subject includes a comprehensive and upto date study of various aspects of Socio-Economic Offences. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 mark each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Evaluation and concept of Socio-economic offences and its comparisons with that of white-collar crimes.
2. Difference between Social and Conventional Crimes.
3. Criminological explanations of Socio-economic offences: study of causes with special reference to social disorganization and economic theories. Sutherland's Differential Associations theory and Socio-economic offences.

Unit-2

1. Traditional criminal Jurisprudence and principles of liability
 - a) Strict liability
 - b) Vicarious liability
 - c) Corporate liability
 - d) Burden of Proof
2. Sentencing policy under the Socio-economic offences

Unit-3

1. Bail and Socio-Economic Offences
2. Forfeiture of Property under Socio-economic offences with special reference to NDPS Act, 1985

Unit-4

1. Enforcement of laws dealing with Socio-economic offences
 - a) Efficacy of enforcement machinery
 - b) Difficulties in enforcement
2. Courts & Socio-economic offences including probation and Socio-economic offences

Unit-5

1. Specific areas in-depth study of the followings Socio-economic legislations
2. Prevention of corruption Act, 1988
3. Dowry prohibitions Act, 1961

Recommended Readings

Mahesh Chandra: Socio-Economic offences

Ghosh, S.K, : Economic Offences

Sutherland: White-Callor Crime

Haikerwal : Economic and social Aspects of Crime

Preventions of Corruptions Act, 1988

Dowry Prohibition Act, 1961

Santhanam Committee Report on Corruption

Seminar- II (Professional Ethics)

9th Semester

Max. Marks = 100

Paper-VI

Time Duration 2 Hours

The paper Professional Ethics will carry 60 marks for theory examination and 40 marks for the seminar.

For the Seminar the students will be divided into groups depending upon the availability of the teachers. The teacher incharge of the group will assign topics to the students on which research has to be conducted. The teacher concerned will assign topic to each student or will allow 3-4 students to carry joint research. However submission of assignment presentation has to be made separately. The students will submit their report to the concerned teacher who after certification will forward that to the Head of the Department for presentation before the Board of examiners. The Head of the Department will constitute a Board of examiners comprising of the Head of the Department, teacher concerned or a nominee of the Head of the department having knowledge of the subject. The student will be required to secure minimum pass marks in both theory and seminar separately

The break up of the marks shall be as follows.

Field work/Research tools and teachings	10 marks
Assignment	15 marks
Presentation	15 marks
Total	40 Marks

Note: The subject includes a comprehensive and upto date study of various aspects of Professional Ethics. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 mark each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- 1) Supreme Court Rules 1966.
- 2) J&K High Court Rules 1995

Unit-II

- 1) J&K Limitation Act 1938 as amended
- 2) J&K Registration Act 1920 A.D. as amended.

Unit-III Bench Bar Relations

- 1) Bar Council of India - Powers & functions
- 2) State Bar Council – Powers and functions
- 3) Professional and other Misconduct.
- 4) Rights and privileges of Advocates
- 5) Reciprocity as partners in administration of justice

Unit-IV Legal Ethics

- 1) Ethics in present Era
- 2) Ethics and statutory sanctions
- 3) Ethics and professional Duty
- 4) Conflicts between interest and duty
- 5) Duty of Court
- 6) Duty of client
- 7) Duty of opponent
- 8) Duty of colleague
- 9) Duty towards society and obligation to render legal aid

Unit-V Contempt of Court

- 1) Classification
- 2) Constitutional validity of contempt law
- 3) Contempt law in J&K

Leading Cases:

1. A.M. Mathur v. Pramod Kumar Gupta, 1990(2) SCC 533
2. Bar Council of Maharashtra v. M.V. Dabhulkar 1976(1) SCR 306 also 1976 (2) SCR 48
3. Hanraj L. Chulani v. Patna High Court, 1986.
4. K. Daniel v. Hymavathy Amma, AIR 1985 Ker. 233
5. Advocate Gen. Bihar v. Patna High Court, 1986(2) SCC 577
6. P.D. Gupta v. Ram Murti, 1977(7) SCC 147
7. H.D. Srivastava v. G.N. Verma 1977 (2) SCR 6011
8. Mangilal v. State of M.P. 1994(4) SCC 564
9. Harish Uppal v. Union of India, AIR 2003 Sc 739
10. Copeland v. Smth 2000(I) All. E.R. 457
11. In the matter of P an advocate AIR 1963 SC 1313
12. R.D. Saxena v. Balram Prasad AIR 2000 SC 2912
13. Indian Council of Legal Aid v. Bar Council of India, AIR 1995 Sc 691
14. In Re Sanjiv Dutta 1995 (3) SCC 619
15. Vikas Deshpande v. Bar Council AIR 2003 SC 309

Recommended Readings

- 1) Kailesh Rai : Legal Ethics , Accountancy for Lawyers and Bench Bar Relation.
- 2) B.R. Aggarwal: Supreme Court Practice and procedure

References

- 1) P. Ramanatha Iyer – Legal and Professional Ethics
- 2) BB Mitra – The Limitation Act.

10th Semester

Code of Criminal Procedure-II

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

10th Semester

Paper- I
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Cr.P.C. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- 1 Maintenance of Wives, children and Parents (SS 125-128)
- 2 Maintenance of Public order and Tranquility (SS 133-144)
- 3 Disputes regarding immovable Property (SS 145-146)

Unit-II

- 1 Powers of Police and their powers to investigate (sec. 154,155,156,160,161,162,164)
- 2 Remand (Sec. 167)
- 3 Rights of Accused (sec. 50,51,56,57)

Unit-III

- 4 General Provisions of Trials and inquiries, Sec. 300,319, 320,321,,323.
- 5 Provision relating Bail and Bond (S 436-450)
- 6 Limitation for taking cognizance (S 468-473)

Unit-IV

Sentencing Powers of Courts

- a. Mode of Judgment 354 , 365
- b. Confirmation of Death Sentence SS 366-371
- c. Suspension, Remission and Commutation of Sentence (SS 418-435)

Unit-V

1. Appeal, Revision and Reference (Section 372,376,378,382,394-397,399,405.

Recommended Readings

- | | |
|-----------------------|---|
| Misra, S.N. | The Code of Criminal Procedure |
| Rathanlal, Dhiraj Lal | The Code of Criminal Procedure |
| Kolker, R.V. | Out Lines of Criminal Procedure |
| Qadri, S.M. A | Police and the Law- A Socio Legal Analysis. |

Law of Evidence-II

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

10th Semester

Paper-II
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Law of Evidence. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

Principles, Proof and Exclusion of oral evidence (Sec. 59,60, 91-95)

Unit-2

Principles, proof of primary and secondary documents (Sec. 61-76)

Unit-3

1 Burden of Proof in civil and criminal cases (Sec. 101-114A)

2 Estoppel (Sec. 115-117)

Unit-4

Competence of witness to testify and privileges of witness (Sec. 118-134)

Unit-5

Examination of witness and questions to be asked (Sec. 135-167)

Leading Cases:

1. R. V. Foster, 172 ER 1261.
2. Awadesh V. State of UP, AIR 1995 SC 375.
3. Brij Mohan V. Amar Nath AIR 1980 JK 54.
4. Pakala Naryan Swami V. Emp AIR 1939 PC 47.
5. Dagdu V. State of Maharashtra 1977 SC 3.
6. State of UP V. Deoman Upadhya AIR 1960 SC 1125.
7. R. Singh V. State of Punjab 1976 1SCC 181.
8. State V. Bal Krishna n 1992 CRLJ 1872.
9. Tuka Ram V. State of Maharashtra AIR 1979 SC 185
10. Union of India V. Ramaswamy AIR 1997 SC 2055
11. R.K. Dalmia V. Delhi Administration AIR 1962 SC 1821.
12. Ram Krishan V. Savitri Devi AIR 1982, Delhi.
13. Rafiq V. State of UP AIR 1981 SC 559.

Recommended Readings:

1. Sarkar Evidence
2. Field C.D. Law of Evidence
3. Monir, M. Law of Evidence
4. Rattan Lal & Dhiraj Lal Law of Evidence
5. Amir Ali & Woodroff Law of Evidence
6. Sarathi V.P. Elements of Law of Evidence

Human Rights, Humanitarian Law and Refugee Law

10th Semester

Max. Marks = 100
Theory = 80
Continuous Assessment = 20

Paper III
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Human Rights. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Human Rights: Nature, Concept, Origin and Development.
2. Human Rights some contemporary Issues:
 - i) Role of NGO's
 - ii) Cultural Relativism
 - iii) Self -determination

Unit-2

1. The United Nations and Human Rights
 - a) The UN Charter and Human Rights
 - b) International Bill of Human Rights
 - i) The Universal Declaration of Human Rights
 - ii) The Covenant on Civil and Political Rights
 - iii) The Covenant on Economic, Social and Cultural Rights
 - iv) UN Charter based institutions for implementation

Unit-3

1. Human Rights and Vulnerable Groups
Rights of Women, Children, Minorities and Refugees.
 - i) The African Charter on Human Rights

Unit-4

1. Regional Convention of Human Rights
 - 1.1.1. European Convention of Human Rights
 - 1.1.2. The American Convention on Human Rights
2. India and International Human Rights Law
 - 2.1.1. India and International Human Rights Treaties

2.1.2. Non Judicial: Enforcement of Human Rights Human Rights Commission

Unit-5

1. International Humanitarian Law

- a) Definition, Origin and Development
- b) Protection of Defenceless in war
- c) Limitation on methods and use of force during armed conflicts contemporary issues and challenges

Leading Cases

Namibia case, Filartiga V Pena-Irala, Ireland V United Kingdom, Golder V United Kingdom, Sunil Batra V Delhi Administration, Hussain Ara Khatoon V Home Secretary, Maneka Gandhi V Union of India.

South- West Africa Cases . ICJ , 1962, 319, 1966, 6,1971, 16

Filartiga v. Pena Irafa 630 F 2d (1980) 876

Ireland v. united Kingdom

Golder v United Kingdom

Sunil Batra v Delhi Administration

AIR – 1978 SC 1675

AIR – 1980 SC 1579

Hussain Ara Khatoon v Home Secretary

AIR- 1976 SC 1360

AIR – 1976 SC 1365

AIR – 1979 SC 1377

Maneka Gandhi v. U.O.I AIR- 1978 SC 597.

Recommended Readings:

- | | | |
|----|-------------------------------|---|
| 3 | Lauterpacht | International Law and Human Rights |
| 4 | Lavis and Burgemtja, | International Protection of Human Rights |
| 5 | S.K. Avesti and R.P. Kataria, | Law Relating to Human Rights |
| 6 | Wallace; | International Human Rights – Text & Materials |
| 7 | Nirmal C.J; | Human Rights In India |
| 8 | I. Menon | Human Rights in International Law |
| 9 | A.B. Kailash | Human Rights in International Law |
| 10 | S.C. Khare | Human Rights and United Nations |
| 11 | Krishna Iyer | Human Rights and Inhuman wrongs |
| 12 | Upendra Baxi | The Right to be Human |
| 13 | C.K. Agarwal | Human Rights |
| 14 | H.O Agarwal | International Law and Human Rights |

CLINIC – II
(Pleading, Drafting & Conveyancing)

Max. Marks = 100

10th semester

Paper-IV
Time Duration 2 Hours

Pleading Drafting and Conveyancing paper will carry 100 marks. Out of 100 marks 60 marks will be for theory and 40 marks for clinic. The break up of marks for Clinic will be as under:

- | | |
|--|----|
| 1. Contents of Form (Drafting of plaint written statement, Application, petition, affidavit, deeds etc.) | 20 |
| 2. Typing by Computer | 15 |
| 3. Fulfillment of requirements under Stamp and Suit valuation | 05 |

The student will be provided intensive training in type writing/ computer, to enable him to draft petitions, deeds etc. at the end of the clinic the student will be required to draft petition/Deed etc. (Pleading and Drafting within a period of two hours. The student will draft the form/petition etc. by computer on judicial/non-judicial paper as required under the stamp and suit valuation Act. The student will not be required to fix the judicial/non-judicial paper of actual value but will draft on the judicial/non-judicial paper of minimum value. However, he will state the actual value of judicial/non-judicial paper/ court fee on the apposite side of the draftings and also the required documents to be produced before the Court at the time of Registration/filing of petition/suit etc. as the case may be.

The whole exercise will be done by the student in the presence of the Board of Examiners. The Board of examiner will be constituted by Head of the Department, consisting of Head of the Department or his nominee and the teacher concerned. The student will be required to secure minimum pass marks in both theory and Clinic separately

Note: The subject includes a comprehensive and upto date study of various aspects of Pleading & Drafting. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 mark each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I Fundamental Rules of Pleadings

- Plaint Structure
- Description of Parties
- Written Statement and affidavit
- Application for setting ex-parte decree

Unit-II Ordinary suit for Recovery

- Suit under order XXXVII of CPC

- b) Suit for Permanent Injunction
- c) Application for temporary injunction, Order XXXIX of CPC
- d) Suit for Specific Performance
- e) Petition for Eviction and fair rent J&K Houses and Shops Rent Control Act

Unit-III General Principles of Criminal Pleadings

- a. Application for bail
- b. Application under section 125 Cr.P.C
- c. FIR – Under section 154 Cr.P.C.

Unit-IV Model Drafts-I

Forms

- i) Notice to the tenant under section 106 of Transfer of Property Act
- ii) Notice under section 80 of CPC
- iii) Reply to notice
- iv) General Power of Attorney
- v) Will
- vi) Agreement to sell
- vii) Sale – Deed
- viii) Suit for dissolution of Partnership
- ix) Petition for grant of probate/letters of Administration
- x) Application for appointment of receiver/Local Commissioner
- xi) Application for compromise of suit
- xii) Application for appointment of Guardian
- xiii) Application to sue as an indigent person under Order 33 CPC
- xiv) Appeal from original decree under order 41 of CPC
- xv) Appeal from orders under order 43 of CPC
- xvi) Revision petition.
- xvii) Review Petition
- xviii) Application under 5 of Limitation Act
- xix) Application for execution

Unit-V Model Drafts-II

- i) Writ Petitions under Art. 32 & 226
- ii) Application under section 148A of CPC
- iii) Compounding of offences by way of compromise under section 320(I) Cr.P.C
- iv) Lease deed
- v) Special power of attorney
- vi) Relinquishment Deed
- vii) Partnership Deed
- viii) Mortgage Deed
- ix) Reference to Arbitration and Deed of Arbitration

- x) Deed of Gift
- xi) Notice under section 434 of the Companies Act
- xii) Notice for specific performance of Contract
- xiii) Complaint

Books Recommended

- (1) Conveyancing – N.S. Bindra
- (2) Conveyancing – A.N. Chaturvedi
- (3) Mogha's Law of Pleading
- (4) Conveyancing – D'Souza

Leading Cases:

1. Brij Mohan and Others V. Sughra Begam & others 1990 4 SCC 147-48.
2. Nana Tuka Ram V. Sona-Bai AIR 1982 Bom 437
3. Sait Tarajee Khim Chand V. Yelamarti Satyam AIR 1971 SC 1865
4. Datatraya V. Rangnath Gopalra Kawatherkar AIR 1971 SC 2548 at 2549.
5. Rama Shanker Pathak V. Collector Central Excise AIR 1971 All. 287 at P.289.
6. K. Appu Kuttan Panicker V. S.K.R. Athapachetliar AIR 1966 Ker.303

Seminar III

Child Law and Juvenile Justice/International Trade Law

Child Law and Juvenile Justice

10th Semester

Max. Marks = 100

Paper V

Time Duration 2 Hours

The paper Child, Law and Juvenile Justice will carry 60 marks for theory examination and 40 marks for the seminar. For the seminar students will be divided into groups and each group will be assigned to a teacher.

The teacher concerned will assign a topic of contemporary relevance to a student/group of students. The student/s shall be required to conduct a field study on the subject and prepare a complete assignment based on his/their observations. He/they will analyse the problem critically and will present it to the concerned teacher.

In his field survey the student will apply various tools of research which are essential for Socio legal research i.e. questionnaire /interview schedule. He will prepare a complete report/ assignment and will submit it to the teacher concerned. After submitting his assignment the student will present his findings before the teacher/Board of examiners on a date to be fixed by the teacher/department. The Board of examiners will be nominated by the HOD in consultation with teacher concerned. The teacher concerned shall be one of the examiners in case the presentation is made before the Board of examiners. The students will have to appear for a viva-voce relating to the assignment before the teacher concerned/ Board of examiners.

The Break-up of marks will be as under:

- | | | |
|----|--------------|----------|
| 1. | Field Wok | 10 marks |
| 2. | Writing | 20 marks |
| 3. | Presentation | 10 marks |

Note: The subject includes a comprehensive and upto date study of various aspects of Child & the Law. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 mark each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. The concept of juvenile Delinquency
 - i) Defining Juvenile Delinquency
 - ii) Scope of juvenile Delinquency

- iii) Delinquent and Status offences
- 2. Genesis of juvenile delinquency with particular reference to the role of following institutions.
 - i) Family functioning
 - ii) Mass Media and violence aggressive delinquent behaviour
 - iii) The school as a delinquency producing Institutions

Unit-2

- 1. Juvenile Delinquency and juvenile Justice Process
 - i) The concept of Juvenile Justice
 - ii) The History and Philosophy of juvenile justice
 - iii) The evolution of Juvenile justice in India starting from the children Acts of 1920 and culminating in the juvenile justice (care and protection of children) Act, 2000
- 2. Definitions of various terms under the Act of 2000;
 - i) Juvenile in conflict with law
 - ii) Child in need of care and protection

Unit-3

- 1. Constitution procedure and powers of juvenile justice Board –Section 14-18 of the Act of 2000
- 2. Bail of juvenile –Section 12

Unit-4

- 1. Constitutions Procedure and powers of child welfare committee- Sections 29 to 33 of the Act of 2000
- 2. Rehabilitation and social reintegration, sections 40-45 of the Act of 2000

Unit-5

- 1. Constitutional Provisions
 - i) Articles 23 and 24 of the constitutions
 - ii) Articles 45 and 47 of the constitution
- 2. Substantive criminal law relating to children: section 82, 83, 299 (explanation 3) 317 and 318.

Recommended Readings

Ved Kumari: A Treatise on Juvenile Justice Act.

N.K Chakraborti: Juvenile Justice

Ahmad Siddiqe: Criminology: Problems and perspectives

Mishra The Code of Criminal Procedure

Pandey: Constitutional Law of India

Pallai: Criminal law

International Trade Law

10th Semester

Max. Marks = 100

Paper V

Time Duration 2 Hours

The paper International Trade Law will carry 60 marks for theory examination and 40 marks for the seminar

The seminar paper will be purely research oriented with a focus on empirical research. The students will be divided into groups depending upon the availability of the teachers. The teacher incharge of the group will assign topic to each student on which research has to be conducted. However, teacher concerned is free to allow joint research. The report will be submitted to the concerned teacher who will after proper certification of the report forward it to the Head of the Department. The Head of the Department will constitute the Board of examiners comprising of the Head of the department, his nominee having specialization in the field and the teacher concerned. The student will be required to secure minimum pass marks in both theory and seminar separately

The break up of the marks shall be as follows:

1. Field work/Research tools and techniques	10 marks
2. Assignment/Project	15 marks
3. Presentation/viva voce	15 marks
Total	40 marks

Note: The subject includes a comprehensive and upto date study of various aspects of International Trade Law. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 1 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

1. Nature & Scope of international Trade Law
2. Formation of the Contract
3. Performance of the Contract
4. Incoterms

Unit-2

1. Frustration of the Contract
2. Acceptance & Rejection of Goods
3. Rights of Unpaid seller

Unit-3

1. Carriage by Sea
2. Marine Insurance
3. Product Liability
4. Licensing

Unit-4

1. Bills of Exchange
2. Letters of Credit
3. Bank Guarantee
4. Collection Arrangements

Unit-5

1. World Trade Organization
2. International Court of Commercial Arbitration
3. Indian Law of Arbitration
4. Enforcement of Arbitral awards & jurisdiction

Recommended Reading

1. Schmithoff: Export Trade Law & Practice
2. Day, D.M & Gritten B; The Law of international Trade
3. Moens, G & Gillies, P: International Trade & Business Law, Policy & Ethics
4. David Tafled: Introduction to the law of International Trade
5. I.L.I The law of International Trade Transactions
6. Arun The WTO in the New Millennium

Public Interest Lawyering, Legal Aid And Para legal Services

Max. Marks = 100
Theory = 80
Simulation Exercises = 20

10th Semester

Paper VI
Time Duration 3 Hours

Note: The subject includes a comprehensive and upto date study of various aspects of Public Interest Lawyering. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section. Part II of the subject shall be of 20 marks to be evaluated by the internal examiner.

PART -I

Unit-1 Legal Aid

Concept, Constitutional Mandate and Historical Perspective

- i) Concept and Constitutional Mandate
- ii) Historical perspective of Legal Aid in (a) India (b) State of Jammu and Kashmir. (Legal Aid to Scheduled Castes and Defence personnel Rules- 1971, 1973, Legal Aid to the Poor Rules- 1984 and 1987

Unit-2

The Jammu and Kashmir Legal Services Authorities Act, 1997

- i) Legal Services Authorities and their powers and Functions.
- ii) Entitlement to Legal Aid –Beneficiaries, Modes and Procedure.
- iii) Working of Legal Services Authorities
- iv) Clinical Legal Education under the Act, Duties of lawyers and Aided persons.

Unit-3

Lok Adalat and other forms of Alternate Dispute Resolution Systems

- ii) Organisation of Lok Adalats, Cognizance of Cases, Awards: procedure and Practice
- iii) Lok Adalats: Procedural and other socio-legal Problems

Unit-4

Legal Aid, Para Legal Services and Clinical Legal Education and Other forms of ADR and their application in J&K.

- i) Clinical Legal Education: Concept and contemporary practices
- ii) Need for Legal Literacy and Para Legal Services
- iii) Role of Lawyers, Law Students and NGO's in Para Legal Services
- iv) Para Legal Service Training

Unit-5

Public Interest Lawyering

- i) Public Interest Litigation in India
- ii) PIL: Consumer and Environmental Protection. Scope of Public Interest Lawyering
- iii) PIL and Public Involvement
- iv) Law Student and PIL : Incentives and Scope of Involvement

Part -II

Simulation exercises

- (a) Lok Adalat, Legal Aid Camp, Legal Literacy Programmes, Clinical Services and services in legal Aid offices
- (b) Legal Research , Case Comments and Editing skills

Recommended Readings

1. Menon, N.R.Madhava Clinical Legal Education (1998)
2. Baxi, Upendra Law and Poverty Critical Essays (1988)
3. Iyer, V.R.Krishna Law and the Urban Poor (1988)
4. Dar, M.Ayub Free Legal Aid Movement in India with special reference to J&K State- LL.M. Dissertation (Department of Law)

Reports

1. Iyer V.R.Krishna Report of the Committee on legal Aid 1973
2. Bhagwati P.N Report of the Committee on legal Aid - Processal Justice-1977

Acts:

- The Legal Services Authorities Act, 1987
The Jammu and Kashmir legal Services Authorities Act, 1997.