

PEOPLE'S EDUCATION SOCIETY'S
DR.AMBEDKAR COLLEGE OF LAW, WADALA, MUMBAI

SYLLABUS

For LL.B. 3yrs Degree Course – 60:40 Pattern

****Distribution of marks (for Act/Topic etc) is referred from Old 100 marks pattern but to be divided proportionately as per the new 60:40 pattern*

FYLLB SEMESTER – I

(All Subjects Compulsory)

Labour Laws

Contract - I

Torts & Consumer Protection Laws

Legal Language

Practical Training - I

Detailed Syllabus:

[1] LABOUR LAWS

- Industrial Disputes Act, 1947 – 40 marks
- MRTU & PULP Act, 1971 – 20 marks
- Industrial Employment (Standing Orders) Act, 1946 – 15 marks
- Employees Compensation Act, 1932 – 15 marks
- Collective Bargaining – 10 marks

[2] CONTRACT – I

(1) Indian Contract Act, 1872 (Sections 1 – 75)

- General Principles of Contract
- Government as a Contracting Party
- Constitutional provisions; government power to contract; procedural requirements; kinds of government contracts; their usual clauses; performance of such contracts; settlements of disputes & remedies.
- Standard Form Contracts

- Nature, advantages – unilateral character, principles of protection against the possibility of exploitation; judicial approach to such contracts; exemption clauses; clash between two standard form contracts.
- Multi-National Agreement

(2) Specific Relief Act, 1963

[3] TORTS & CONSUMER PROTECTION LAWS

- Law of Torts – 70 marks
- Consumer Protection Laws – 30 marks

(1) Introduction to Law of Torts

1. Definition, Nature, Scope & Objects

- Wrongful act – violation of duty imposed by law, duty which is owed to people generally (in rem) – *damnum sine injuria* & *injuria sine damnum*.
- Tort distinguished from crime & breach of contract
- Concept of Unliquidated Damages
- Changing scope of law of torts – expanding character of duties owed to the people generally due to complexities of modern society.
- Objects – prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

2. Principles of Liability in Torts

- Fault
- Wrongful intent
- Negligence
- Liability without fault
- Statutory liability
- Place of motive in torts

3. Justification in Tort

- *Volenti non fit injuria*
- Necessity, private & public
- Plaintiff's default
- Act of God
- Inevitable accident
- Private defence
- Statutory authority
- Judicial & quasi-judicial acts
- Parental & quasi-parental authority

4. Extinguishments of liability in certain situations

- *Actio personalis moritur cum persona* – exceptions
- Waiver & acquiescence
- Release

- Accord & satisfaction
- Limitation

5. Doctrine of sovereign immunity & its relevance in India.

- Vicarious Liability
 - Basis, scope & justification
 - Express authorization
 - Ratification
 - Abetment
- Special Relationships
 - Master & servant – arising out of & in the course of employment; who is master? the control test; who is servant? borrowed servant; independent contractor & servant, distinguished
 - Principal & agent
 - Corporation & principal officer

6. Torts against persons & personal relations

- Assault, battery, mayhem
- False imprisonment
- Defamation – libel, slander including law relating to privileges
- Marital relations, domestic relations, parental relations, master & servant relations
- Malicious prosecution
- Shortened expectation of life
- Nervous shock

7. Wrongs affecting property

- Trespass to land, trespass ab initio, dispossession
- Movable property – trespass to goods, detinue, conversion
- Torts against business interests – injurious falsehood, misstatements, passing off

8. Negligence

- Basic concepts
- Theories of negligence
- Standards of care, duty to take care, carelessness, inadvertence
- Doctrine of contributory negligence
- Res ipsa loquitur & its importance in contemporary law
- Liability due to negligence – different professional
- Liability of common carrier for negligence
- Product liability due to negligence – liability of manufacturers & business houses for their products

9. Nuisance

- Definition, essentials & types
- Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, & interference with light & air.

10. Absolute / Strict liability

- Rule in Rylands v. Fletcher
- Liability for harm caused by inherently dangerous industries

11. Legal remedies

- Legal remedies
- Award of damages – simple, special, punitive
- Remoteness of damage – foresee ability & directness
- Injunction
- Specific restitution of property
- Extra-legal remedies – self-help, re-entry on land, re-capture of goods, distress damage feasant & abetment of nuisance.

(2) Consumer Protection Laws

1. Consumer movements – historical perspectives

- Common law protection – contract & torts
- Consumerism in India – food adulteration, drugs & cosmetics ; essential commodities

2. Consumer – the concept

- General Perspectives
- Statutory & government services – to be included or not?
- Definition & scope – the Consumer Protection Act, 1986 (CPA)
- Who is not a consumer?

3. Unfair Trade Practices

- Misleading & false advertising
- Unsafe & hazardous products
- Disparaging competitors
- Business ethics & business self-regulation
- Falsification of trade marks

4. Consumer of goods

- Meaning of defects in goods
- Standards of purity, quality, quantity & potency
- Statutes – food & drugs, engineering & electrical goods

5. Supply of essential commodities

- Prescribing standards of quality – BIS & Agmark

6. Consumer Safety

- Storing, distribution & handling of unsafe & hazardous products
- Insecticides & pesticides & other poisonous substances

7. Service

- Deficiency – meaning
- Professional services
- Medical services
- How to determine negligence
- Violation of statute

- Denial of medical service – violation of human rights
- Lawyering services – duty-towards-court & duty-to-client dilemma, break of confidentiality – negligence & misconduct.
- Public Utilities ; Supply of electricity
- Telecommunication & postal services
- Housing ; Banking

8. Commercial services

- Hiring
- Financing
- Agency Services

9. Enforcement of Consumer Rights

- Consumer forum under CPA – jurisdiction, powers & functions
- Execution of orders
- Judicial review
- PIL ; Class action
- Remedies
- Administrative remedies

[4] LEGAL LANGUAGE

[INCLUDING LEGAL WRITING & GENERAL ENGLISH]

1) Grammar Usage – 15 marks

- Brief Revision of rules of grammar & punctuation.

2) Comprehension, & Composition & Communication Skills – 20 marks

3) LEGAL MAXIMS – 15 marks

- SALUS POPULI EST SUPREMA LEX = Regard for the public welfare is the highest law.
- REX NON POTEST PECCARE = The king can do no wrong
- AUDI ALTERAM PARTEM = No man shall be condemned unheard
- NEMO DEBET ESSE IUDEX IN PROPRIA SUA CAUSA = No man can be judge in his own cause
- DE MINIMIS NON CURAT LEX = The law does not concern itself about trifles
- QUOD AB INITIO NON VALET IN TRACTU TEMPORIS NON CONVALESCIT = That which was originally void does not by lapse of time become valid.
- UBI IUS IBI REMEDIUM = There is not wrong without a remedy
- IN JURE NON REMOTA CAUSA SED PROXIMA SPECTATUR = In law the immediate, not the remote, cause of any event is regarded
- ACTUS DEI NEMINI FACIT INIURIAM = The law holds no man responsible for the act of God.
- IGNORANTIA FACTI EXCUSAT–IGNORANTIA JURIS NON EXCUSAT = Ignorance of fact excuse – ignorance of law does not excuse
- VOLENTI NON FIT INIURIA = Damage suffered by consent is not a cause of action
- NULLUS COMMODUM CAPERE POTEST DE INIURIA SUA PROPRIA = No man can take advantage of his own wrong
- RES IPSA LOQUITUR = The thing speaks for itself
- ACTUS NON FACIT REUM NISI MENS SIT REA = The intent & the act must both concur to constitute the crime

- NEMO DEBET BIS VEXARI PRO UNA ET EADEM CAUSA = It is a rule of law that a man shall not be twice vexed for one & the same cause
- CESSANTE RATIONE LEGIS CESSAT IPSA LEX = The reason of the law ceasing, the law itself ceases
- ACTA EXTERIORA INDICANT INTERIORA SECRETA = Acts indicate the intention
- DOMUS SUA CUIQUE EST TUTISSIMUM REFUGIUM = Every man's house in his castle
- NEMO EST HAERES VIVENTIS = No one can be heir during the life of his ancestor
- LEGES POSTERIORES PRIORSES CONTRARIAS ABROGANT = Later laws repeal earlier laws inconsistent therewith
- NOVA CONSTITUTIO FUTURIS FORMAM IMPONERE DEBET, NON PRAETERITIS = A new law ought to be prospective not retrospective, in its operation
- NOSCITUR A SOCIIS = The meaning of doubtful word may be ascertained by reference to the meaning of words associated with it
- EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS = The express mention of one thing implies the exclusion of another
- NUNQUAM DAT QUOD NON HABET = No one gives what he does not possess
- CAVEAT EMPTOR = Let purchaser beware
- RESPONDEAT SUPERIOR = Let the principal be held responsible
- VIGILANTIBUS, NON DORMIENTIBUS, IUS SUBVENIUNT = The law assist those who are vigilant, not those who sleep over their rights
- ACTIO PERSONALIS MORITUR CUM PERSONA = A personal right of action dies with the person
- NEMO TENETUR SEIPSUM ACCUSARE = No man can be compelled to criminate himself

4) Legal Concepts – 5 marks

- Law ; Custom ; Justice ; Right ; Duty ; Wrong - Civil Wrong & Criminal Wrong Remedy ; Fact ; Person ; Offence ; State ; Plaintiff ; Complaint ; Suit ; Affidavit ; Judgment ; Appeal ; Review ; Revision ; Reference ; Writ ; Stay order ; Injunction ; Adjournment ; Cause of Action ; Issue ; Charge ; Bail ; Ex Parte ; Discharge ; Acquittal ; Conviction ; Legal heirs ; Legal Representative ; Power of Attorney ; International Law ; Arbitration ; Jurisdiction ; Amicus Curiae.

5) Legislative Materials – 10 marks

- Brief introduction to the various parts of an Act
- Intent - aims & objects
- Short title ; Long title
- Date of Assent ; Date of Commencement
- Section ; Subsection
- Marginal note
- Schedule or Table.
- Exposure to Current Indian Statutes ; AIR Manual Civil Court Manual ; Criminal Court Manual ; Maharashtra Local Acts ; Gazette of India ; Maharashtra State Gazette.

****Above concepts to be studied with reference to the following Acts :**

- (i) Maternity Benefit Act, 1961
- (ii) Medical Termination of Pregnancy Act, 1971
- (iii) Protection of Human Rights Act

6) Judicial Material – 10 marks

- Introduction to precedent - Ratio
- Cases for study (Facts ; Issues ; Arguments ; Judgement)

- (i) M.C. Mehta v. Union of India, AIR 1987 SC 965
- (ii) Vishakha & Ors. v. State of Rajasthan & Ors., AIR 1997 SC 3011
- (iii) D.K. Basu v. State of West Bengal, 1997 (1) SCC 416

7) Official Reports (Specified Law Reports) – 10 marks

- Exposure to official Reports & Private Reports ; Supreme Court Reports ; Indian Law Reports; All India Reporter ; All India High Court cases ;Judgement Today Bombay Law Reporter ; Bombay cases Reporter ; Maharashtra Law Journal ; Supreme Court cases ; Criminal Law Journal ; Labour & Industrial cases ; Company cases ; Madras Law Journal ; All Maharashtra Law Reporter Marriage & Divorce cases ; Consumer. All England Law Reporter.

8) Journals, Periodicals & Law Magazines & Abbreviation – 5 marks

- Exposure to Lawyers collective insight ; One India One People ; Journal of the Indian Law Institute ; India Bar Review ; The Indian Advocate, Journal of the Bar Council of India ; India Quarterly ; Modern Law Review ; Law Quarterly Review.

9) Citations & References – 5 marks

- Importance of citations
- Understanding a given citation
- Citations in respect of official Reports & specified Law reports (listed earlier)
- Standard References in respect of the various Laws & Acts taught at LL.B. & Legal Dictionaries.

10) Search of Case Law – 5 marks

[5] PRACTICAL TRAINING – I

- (i) Professional Ethics
- (ii) Advocacy for Lawyers
- (iii) Bar Bench relations
- (iv) The Contempt Law & Practice
- (v) Selected opinions of the Disciplinary Committee of Bar Councils & Major Judgements of the Supreme Court on the subject.

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FYLLB SEMESTER – II

(All Subjects Compulsory)

Law of Crimes

Constitutional Law

Family Law - I

Environmental Laws

DPC - I (Drafting, Pleading & Conveyancing)

Detailed Syllabus:

[1] LAW OF CRIMES

(1) CRIMINAL JURISPRUDENCE

1. Administration of Justice

- What is administration of justice?
- Necessity for administration of justice
- Historical background to administration of justice
- Difference between civil & criminal justice

2. Elements of Criminal Liability

- Nature of Criminal Liability
- Mens rea & its importance – Intention, Knowledge, Negligence
- Doctrine of Mens Rea under the IPC
- Exceptions of Mens Rea
- Vicarious liability in crimes
- Actus reus
- Act & omission
- Injury to another

3. Sources of Crime

4. Stages of Crime

- Intention
- Preparation
- Attempt
- Commission of Crime

5. Theories of Punishment

- Deterrent
- Preventive
- Retributive
- Reformative
- Compensation

6. Kinds of Punishment

- Death Sentence
- Social Reference of Capital Punishment
- Alternative to Capital Punishment
- Imprisonment – Simple ; Rigorous ; For Life ; Solitary Confinement
- Forfeiture of Property
- Fine
- Sentencing Discretion

(2) INDIAN PENAL CODE 1860

[2] CONSTITUTIONAL LAW

1. Historical & Constitutional developments between 1858-1947

- Framing of Indian Constitution.
- Nature & Features
- A broad over-view of the Constitution of India, 1950.
- Historical genesis of Indian Constitution should be part of the syllabus particularly the transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle, Indian Independence Act, 1947 & the drafting of our constitution.

2. Fundamental Rights & Judicial Activism

- Equality & Social Justice (Arts.14-18 & Part IV & Part XVI)
- Secularism & religious freedoms
- Life, Liberty other rights & freedoms

3. Directive Principles & Fundamental Duties (Parts IV, IVA)

4. Indian Federalism

- Idea of federalism
- Indian federal features – strong centre; co-operative spirit ; centre relations
- Special status to J & K (Parts XI, XII, XIII, XIV, XXI)

5. Indian Parliament – Nature, Composition, powers & privileges & State Legislatures.

6. Cabinet form of Govt

- Parliamentary form at the Centre & States – Head of State ; Council of Ministers
- Attorney General & Advocate generals

7. Indian Judiciary

- Supreme Court & High Courts - Composition, Powers
- Judicial Independence – subordinate courts

8. Law making under Indian Constitution

- Kinds of bills, passing of bills, Ordinances Citizenship Act 1955, Representation of peoples Act 1951, Comptroller & Auditor Generals Act, 1971
- Legislation made in pursuance of the constitution like the Bonded Labour Abolition Act ; Civil Rights Protection, Act, 1955 ; Scheduled Castes & Scheduled Tribes (Prevention of atrocities) Act, 1989 should be duly referred to.

***Considering the vastness & the never-ending growth of constitutional law, topic wise discussion will be more suited. Topics in the syllabus & discussion in the classroom should compel the students to study the entire constitution on their own.*

9. Emergency (Part XVIII) – Kinds, Legal requirements, Legal effects

10. Amendment & the Basic Structure Doctrine (Part XX)

11. Services under Indian Constitution (Part IV)

- Services under Union / State – All Indian Services
- Doctrine of pleasure & exceptions

12. Democracy & Election Commission of India (Part XV)

13. Introduce the following –

- 1) Civil Rights Protection Act, 1955
- 2) Citizenship : Part II
- 3) Parts IX, IX A, X Panchayats, Municipalities & Scheduled & Tribal Areas
- 4) Part XIV A Tribunals (Covered in administrative Law, Semester III)
- 5) Part XVII official language
- 6) Part XIX Miscellaneous

[3] FAMILY LAW – I

(1) Mohammedan Law - 35 marks

- 1) Sources
- 2) Schools
- 3) Shariat Act, 1937
- 4) Marriage
- 5) Dower
- 6) Divorce
- 7) Maintenance
- 8) Legitimacy & Parentage
- 9) Guardianship

(2) Indian Divorces Act & Christian Marriage Act - 15 marks

(3) Indian Succession Act (Sections 1 to 166 only) - 35 marks

(4) Parsi Marriage & Divorce Act - 15 marks

[4] ENVIRONMENTAL LAWS

1. Concept of environment & pollution or introduction to problem of Environmental protection.

- 1) Environment
- 2) Meaning & contents
- 3) Pollution
- 4) Meaning
- 5) Kinds of Pollution
- 6) Causes of pollution
- 7) Effects of pollution

2. Constitutional provisions regarding environmental protection including

- 1) Directive principles
- 2) Fundamental rights & duties
- 3) Right to clean & healthy environment
- 4) Right to education
- 5) Right to information

3. Environmental protection under the general Laws:

- Nuisance, Penal Code, Procedural Code

4. General introduction the enforcing agencies & remedies –

- 1) Courts
- 2) Tribunals

5. Polluter Pays principle – Public liability insurance

6. Precautionary Principle

7. Sustainable development

8. Water Pollution Act, 1974 & Air Pollution Acts, 1981

- 1) Meaning & Air Standards
- 2) Culprits & victims
- 3) Procedures for sampling
- 4) Formation of Boards & their functions or Protection agencies: their powers & functions
- 5) Offences & penalties
- 6) Judicial approach

9. Noise Pollution

10. Environmental Protection Act, 1986

11. Bio Medical waste 12. Hazardous Waste

13. Environment Impact Assessment

14. Coastal Zone Management

15. Environmental Audit & Eco Mark

16. Disaster Emergency Preparedness

17. Town & Country Planning

18. Forest

- 1) Greenery conservation laws
- 2) Forest conservation
- 3) Conservation agencies

19. Wild life Protection Act, 1972

- 1) Sanctuaries & national parks
- 2) Licensing of zoos & parks
- 3) State monopoly in the sale of wild life & wild life
- 4) Offences against wild life

20. International Regime

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

[5] DPC – I (Drafting, Pleading & Conveyancing)

1. Letter of obtaining permission from a statutory authority
2. Letter of Atornment
3. Accountable Receipt
4. Promissory Note
5. Affidavit for change of name
6. Declaration
7. Adjournment Application in criminal matters
8. Vakalatnama for High Court
9. Vakalatnama for City Civil Court / District Court
10. Schedule of Property
11. RTI Application
12. Will
13. Codicil
14. General Power of Attorney
15. Special Power of Attorney

SYLLB SEMESTER – III

(All Subjects Compulsory)

Administrative Law

Family Law - II

Transfer of Property & Easement Act

Company Law

Practical Training - II

Detailed Syllabus:

[1] ADMINISTRATIVE LAW

- 1) Evolutions, Nature & Scope of Administrative Law
 - Form a Laissez - faire to a social welfare state
 - State as regulator of private interest
 - State as provider of services
 - Other functions of modern state: relief, welfare
- 2) Evolution of administration as the fourth branch of government necessity for delegation of powers on administration.
- 3) Evolution of agencies & procedures for settlement of disputers between individual & administration.
 - Regulatory agencies on the United States

- Conseil d'Etat
- Tribunalization in England & India
- 4) Definition & scope of administrative law
- 5) Relationship between constitutional law & administrative law
- 6) Separation of powers
- 7) Rule of law

2. Civil Service in India

- 1) Nature & organization of civil service: from colonial relics to democratic aspiration
- 2) Powers & functions
- 3) Accountability & responsiveness: problems & perspectives
- 4) Administrative deviance – corruption, nepotism, mal-administration.

3. Legislative Powers of Administration

- 1) Necessity for delegation of legislative power
- 2) Constitutionality of delegated legislation – powers of exclusion & inclusion & power to modify statute.
- 3) Requirements for the validity of delegated legislation.
 - Consultation of affected interests & public participation in rule-making.
 - Publication of delegated legislation.
- 4) Administrative directions, circulars & policy statements.
- 5) Legislative control of delegated legislation.
 - Laying procedures & their efficacy.
 - Committees on delegated legislation – their constitution, function & effectiveness.
 - Hearings before legislative committees.
- 6) Judicial control of delegated legislation.
- 7) Sub-delegation of legislative powers.

4. Judicial Powers of Administration

- 1) Need for devolution of adjudicator authority on administration.
- 2) Administrative tribunals & other adjudicating authorities : their ad-hoc character.
- 3) Tribunals – need, nature, constitution, jurisdiction & procedure
- 4) Jurisdiction of administrative tribunals & other authorities
- 5) Distinction between quasi-judicial & administrative functions.
- 6) The right to hearing – essentials of hearing process
 - No man shall be judge in his own cause
 - No man shall be condemned unheard
- 7) Rule of evidence – no evidence, some evidence & substantial evidence rules.
- 8) Reason Decisions
- 9) The right to counsel.
- 10) Institutional decisions
- 11) Administrative appeals

5. Judicial Control of Administrative Action

- 1) Exhaustion of administrative remedies
- 2) Standing: standing for Public interest litigation (social action litigation) collusion, bias.
- 3) Laches
- 4) Res judicata
- 5) Grounds

- Jurisdictional error / ultra vires
- Abuse & non exercise of jurisdiction
- Error apparent on the face of the record
- Violation of principles of natural justice.
- Violation of public policy
- Unreasonableness
- Legitimate expectation.

6) Remedies in judicial Review:

- Statutory appeals
- Mandamus
- Certiorari
- Prohibition
- Quo-Warranto
- Habeas Corpus
- Declaratory judgments & injunctions
- Specific performance & civil suits for compensation.

6. Administrative discretion

- Need for administrative discretion
- Administrative discretion & rule of law
- Limitations on exercise of discretion
- Malafide exercise of discretion
- Constitutional imperative & use of discretionary authority
- Irrelevant considerations
- Non-exercise of discretionary power

7. Liability for Wrongs (Tortious & Contractual)

- Tortious liability – sovereign & non-sovereign functions.
- Statutory immunity
- Act of state
- Contractual liability of government.
- Government privilege in legal proceedings – state secrets, public interest
- Transparency & right to information
- Estoppels & waiver

8. Corporations & Public Undertakings

- State monopoly-remedies against arbitrary action or for acting against public policy
- Liability of public & private corporations – departmental undertakings
- Legislative & governmental control.
- Legal remedies
- Accountability – Committee on Public Undertaking, Estimates Committee etc.

9. Informal Methods of Settlement of Disputes & Grievance Redressal Procedures

- Conciliation & mediation through social action groups
- Use of media, lobbying & public participation
- Public inquiries & commissions of inquiry
- Ombudsman – Lok Pal, Lok Ayukta

- Vigilance Commission
- Congressional & Parliamentary Committees

[2] FAMILY LAW - II

1. Marriage & Kinship

- 1) Evolution of the institution of marriage & family.
- 2) Role of religious rituals & practices in moulding the rules regulating to marital relations.
- 3) Types of family based upon.
 - Lineage – patrilineal, matrilineal
 - Authority structure patriarchal & matriarchal
 - Location- patrilocal & matrilocal
 - Number of conjugal units-nuclear, extended, joint & composite.
- 4) Emerging concepts – maitri sambandh & divided home.

2. Customary practices & State regulation

- 1) Polygamy
- 2) Concubinage
- 3) Child marriage
- 4) Sati
- 5) Dowry

3. Conversion & its effect on family

- 1) Marriage
- 2) Adoption
- 3) Guardianship
- 4) Succession

4. Joint Family

- 1) Mitakshara joint family
- 2) Mitakshara coparcenary-formation & incidents
- 3) Property under Mitakshara law-separate property & coparcenary property.
- 4) Dayabhaga coparcenary-formation & incidents
- 5) Property under Dayabhaga law.
- 6) Karta of the joint family-his position, powers, privileges & obligations.
- 7) Alienation of property-separate & coparcenary
- 8) Debta-doctrines of pious obligations & antecedent debt.
- 9) Partition & re-union.
- 10) Joint Hindu family as a social security institution & impact of Hindu Gains of Learning Act & various tax laws on it.
- 11) Matrilineal joint family.

5. Inheritance

- 1) Hindus
 - Historical perspective of traditional Hindu law as a background to the study of Hindu succession Act 1956.
 - Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.

- Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
 - Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
 - Disqualification relating to succession
 - General rules of succession
 - Marumakkattayam & Aliyasantana laws governing people living in Thiruvananthapuram, Cochin & other districts of Malabar & South Kanara.
- 2) General rules of succession & exclusion from succession.
 - 3) Classification of heirs under Hanafi & Ithna Ashria schools & their shares & distribution of property.
 - 4) Christians, Parsis & Jews

6. Matrimonial Remedies

- 1) Non-judicial resolution of marital conflicts.
 - Customary dissolution of marriage-unilateral divorce, divorce by mutual consent & other modes of dissolution,
- 2) Judicial resolution of marital conflicts – the family court
- 3) Nullity of marriage
- 4) Option of puberty – Condition of Valid Marriage – Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given.
- 5) Restitution of conjugal rights
- 6) Judicial separation
- 7) Desertion a ground for matrimonial relief
- 8) Cruelty – a ground for matrimonial relief
- 9) Adultery – a ground for matrimonial relief
- 10) Other grounds for matrimonial relief
- 11) Bar to matrimonial relief:
 - Doctrine of strict proof
 - Taking advantage of one's own wrong or disability
 - Accessory
 - Connivance
 - Collusion
 - Condonation
 - Improper or unnecessary delay
 - Residuary clause-no other legal ground exists for refusing the matrimonial relief.

7. Alimony & maintenance

- 1) Alimony & maintenance as an independent remedy – a review under different personal laws – need for reforming the law.
- 2) Alimony & maintenance as an ancillary relief.

8. Child & the Family

- 1) Legitimacy
- 2) Adoption
- 3) Custody, maintenance & education
- 4) Guardianship & parental rights – welfare of the child principle.

9. Family & its changing pattern (looked from Socio-Economic view Point)

- 1) New emerging trends:

- 2) Attenuation of family ties
- 3) Working women & their impact on spousal relationship: composition of family, status & role of women.
- 4) New property concepts, such as skill & job as new forms of property.
- 5) Factors affecting the family: demographic, environmental, religious & legislative.
- 6) Processes of social change in India: sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization & urbanization.

10. Settlement of spousal property – Need for development of law

11. Establishment of family Courts

- 1) Constitution, power & functions
- 2) Administration of gender justice

12. Uniform Civil Code

- 1) Religious pluralism & its implications.
- 2) Connotations of the directive contained in Article 44 of the Constitution.
- 3) Impediments to the formulation of the Uniform Civil Code
- 4) The idea of Optional Uniform Civil Code.

[3] TRANSFER OF PROPERTY ACT & EASEMENT ACT

- Jurisprudential Controls of Property and Law relating to Transfer of Property Act, 1882 – 85 marks
- Easement Act, 1882 – 15 Marks

(1) Jurisprudential Controls of Property

- 1) Concept & meaning of property.
- 2) Kinds of property – movable & immovable property – tangible & intangible property – intellectual property – copyright-patents & designs- trademarks– geographical indications.

(2) Law Relating to Transfer of Property Act

- 1) General principles of transfer of property
- 2) Specific transfers
- 3) Sales
- 4) Mortgages
- 5) Charges
- 6) Leases
- 7) Exchange
- 8) Gifts
- 9) Actionable claims

(3) Easement Act

- 1) Nature, characteristics & extinction
- 2) Creation of easements
- 3) Riparian rights
- 4) Licenses

[4] COMPANY LAW

1. Meaning of Corporation

- 1) Theories of corporate personal
- 2) Creation & extinction of corporations.

2. Forms of Corporate & Non-Corporate Organisation

- 1) Corporations, partnerships & other associations of persons, state corporations, Small scale, co-operative, corporate & joint sectors.
- 2) Kinds of Companies - Public Companies – Private Companies-nature & advantages – Government Companies Holding & Subsidiary Companies.

3. Law relating to companies – public & private (Companies Act, 2013)

- 1) Need of company for development ; formation of company ; registration & incorporation.
- 2) Memorandum of association – various clauses ; alteration therein; doctrine of ultravires.
- 3) Articles of association – binding force ; alteration ; its relation with memorandum of association ; doctrine of constructive notice & indoor management ; exceptions.
- 4) Prospectus – issue ; contents ; liability for misstatements ; statement in lieu of prospectus ; shell prospectus.
- 5) Promoters – position ; duties & liabilities.
- 6) Shares – general principles of allotment ; statutory restrictions ; share certificate ; its objects & effects ; transfer of shares ; restrictions on transfer-procedure for transfer ; refusal of transfer ; role of public finance institutions ; relationship between transferor & transferee ; issue of shares at premium & discount ; depository receipts ; dematerialized shares (DEMAT); Buy-back of shares.
- 7) Shareholder – who can be & who cannot be a shareholder ; modes of becoming a shareholder ; calls on shares ; forfeiture & surrender of shares ; lien on shares.
- 8) Share capital – kinds ; alteration & reduction of share capital ; further issue of capital ; conversion of loans & debentures into capital ; duties of courts to protect the interests of creditors & shareholders.
- 9) Directors – position ; appointment ; qualifications ; vacation of office ; removal ; resignation ; powers & duties of directors ; loans ; remuneration of directors ; role of nominee directors ; managing directors ; other managerial personnel ; compensation for loss of office.
- 10) Meetings – kinds ; procedure ; voting
- 11) Dividends – Meaning ; payment ; capitalization ; profit.
- 12) Audit & accounts
- 13) Borrowing powers – effect of unauthorised borrowing ; charges & mortgages ; loans to other companies ; investments ; contracts by companies
- 14) Debentures – meaning ; fixed & floating charge ; kinds of debentures ; shareholder & debenture holder ; remedies of debenture holders
- 15) Majority powers – Protection of minority rights
- 16) Prevention of oppression & mismanagement - who can apply ? ; Powers of the company ; the court & the central government
- 17) Investigation – powers
- 18) Reconstruction & amalgamation
- 19) Winding Up – types ; by court ; reasons ; grounds ; who can apply ; procedure ; powers of liquidator ; powers of court ; liability of past members-payment of liabilities ; preferential payment, unclaimed dividends ; winding up of unregistered company ; Defunct Company ; consequences of winding up order ; voluntary winding up by members & creditors ; winding up subject to supervision of courts.

4. Law & Multinational Companies

- 1) International norms for control.
- 2) National law FEMA (Foreign Exchange Management Act, 1999) controls joint – ventures – investment of India – repatriation of project.
- 3) Collaboration agreements for technology transfer.

5. Corporate Liability

- 1) Legal liability of companies – civil & criminal
- 2) Remedies against companies – civil, criminal & tortuous – Specific Relief Act, writs liability under special statutes.

***All Latest Amendments of the Act must be studied by referring the latest editions of books.*

[5] PRACTICAL TRAINING – II

- (i) Public Interest Litigation
- (ii) Legal Services Authorities Act 1987
- (iii) Legal Aid Services
- (iv) Para Legal Training and Legal Literacy
- (v) Visit to Law General Office & Solicitor's firm
- (vi) Case Comment

SYLLB SEMESTER – IV

Compulsory Subjects

Jurisprudence

Contract - II

Land Laws

DPC - II

Optional Subjects (Choose any 1 out of 3)

Criminology & Correctional Administration

Taxation laws

Bankruptcy laws

Detailed Syllabus:

Compulsory Subjects

[1] JURISPRUDENCE

1. Introduction

- 1) Meaning of the term jurisprudence
- 2) Norm & the normative system
 - Different types of normative system such as of games, languages, religious orders, unions, clubs & customary practice.
 - Legal system as a normative order similarities & differences of the legal system with order normative system.
- 3) Nature & definition of law

2. Schools of Jurisprudence

- 1) Analytical positivism
- 2) Natural law
- 3) Historical school
- 4) Sociological school
- 5) Economic interpretation of law
- 6) The Modern PIL, social justice, compensatory jurisprudence
- 7) The Bharat jurisprudence
- 8) The Ancient : the concept of 'Dharma'

3. Purpose of Law

- 1) Justice
 - Meaning & kinds
 - Justice & law approaches of different schools
 - Power of the Supreme Court of India to do complete justice in a case, Article 147.
 - Critical studies
- 2) Feminist jurisprudence

4. Sources of Law

- 1) Legislation
- 2) Precedents – concept of stare decisis
- 3) Customs
- 4) Juristic Writings

5. Legal Rights

- 1) The concept
- 2) Kinds of rights
- 3) Right – Duty : correlation

6. Person

- 1) Nature of personality
- 2) Status of the unborn, minor, lunatic drunk & deaf persons
- 3) Corporate personality
- 4) Dimensions of the modern legal personality Legal personality of non-human beings.

7. Possession

- 1) The concept
- 2) Kinds of possession

8. Ownership

- 1) The concept

- 2) Kinds of ownership
- 3) Difference between possession & ownership

9. Title

10. Property

[2] CONTRACT - II

- (1) Indian Contract Act, 1872 (sections 124-238) – 40 Marks
- (2) Indian Partnership Act, 1932 – 30 Marks
- (3) Sale of Goods Act, 1930 –30 Marks

[3] LAND LAWS

- (1) Central Legislations – 20 Marks
- (2) State Legislations – 80 marks

****Only the below mentioned sections are considered in the syllabus.**

(1) Central Legislations

- 1) Indian Registration Act, 1908
 - Compulsory Regn. Of Documents – S.17
 - Optional Regn. Of Documents – S.18
 - Time for Regn. Of Documents – S.23
 - Delay in Regn. Of Documents – S.25
 - Time from which Regd. Document operates – S.47
 - Effect of Non-Regn. Of documents required to be registered – S.49
- 2) Environment (Protection) Act, 1986
 - Section 3
 - Concept of CRZ (Coastal Regulation Zone)
- 3) Urban Land (Ceiling & Regulation) Act, 1976
 - Definitions
 - Ceiling Limit – S.4
 - Power to Exempt & Schemes – S.20,21,22
- 4) Land Acquisition Act, 1984
 - Definitions
 - Acquisition – S.4 to 17
 - Reference to Court – S.4 to 28A
- 5) The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

(2) State Legislations

- 1) Maharashtra Land Revenue Code, 1966
 - Use of Land – S.41 to 54A
 - Record of Rights – S.147 to 167
 - Appeals, Revision & Review – S.246 to 259

- Special Provisions for Land Revenue in the City of Bombay – S.260 to 307
- 2) Bombay Tenancy & Agricultural Lands Act, 1948
 - Definitions
 - Restriction on Transfer of Agricultural Lands – S.63 to 66
 - 3) Maharashtra Regional Town Planning (MRTP) Act, 1966
 - Definitions
 - Control of Development – S.43 to 51
 - Unauthorised Development – S.52 to 58
 - Land Acquisition – S.125 to 129
 - 4) Maharashtra Housing Area Development Authority Act, 1976.
 - Definitions
 - Repairs & Reconstruction of Dilapidated buildings – S.74 to 103.
 - Acquisition of Cessed Properties – Chapter VIII A
 - 5) Development Control Regulations, 1991 for Mumbai
 - Concept F.S.I. (Floor Space Index)
 - Concept of T.D.R. (Transfer of Development Rights)
 - 6) Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961
 - Definitions
 - Sections – 3 to 19, 21, 33, 45, 47
 - 7) Maharashtra Stamp Act, 1958 (formerly Bombay Stamp Act) – 2015 amendment
 - Definitions
 - Sections – 3 to 7, 9 to 15, 31 to 36, 47 to 52
 - 8) Maharashtra Rent Control Act, 1999
 - Sections – 1 to 24

[4] DPC – II

1. Public Notice
2. Agreement for Sale
3. Sale Deed
4. Simple Mortgage
5. English Mortgage
6. Lease Deed
7. Exchange Deed
8. Gift Deed
9. Leave & Licence Agreement
10. Partnership Deed
11. Franchise Agreement
12. Indemnity Bond
13. Board Resolution
14. Memorandum of Understanding
15. Confidentiality Agreement
16. Registration of Documents

Optional Subjects (Choose any 1 out of 3)

[5.a] CRIMINOLOGY & CORRECTIONAL ADMINISTRATION

1. Dimensions of Crime in India

- 1) Nature & orient of crime in India
 - General approaches to come control
- 2) Crimes of the powerful
 - Organised crimes – smuggling narcotics
 - White collar crime – corruption in public life
 - Socio-Economic crime – adulteration of foods & drugs, fraudulent trade practice
 - Crimes in the profession – medical, legal, engineering
 - Commonality by agencies of the state
- 3) Perpetrators of ordinary crime
 - Situational criminal
 - Chronic offender
 - Criminality & women
 - Young offenders
 - Criminal gangs
 - Cyber Crimes

2. Causes of Criminal Behaviour

- 1) Nature of the problem – some unscientific theories
- 2) The constitutional School of Criminology – Lombroso & others (heredity and mental retardation as causes of crime)
- 3) Sociological theories Anomies
- 4) Modern sociological theories – Sutherland's differential association theory, Reckless social vulnerable theory
- 5) Economic theories & their relevance
- 6) Environment home & community influences, urban & rural crimes
- 7) The ghetto, broken homes, the effect of motion pictures, T.V., video, press, narcotics & alcohol.
- 8) Caste & community tensions, caste wars & communal riots – their causes, demoralising effects, atrocities against scheduled castes/tribes.
- 9) Emotional disturbance & other psychological factors
- 10) Multiple causation approach to crime

3. Police & the Criminal Justice

- 1) The police system
- 2) Structural organization of police at the centre & the states
- 3) Mode of recruitment & training
- 4) Powers & duties of police under the police acts, Criminal Procedure Code and other laws.
- 5) Arrest, search & seizure & constructional imperatives
- 6) Methods of police investigation
- 7) Third degree methods
- 8) Corruption in police
- 9) Relationship between police & prosecution
- 10) Liability of police for custodial violence
- 11) Police public relations

12) Select aspects of National Police Commission report

4. Punishment of Offenders

- 1) Some discarded modes of punishment
 - Corporal punishment ; whipping & flogging ; mutilation and branding
 - Transportation
 - Public execution
- 2) Punishments under the Indian criminal law
 - Capital Punishment
 - Imprisonment
 - Fine
 - Cancellation or withdrawal of licences
- 3) Prison System
 - Administrative organization of prisons
 - Mode of recruitment & training
 - Jail Manual
 - Powers of prison officials
 - Prisoners classification – male, female ; juvenile & adult ; under trial & convicted prisoners
 - Constitutional imperatives & prison reforms
 - Prison management – prisoner’s right & security compulsions.
 - Open prisons
 - Prison labour
 - Violation of prison code & its consequences.
- 4) Appraisal of imprisonment as a mode of punishment

5. Victimology

- 1) Demographic characteristics of the victims
- 2) Compensation to the victims
- 3) Rehabilitation

6. Treatment or Correction of Offenders

- 1) The need for reformation & rehabilitation of offenders undergoing punishment/imprisonment.
- 2) Classification of offenders through modern diagnostic techniques
- 3) The role of psychoanalysts & social workers in the prison
- 4) Vocational & religious education & apprenticeship programmes for the offenders.
- 5) Group counselling & re-socialisation programmes
- 6) Prisoners’ organizations for self-government.
- 7) Participation of inmates in community services
- 8) An appraisal of reformative techniques
- 9) Efficacy of imprisonment as a measure to combat criminality & the search for substitutes.

7. Re-socialisation processes

- 1) Parole
 - Nature of parole
 - Authority for granting parole
 - Supervision of parolees
 - Parole & conditional release
- 2) Release of the offender
 - Problems of the released offender

- Attitudes of the community towards released offender
- Prisoner & societies & other voluntary organizations
- Governmental action
- An appraisal

[5.b] TAXATION LAWS

- Income Tax Act, 1961 – 55 marks
- Wealth Tax Act, 1957 – 15 marks
- Bombay Sales Tax Act, 1959 – 15 marks
- Central Sales Tax, 1956 – 15 marks

[5.c] BANKRUPTCY LAWS

1. Introductory

- 1) Concept – inability to pay debt
- 2) Comparative perspectives
 - England – Insolvency Act, Bankruptcy Act
 - United States of America
- 3) India – concurrent jurisdiction the central & state legislation

2. Insolvency jurisdiction

- 1) Courts
- 2) Powers of court

3. Acts of Insolvency

- 1) Transfer of property to a third person for benefit of creditors generally
- 2) Transfer with intent to defeat creditors
- 3) Fraudulent preferences in transfer of property
- 4) Absconding with intent to defeat the creditors
- 5) Sale of property in execution of decree of court
- 6) Adjudication of insolvent
- 7) Notice to creditors about suspension of payment of debt.
- 8) Imprisonment in execution of a decree of a court
- 9) Notice by creditor

4. Insolvency petition

- 1) By creditor
- 2) By debtor
- 3) Contents of the petition
- 4) Admission
- 5) Procedure

5. Appointment of interim receiver

6. Interim proceedings against the debtor

7. Duties of Debtors

8. Release of debtor
9. Procedure at hearing
10. Dismissal of petition filed by a creditor
11. Order of adjudication
 - 1) Effect
 - 2) Publication of order
12. Proceedings, consequent on order of adjudication
 - 1) Protection order from arrest or detention
 - 2) Power to arrest after adjudication per attempt abscond
 - 3) Schedule of creditors
 - 4) Burden of creditors to prove the debt.
13. Annulment of adjudication
 - 1) Power annul & Effect
 - 2) Failure to apply for discharge
14. Post adjudicatory scheme for satisfaction of the debt
15. Discharge of debtor
16. Effect of insolvency on antecedent transaction
 - 1) On rights of creditor under execution
 - 2) Duties of court executing decree on the property taken in execution
 - 3) Avoidance of voluntary transfer & avoidance of preference
17. Realization or property
 - Appointment of receiver ; duties & powers ; appeal against receiver
18. Distribution of property
 - 1) Priority of debts
 - 2) Dividends
19. Offences by debtors
20. Disqualification of insolvent
21. Appeal
22. Indigent persons – Suit by indigent persons
23. Chapter XI (Bankruptcy Law of USA)

TYLLB SEMESTER – V

(All Subjects Compulsory)

CPC

CrPC

Interpretation of Statutes

Public International Law & Human Rights

Practical Training – III

Detailed Syllabus:

[1] CPC

- Civil Procedure Code – 85 Marks
- Indian Limitation Act – 15 Marks

[2] CrPC

- Criminal Procedure Code, 1973 – 70 Marks
- Juvenile Justice Care & Protection of Children Act, 2000 – 15 Marks
- Probation of Offenders Act, 1958 – 15 Marks

[3] INTERPRETATION OF STATUTES

1. Introduction

- 1) Meaning of the term 'statute'
- 2) Commencement, operation & repeal of statutes.
- 3) Purpose of interpretation of statutes.

2. Aids to interpretation

1) Internal Aids

- Title
- Preamble
- Headings & marginal notes.
- Sections & sub sections.
- Punctuation marks.
- Illustrations, inceptions, provision & saving clauses.
- Schedules.
- Non obstante Clause.

2) External Aids

- Dictionaries
- Translations

- R Travaux preparation
- Statutes in para
- Contempronea expositus
- Debates, inquiry commission reports & law commission reports.

3. Rules of Statutory Interpretation:

- 1) Primary rules.
- 2) Literal rule
- 3) Golden rule.
- 4) Mischief rule.
- 5) Rule of harmonious construction.
- 6) Secondary rule.
- 7) Noscitor a solics.
- 8) Ejusdem generis
- 9) Reddendo Sangula Singulis

4. Presumptions in Statutory interpretation:

- 1) Statutes are valid.
- 2) Statutes are territorial in operation.
- 3) Presumption as to jurisdiction.
- 4) Presumption as to what is inconvenient or absurd
- 5) Presumption against intending injustice
- 6) Presumption against impairing obligation of permitting advantage from once own wrong.
- 7) Prospective operation of statutes.

5. Maxims of statutory interpretation

- 1) Delegatus non - protest delegate.
- 2) Expressio Unius, Exclusio alterius.
- 3) In pari delecto potior est conditio possidentis.
- 4) Ulters valet potior est conditio possidentis.
- 5) Expressum facit ussure tactittum.
- 6) Generalis specialibus non derogant.
- 7) In bonam partem.

6. Interpretation with reference to the subject matter & the purpose.

- 1) Restrictive & beneficial construction.
- 2) Taxing structures.
- 3) Penal statutes.
- 4) Welfare legislation.
- 5) Interpretation of directory & mandatory provisions
- 6) Interpretation of substantive & adjunctive statutes.
- 7) Interpretation of enabling statutes.
- 8) Interpretation of statutes conferring rights
- 9) Interpretation of statutes conferring powers.

7. Principles of constitutional interpretation:

- 1) Harmonious construction.
- 2) Doctrine of pith & substance.
- 3) Colourable legislation.

- 4) Ancillary Powers.
- 5) Occupied field.
- 6) Residuary power.
- 7) Doctrine of prospective overruling.
- 8) Doctrine of repugnancy.
- 9) Doctrine of eclipse.

8. General Clauses Act

[4] PUBLIC INTERNATIONAL LAW & HUMAN RIGHTS

- Human Rights – 30 marks
- Public International Law – 30 marks
- Human Rights in International Law – 40 marks.

(1) Human Rights

1. National view on the basis of the Indian constitution & judicial expositions.
2. Human Rights & Child Abuse
3. Human Rights & Women
4. Human Rights & Workers
5. Human Rights & Accused Convicts & Prisoners.
6. Human Rights & Environment

(2) Public International Law

1. Introduction
2. Custom
3. Treaties
4. State territories
5. Recognition of States & government
6. Law & practice of treaties
7. The Law of Sea

(3) Human Rights in International Law

1. Theoretical Foundation, Human Rights & International Law.

- Basic principles
- Sovereign equality of states, non intervention, non use of force
- Peaceful settlement of dispute
- Individuals as subjects of international law.
- Treatment of aliens.

2. Historical development of human rights

- Human rights in Indian tradition & western tradition
- U.N. & Human Rights.
- Covenant on political & civil rights (1948)
- Covenant on Economic, Social, & cultural rights.

- ILO & other conventions & protocols dealing with human rights.
- International HR commission.
- Mandates to state
- Right to development.
- Role to regional organizations – European & American convention on human rights.

3. Protection agencies & mechanism:

- 1) International Commission of Human Rights
- 2) Amnesty International Law
- 3) NGOs in India only.
- 4) European commission of human rights
- 5) U.N. Declaration of Human Rights
- 6) International Labour Organization
- 7) UNESCO
- 8) UNICEF

4. Impact & implementation of international human rights norms in India.

- 1) Human rights norms reflected in fundamental rights in the constitution.
- 2) Directive principles, Legislative & administrative implementation of
- 3) International human rights.
- 4) Implementation of human rights norms through judicial process.

5. Enforcement of human rights:

- 1) Role of courts – Supreme Court, High court & the other Courts.
- 2) Statutory Commission – Human Rights, Women's minority & backward class.

[5] PRACTICAL TRAINING – III

MOOT COURT, PRE-TRIAL PREPARATION & PARTICIPATION IN TRIAL PROCEDURES

This subject has 3 components of 30 marks each & a viva of 10 marks. (30+30+30+10=100 marks)

(1) Moot Court – 30 marks

- Every student will do atleast 3 moot court a year with 10 marks for each, moot court work will be on assigned problems & will be evaluated for 5 marks for written submission & 5 marks - oral advocacy.

(2) Observance of Trial in two cases, one civil & one criminal – 30 marks

- Students will attend 2 Trials. They will maintain a record & enter in various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(3) Interviewing techniques & Pre-trial preparations – 30 marks

- Each student will observe two interviewing sessions of clients at the Lawyers office/Legal Aid office & record the Proceedings in a diary which will carry 15 marks.
- Each student will further observe the preparation of documents & court papers by the advocate & procedure for the filing of the suit/petition. This will be recorded in the diary & will carry 15 marks.

(4) The 4th component will be viva voce examination on all the above 3 aspects – 10 marks.

TYLLB SEMESTER – VI

Compulsory Subjects

Alternate Dispute Resolution System

Law of Evidence

DPC – III

Optional Subjects (Choose any 2 out of 6)

Banking Laws & Negotiable Instruments Act

Law of Insurance

Intellectual Property Law

Conflict of Laws

Law relating to Women & Children

Law & Medicine

Detailed Syllabus:

Compulsory Subjects

[1] ALTERNATE DISPUTE RESOLUTION SYSTEM

- (1) Arbitration – meaning, scope & types
 1. Distinctions
 2. 1940 law & 1996 law – UNCITRAL model law
 3. Arbitration & Conciliation
 4. Arbitration & expert determination
 5. Extent of judicial intervention
 6. International commercial arbitration
- (2) Arbitration agreement
 1. Essentials
 2. Kinds
 3. Who can enter into arbitration agreement?
 4. Validity
 5. Reference to arbitration
 6. Interim measures by court
- (3) Arbitration Tribunal
 1. Appointment
 2. Challenge
 3. Jurisdiction of arbitral tribunal
 4. Powers
 5. Grounds of challenge
 6. Procedure
 7. Court assistance

(4) Award

1. Rules of guidance
2. Form & content
3. Correction & interpretation
4. Grounds of setting aside an award
5. Can misconduct be a ground?
6. Incapacity of a party, invalidity of arbitration agreement
7. Want of proper notice & hearing
8. Beyond the scope of reference
9. Contravention of composition & procedure
10. Breach of confidentiality
11. Impartiality of the arbitrator
12. Bar of limitation, res judicata
13. Consent of parties
14. Enforcement

(5) Appeal & revision

1. Enforcement of foreign awards
2. New York convention awards
3. Geneva Convention awards

(6) Conciliation

1. Distinction between 'Conciliation', 'Negotiation', 'mediation' & 'arbitration'
2. Appointment ; Statements to conciliator
3. Interaction between conciliator & parties ; Communication
4. Duty of parties to cooperate
5. Suggestions by parties
6. Confidentiality
7. Resort to judicial proceedings
8. Costs

(7) Rule-making power

1. High Court
2. Central Government
3. Legal Service Authorities Act; Scope

(8) Lok Adalats

[2] LAW OF EVIDENCE

- Indian Evidence Act 1872

[3] DPC – III

1. Caveat
2. Legal Notice – Recovery of money for goods supplied
3. Legal Notice – Winding up under Companies Act, 1956

4. Legal Notice – Section 138 of Negotiable Instruments Act
5. Legal Notice for defective goods
6. Plaint
7. Notice of Motion & Affidavit in support thereof
8. Chamber Summons & Affidavit in support thereof
9. Written Statement
10. Appeal
11. Writ Petition – Article 226
12. Winding Up Petition
13. Summary Suit
14. Testamentary Petition for Succession Certificate
15. Complaint for dishonour of cheque
16. Consumer Complaint
17. Bail Application
18. Anticipatory Bail Application
19. Petition for Divorce by Mutual Consent

Optional Subjects (Choose any 2 out of 4)

[I] BANKING LAWS & NEGOTIABLE INSTRUMENTS ACT

- (1) Reserve Bank of India Act, 1934 }
- (2) Banking Regulation Act, 1944 } 50 Marks
- (3) Bankers' Book of Evidence Act, 1891 }
- Recovery of Debts Due to Banks & Financial Institutions Act, 1993
- Establishment of debt recovery tribunals – constitution & functioning
- Role of SEBI in Controlling Financial Institutions
- (4) Negotiable Instruments Act 1881 – 50 Marks

[II] LAW OF INSURANCE

(1) Introduction

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

(2) General Principles of Law of Insurance

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

7. Alteration of the risk
8. Assignment of the subject matter

(3) Life Insurance

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

(4) Marine Insurance

1. Nature & scope
2. Classification of marine policies
3. The Marine Insurance Act 1963
4. Insurable interest, insurable value
5. Marine insurance policy – conditions – express warranties construction of terms of policy
6. Voyage – deviation
7. Perils of the sea
8. Partial loss of ship & of freight, salvage general average, particular charges
9. Measure of indemnity, total valuation, liability to third parties

(5) Fire Insurance

(6) Insurance Against Third Party Risks

1. The Motor Vehicles Act, 1988 (Chapter VIII)
2. Nature & scope, persons governed, definitions of 'use', 'drives', 'motor vehicle', requirements of policy, statutory contract between insurer & drive rights of third parties, limitations of third party's rights, duty to inform third party
3. Claims tribunal, constitution, functions, application for compensation – who can apply? – Procedure & powers of claims tribunal-its award

(7) Social Insurance in India

1. Important elements in social insurance, its need
2. Commercial insurance & social insurance
3. Sickness insurance, Adarkar scheme, Stack & Rao scheme for wage earners & others, risks covered, maturity & other benefits
4. Old age, premature death & invalidity insurance or pension insurance, public provident fund, Jeevandhara policy
5. Unemployment insurance
6. Social insurance for people like seamen, circus workers & agricultural workers

(8) Public Liability Insurance

1. The scheme
2. Authorities
3. The emerging legislative trends

[III] INTELLECTUAL PROPERTY LAW

(1) Introduction

1. The meaning of Intellectual property
2. Competing rationales of the legal regimes for the protection of intellectual property
3. The main forms of intellectual property: copyright, trademarks, patents, designs
4. The competing rationales for protection of rights in:
 - Copyright
 - Trademarks
 - Patents
 - Designs
 - Trade secrets
 - Other new forms such as plant varieties & geographical indications
5. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Rome Convention, Universal Copyright Convention, TRIPS Paris Convention
6. International Organization relating to IPRS – WIPO, WTO

(2) Select aspects of the law of Copyright in India

1. Historical evolution of the Copyright Act 1957
2. Meaning of Copyright
3. Copyright in literary, dramatic & musical works
4. Copyright in sound records & cinematographic films
5. Copyright in computer programmes
6. Ownership of copyright
7. Assignment of copyright
8. Author's special rights
9. Notion of infringement
10. Criteria of infringement
11. Infringement of copyright by films of literary & dramatic works
12. Importation & infringement
13. Fair use provisions
14. Piracy in internet
15. Aspects of copyright justice
16. Remedies, especially, the possibility of Anton pillar injunctive relief in India

(3) Intellectual Property in Trade Marks

1. The rationale of protection of Trade marks as (a) an aspect of commercial & (b) of consumer rights
2. Definition & concept of Trade marks
3. Registration
4. Distinction between Trade mark & property mark
5. The doctrine of honest Current User
6. The doctrine of deceptive similarity
7. Protection of well-known marks
8. Passing off & infringement
9. Criteria of infringement
10. Standards of proof in passing off action
11. Remedies

(4) Patents

1. Patent Act 1970
2. Concept of Patent
3. Historical view of patents law in India
4. Patentable inventions with special reference to biotechnology products entailing creation of new forms of life
5. Patent protection for computer programmes
6. Process of obtaining a patent: application, examination, opposition & sealing of patents: general introduction
7. Procedure for filing patents: Patent Co-operation Treaty
8. Some grounds for Opposition
9. The problem of limited locus standi to oppose, especially in relation to inventions having potential of ecological & mass disasters
10. Wrongfully obtaining the invention
11. Prior publication or anticipation
12. Obviousness & the lack of inventive step
13. Insufficient description
14. Rights & obligations of a patentee
15. Patents as chose in action
16. Duration of patents; law & policy considerations
17. Use & exercise rights
18. Right to secrecy
19. The notion of 'abuse' of patent rights
20. Compulsory license
21. Remedies
22. Infringement
23. Criteria of infringement
24. Onus of proof
25. Modes of Infringement; the Doctrine of Colourable Variation
26. Defences in suits of Infringement
27. Injunctions & related remedies

[IV] CONFLICT OF LAWS

(1) Introduction

1. What & why of conflict of laws – its function, bases like comity, convenience & justice
2. Difference between Public & Private International law
3. Development & history in England & India – a comparative sketch with reference to USA & other countries.
4. Modern theories
5. Statutory, territorial, international, local law & justice
6. Stage in a Private International law case
7. Choice of Jurisdiction
8. Choice of law (lex cause)
9. Recognition & enforcement of foreign judgments / awards

(2) Choice of Jurisdiction (First stage)

1. Meaning, bases of jurisdiction, limitations like effectiveness principles – Relevant C.P.C. provisions regarding jurisdiction – Sections 15-20, 83, 84, & 86
2. Kinds of jurisdiction

3. Actions in personam – contract & tort
4. Actions in rem – such as matrimonial causes & probate
5. Admiralty action – Section 6 the Admiralty Courts Act
6. Actions under assumed discretionary jurisdiction (inherent jurisdiction) (Indian Context – Sections 10 & 151 of C.P.C.

(3) Choice of Law-Lex Causae (Second Stage)

1. Classification / characterization / categorization – allocation of juridical category to the foreign element case
2. Necessity for classification – different legal concepts with different content – matters like domicile, talaq & dower in different legal systems
3. Various theories – leading cases
4. Connecting factor – what is connection factor : lex fori to determine
5. Selection of lex causae through connecting factor
6. Application of lex causae – three meanings of Lex Causae – Renvoi: partial & total (Foreign court theory) – critical analysis of Renvoi – Indian position

(4) Limitations on application or exclusion of foreign law

- When foreign law is excluded: grounds – Public Policy, Revenue Laws & Penal Law

(5) Concept of Domicile

1. General principles / fundamental Principles
2. Elements – intention & residence
3. Kinds
4. Domicile of Origin
5. Domicile of Choice
6. Domicile of dependence: married women's position in English & Indian laws
7. Domicile of corporation

(6) Status

1. What is Status?
2. Incidents
3. What law governs status
4. Universality of status

(7) Marriage

1. Marriage as a contract & also status how different from other contracts (social personal contract)
2. Kinds of Marriage
3. How in India, marriage as a concept moved from partially polygamous towards monogamous type & total sacrament to secularization to some extent
4. Questions of format & essential validity
5. Formal validity by lex loci celebrations
6. Essential / material / intrinsic validity
7. Capacity to marriage
8. Consent
9. Not within prohibited degrees
10. Not previously married
11. Physical incapacity
12. Of proper age

13. Essential validity usually governed by *lex domicilii*
14. English cases
15. Indian position clarified in cases

(8) Matrimonial Causes

1. Concept of matrimonial cause (Relief) – English & Indian positions
2. Available Reliefs
3. Divorce, Nullity, judicial separation
4. Restitution of Conjugal Rights (in English law)
5. Restitution of Conjugal Rights has no place now
6. Choice of Jurisdiction & Choice of Law to be examined

(9) Legitimacy & Legitimation

1. What is legitimacy
2. What law governs legitimacy
3. Validity of marriage
4. Legitimation
5. What it is
6. How affected
7. Legitimation & Succession

(10) Adoption

1. Purpose of adoption
2. Common law
3. Indian law
4. Hindu law
5. Recognition of foreign adoption

(11) Custody & Guardianship

1. Purpose
2. Adoption & succession

(12) Contracts

1. Contract – a leading relationship in private international law system
2. Validity of contracts
3. Capacity to contract – Main four theories *Lex Loci*, *Lex Domicilii*, *Lex situs* & proper law
4. Formal validity – *lex loci contractus* governs
5. Essential validity – proper law is usually accepted as governing
6. Discharge of contract – *Lex loci solutionis* governing
7. Doctrine of “proper law” of contract subjective & objective Theories

(13) Torts

1. Traditional theories
2. Ideas of tort of recent importance in private International Law such as drugs, environments, transport & satellite communication

(14) Recognition & Enforcement of Foreign Judgments

1. Need recognizing foreign judgments
2. Limitations in recognising & enforcement
3. Sections 13,14 & 444 of C.P.C. & S.41 of the Indian Evidence Act

[V] LAW RELATING TO WOMEN & CHILDREN

(1) International concerns & conventions (specify)

(2) Women in India

1. Pre-Independence period
2. Social & legal inequality
3. Social Reform Movement in India
4. Karachi Congress – Fundamental Rights Resolution, Equality of Sexes

(3) Women in post-Independence India

1. Preamble-Constitution-equality provisions in Fundamental Rights, Directive Principles of State Policy
2. Personal laws – unequal position of women
3. Uniform Civil Code towards gender justice

(4) Sex Inequality in Inheritance Rights

1. Feudal institution of joint family – women's inheritance position
2. Hindu Law
3. Muslim Law
4. Matrimonial property
5. Movement towards Uniform Civil Code

(5) Guardianship

1. Right of women to adopt a child
2. Problems of women guardian

(6) Divorce

1. Indian Divorce Act
2. Christian Law
3. Muslim Law

(7) Criminal Law

1. Adultery
2. Rape

(8) Social Legislation

- Laws relating to Dowry, A moral traffic, Female Foeticide, Sati, A moral representation etc.

(9) Women & Employment

1. Labour force
2. Protective Laws
3. Exploitation & harassment in workplaces

(10) Protection & enforcement agencies

1. Courts ; Family Courts
2. Commission for women
3. NGOs

(11) Social Constitutional & International Legal Status of Child

1. Magnitude of the problem
2. Special status of child – national policies

3. Constitutional concern – Article 15(3), Article 24 & Article 45
4. International concern & endeavour for the welfare of the children
5. Minimum Age conventions
6. Child rights conventions
7. U.N. Declaration of the rights of the child, 1924, 1959

(12) Problems of conception, birth & nourishment & health of the child

1. Legal status of child in work
2. Tortious liability against injuries to unborn children
3. Coparcenary & property rights of the unborn children
4. Law relating to maternity benefit & relief
5. Lack of legal protection of children of impoverished parentage

(13) State responsibility for the education of children

1. Evaluation of the efforts of the State towards the provision of education to children
2. Pre-primary & nursery education – elementary education
3. Contributions by International Organizations for elementary education – UNESCO, UNICEF

(14) Legal Control of Child Labour

1. Regulation of the employment ; protection of the health & well-being
2. International conventions & recommendations of the ILO
3. Recommendations of the National Commission of Labour
4. Legislation relating to factories, plantation labour, mines, merchant shipping, motor-transport workers, apprentices, shop & establishments & child labour

(15) Family Relations & Child

1. Status of child in matters of marriage, legitimacy, guardianship, adoption, maintenance & custody.
2. Provisions in statutes relating to Hindu marriages, restraint on child marriage, guardians & wards, Hindu minority & guardianship, Hindu adoptions & maintenance & in Indian Evidence Act 1872

(16) Child & Contractual Liability

1. Minors Agreements
2. Testimony of children
3. Suits by & against minors

(17) Child & Criminal Liability

1. Crimes committed by child; crimes committed by others in relation to children
2. Implementation of social policy through criminal sanctions in relation to child
3. Variation of procedure in case of child offender
4. Judicial proceedings in criminal cases relating to children
5. Statutory provisions – Sec.82, 83, 299 Exp. 3, 363A, 372 & 376 IPC ; Suppression of Immoral Traffic Act 1956 (SITA); penal provisions contained in Child Marriage Restraint Act 1929, amended 1978; Young Persons Harmful Publications Act 1956 ; The Children Act 1960 ; Sec.27 of the Cr.P.C.; Reformatory Schools Act 1897; Juvenile Delinquency Act

(18) Law & Offences Against Child

1. Protection of neglected children
2. Institutions for the protection of neglected children
3. Juvenile Justice Act 2000

4. Juvenile delinquency; law & offences against child
5. Contribution by parents; licensing
6. Protection of girls from immoral traffic
7. Prevention of vagrancy & beggary

(19) Discrimination Against Female Children

1. Amniocentesis
2. Deferred infanticide through based nutritional discrimination
3. Termination of pregnancy

[VI] LAW & MEDICINE

1. Right to Health under the Constitution of India
2. The varieties of Medical Professions in India
3. Self-Regulation through Codes of Conduct
4. The Doctrine of “Informed Consent”
5. Experimentation on Foetuses & Children
6. Experimentation on People in Custody, including Psychiatric Custody
7. The Doctors – Patient Relationship
8. Confidentiality & Privilege
9. Patient’s right of full disclosure of course of therapy including side effects of drugs
10. Medical Malpractice
11. Medical Profession & the Consumer Protection Act.
12. Law Relating to Medico-Legal Cases, with special reference to:
13. Road Accidents
14. Sexual Assaults
15. Mass Disaster (e.g. Bhopal)
16. Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954 (Sections 1 to 6 only)
17. The Transplantation of Human Organs Act, 1994 (Sections 1 to 12 only)
18. Prenatal Diagnostic Techniques (Regulations & Prevention of Misuse) Act, 1954 (S.1 to 6 only)

Sd/-

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