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## **LL. B. Program Outcome**

The following are the program outcomes on completion of the three year LL.B. program:

PO1: Provide students a holistic platform to evaluate the legal process in a visionary manner, so as to co-relate various issues in socio-legal economic and political processes;

PO2: Develop the ability to perform legal analysis and reasoning, legal research, problem solving, written and oral communication in the legal context and apply it in legal practice and real life situation.

PO3: Develop the ability to analyse and evaluate the law in relation to contemporary developments at national and international level.

PO4: Acquire a strong foundation of knowledge which will benefit them to become good lawyers as well as global citizens.



# SEMESTER - I

**SARVAJANIK UNIVERSITY**  
**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Constitutional Law of India I (Preamble and parts I to IVA)		
Course Type		Core Course		
Course Code		BLLB11101	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE <sup>1</sup> (Marks)	External/ SEE <sup>2</sup> (Marks)	Total
3	1	50	50	100

**Object:** The Constitution of India is the supreme law of India that provides a comprehensive framework to guide and govern our country, keeping in view the social, cultural and religious diversity. The main object of this paper is to provide an understanding of the basic concept of Indian Constitution and enable the students to understand their fundamental rights as well as their duties towards the State along with their remedies. A student must know about the social, economic and political dimensions of the Indian Constitution.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the history, economic and political dimensions of the Constitution.

CO2: Understand the basic postulates of the constitution like the constitutional supremacy, rule of law and concept of liberty.

CO3: Demonstrate an understanding of the concept of fundamental rights and Fundamental duties towards the States.

CO4: Understand the duty of the State and inter-relationship between fundamental right and directive principles.

### **Syllabus**

#### **Module 01. Constitutional History**

- 1.1 Historical Retrospection
- 1.2 East India Company – 1600 to 1772 – Charters and Settlements
- 1.3 Regulating Act, 1773 to 1832: Act of 1781 – Charter of 1813
- 1.4 Constitutional changes during 1833 to 1856
- 1.5 First struggle for Independence, 1857 and Developments thereafter- Government of India Act 1858 – the Royal Proclamation of the British Crown – Indian Councils Act, 1861 and Indian Council Act, 1892 – Morley-Minto Reforms-1909.

<sup>1</sup> Continuous Comprehensive Evaluation.

<sup>2</sup> Semester End Examination.

## **Module 02. Making of the Constitution**

- 2.1 Demand for a Constitution framed by a Constituent Assembly
- 2.2 The Cripps' offer of 1942
- 2.3 The Wavell Plan of 1945
- 2.4 The Cabinet Mission Plan, 1946
- 2.5 The Mountbatten Plan, 1947
- 2.6 The Indian Independence Act, 1947
- 2.7 Constituent Assembly in India and framing of the Constitution:
  - 2.7.1 Formation of the Constituent Assembly of India
  - 2.7.2 The issues before the Constituent Assembly
  - 2.7.3 Passing of the Constitution
  - 2.7.4 Dr. Ambedkar's warning and anxiety about the working of the Constitution
  - 2.7.5 Date of Commencement of the Constitution

## **Module 03. Preamble of the Constitution**

- 3.1 Meaning of the Preamble
- 3.2 Contents of the Preamble
- 3.3 Utility of Preamble in interpretation of the Constitution
- 3.4 Whether Preamble is part of the Constitution - Application of the Doctrine of Basic Structure to the Preamble.
- 3.5 Amendments made
- 3.6 Salient features of the Indian Constitution
- 3.7 Idea of Citizenship – constitutional and legal provisions regarding citizenship
- 3.8 Union and its Territories

## **Module 04. General Principles Relating to Fundamental Rights (Articles 12 and 13)**

- 4.1 Concept of Fundamental Rights – Their Origin and Development
- 4.2 History of the demand for Fundamental Rights in India
- 4.3 Justiciability of Fundamental Rights -
  - 4.3.1 Laws inconsistent with fundamental rights
  - 4.3.2 Unconstitutionality of Statute
  - 4.3.3 Doctrine of Eclipse
  - 4.3.4 Doctrine of Severability
  - 4.3.5 Waiver of Fundamental Rights
- 4.4 Concept of State and its Importance
- 4.6 Concept of Law and Law in force
- 4.7 Whether the Constitution Amendment Act is law under Article 13?

## **Module 05. Right to Equality (Articles 14 to 18)**

- 5.1 Equality before law and Equal protection of Law
- 5.2 Permission of Reasonable Classification but prohibition of Class legislation
- 5.3 Article 14 Strikes at Arbitrariness
- 5.4 Prohibition of discrimination against citizens
- 5.5 Right to Access to Public Places
- 5.6 Special provisions for women and children
- 5.7 Special provisions for Backward Classes

- 5.8 Equality of Opportunity in Matters of Public Employment
- 5.9 Requirement as to Residence in State
- 5.10 Reservation of Posts for Backward Classes
- 5.11 Reservations in Promotion
- 5.12 Carry Forward of Reserved Vacancies
- 5.13 Percentage of Reservation - Rule of rounding up
- 5.14 Abolition of Untouchability
- 5.15 Abolition of Titles

**Module 06. Right to Freedom I (Article 19)**

- 6.1 Freedom of Speech and Expression and Reasonable Restrictions on it
- 6.2 Freedom of Assembly and Reasonable Restrictions on it
- 6.3 Freedom to form Association or Union and Reasonable Restrictions on it
- 6.4 Freedom of Movement and Reasonable Restrictions on it
- 6.5 Freedom of Residence and Settlement and Reasonable Restrictions on it
- 6.6 Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
- 6.7 Right to Property -
  - 6.7.1 Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain; Article 31; Inter-relation of Article 31, Article 14 and Article 19(1)(f)
  - 6.7.2 Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A

**Module 07. Right to Freedom II (Articles 20 to 22)**

- 7.1 Protection in Respect of Conviction for offences
  - 7.1.1 Protection against Ex-post Facto Law
  - 7.1.2 Guarantee against Double Jeopardy
  - 7.1.3 Privilege against Self-Incrimination
- 7.2 Protection of Right to Life and Personal Liberty
  - 7.2.1 A. K. Gopalan to Maneka Gandhi
  - 7.2.2 Relationship between Articles 19, 21 and 22
  - 7.2.3 Due Process of Law
  - 7.2.4 Extended view in post Maneka Gandhi period
- 7.3 Right to Education - Evolution and Importance
- 7.4 Protection against Arrest and Detention
  - 7.4.1 Protection against Arrest
  - 7.4.2 Protection against Preventive Detention
  - 7.4.3 Laws Authorising Preventive Detention

**Module 08. Right against Exploitation (Articles 23 and 24)**

- 8.1 Traffic in Human Beings
- 8.2 Begar and Similar forms of Forced Labour
- 8.3 Compulsory Services for Public Purpose
- 8.4 Prohibition of Employment of Children

**Module 09. Right to Freedom of Religion (Articles 25 to 28)**

- 9.1 Concept of Secularism

- 9.2 Freedom of Conscience and right to Profess or Practice and Propagate religion
- 9.3 Freedom of Religion of Religious Denomination
- 9.4 Freedom from Paying of Taxes for Promotion of any Religion
- 9.4 Prohibition of Religious Instructions in Educational Institutions

#### **Module 10. Cultural and Educational Rights (Articles 29 to 30)**

- 10.1 Concept of Minority
- 10.2 Protection of Interest of Minorities
- 10.3 Right of a Minority to Establish Educational Institution
- 10.4 Regulation of Minority Educational Institution

#### **Module 11. Right to Constitutional Remedies (Articles 32 to 35)**

- 11.1 Enforcement of Fundamental Rights
- 11.2 Procedure in Enforcement of Fundamental Rights
- 11.3 Power to issue Writs, Directions or Orders – Types of Writs
- 11.4 Comparison between Article 32 and Article 226
- 11.5 Public Interest Litigation
- 11.6 Fundamental Rights during Emergency
- 11.7 Power of Parliament to Modify Fundamental Rights with respect to some Forces
- 11.8 Fundamental Rights during operation of Martial Law
- 11.9 Legislation to give effect to Fundamental Rights

#### **Module 12. Directive Principles of State Policy (Articles 36 to 51) and Fundamental Duties (Article 51A)**

- 12.1 Nature and Importance of Directive Principles
- 12.2 Inter-relationship between Fundamental Rights and Directive Principles.
- 12.3 Directive Principles of State Policy
- 12.4 Fundamental Duties – Nature and Importance

#### **Suggested Readings:**

- M. P. Jain, Indian Constitutional Law, LexisNexis
- D.D. Basu, Constitutional Law of India, LexisNexis
- H. M. Seervi, Constitutional Law of India, N.M. Tripathi
- M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company
- Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- M. Hidaytullah (ed): Constitutional Law of India (Vol. 1-3)
- T.K. Tope: Constitutional Law of India

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Law of Contract (General Principles of Contract and Specific Relief)		
Course Type		Core Course		
Course Code		BLLB11102	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Law of contract is the most important branch of mercantile law. The object of this paper is to familiarize the students with the circumstances under which promises made by the contracting parties shall be legally binding on them. Further, this paper will discuss the remedies that are available against a person who fails to perform the contract entered into by him, in a court of law and the conditions under which the remedies are available along with the specific relief available under the Specific Relief Act.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Define, distinguish and apply the basic concepts and terminology of the law of contract.

CO2: Identify the relevant legal issues that arise on a given set of facts in the area of contract law.

CO3: Understand the various processes involved in contract formation.

CO4: Understand and analyse various specific reliefs and remedy under the Specific Relief Act.

### Syllabus

<u>Subject</u>	External Examination Marks
General Principles of Contract (Ss. 1 to 75 of the Indian Contract Act, 1872)	35 Marks
Specific Relief Act, 1963	15 Marks
Total	50 Marks

### **Module 01. General Principles of Law of Contract**

1.1 Agreement and Contract Definitions elements and kinds

1.2 Proposal and acceptance-essential elements, communication, revocation, invitation for proposal, tenders, general offers.

1.3 Consideration-*nudum pactum*, meaning, need, definition-kinds, elements, privity of contract.

1.4 Application of Law to Domestic and International commercial transactions

## **Module 02. Capacity to Contract**

- 2.1 Meaning
- 2.2 Incapacity arising out of status and mental defect
- 2.3 Minor-Definition
  - 2.3.1 Nature of minor's agreement
  - 2.3.2 Beneficial contracts
  - 2.3.3 Ratification
  - 2.3.4 Liability for necessities
- 2.4 Persons of unsound mind
- 2.5 Other illustrations of incapacity to contract

## **Module 03. Free Consent: meaning and definition**

- 3.1 Coercion – definition-essential-elements-duress-effect
- 3.2 Undue influence - definition - essentials - elements - pardanashin lady, Unconscionable bargains, effect of undue influence
- 3.3 Misrepresentation-definition-misrepresentation of law and fact-their effects
- 3.4 Fraud-definition-essential elements – *suggestion falsi* and *suppressio veri*  
silence amount to fraud-importance of intention-concealment of truth.
- 3.5 Mistake-definition-kinds-fundamental error-mistake of law and of fact-effects when mistake vitiates free consent? when it does not?

## **Module 04. Legality of Objects**

- 4.1 Void Agreements-lawful and unlawful consideration and objects-void, voidable, illegal and unlawful agreements and their effects
- 4.2 Unlawful considerations and objects forbidden by law-fraud-injurious to person and property-immoral-against public policy.
- 4.3 Void Agreements-without consideration-in restraint of marriage, in restraint of trade, good will, its exception, in restraint of legal proceedings and its exceptions.
- 4.4 Uncertain agreements-wagering agreements and its exceptions.

## **Module 05. Discharge of Contracts and Quasi-Contracts**

- 5.1 Modes of discharge of contract and their effects
- 5.2 By performance
- 5.3 By breach-anticipatory breach
- 5.4 Impossibility of performance
- 5.5 By period of limitation
- 5.6 By agreement
- 5.7 Quasi - Contracts and certain other relations resembling those created by Contract

## **Module 06. Specific Relief Act, 1963**

- 6.1 Specific Performance of Contract
- 6.2 Recovery of Possession of Property
  - 6.2.1 Movable Property
  - 6.2.2 Immovable Property
- 6.3 Injunctions: Kinds – Temporary, Permanent, Interlocutory

6.4 Declaratory decree

6.5 Rescission of Contracts

6.6 Ratification and Cancellation of Instruments

**Suggested Readings:**

- A.G. Guest (ed): Anson's Law of Contract
- Avtar Singh: Law of Contract (Eastern)
- Law of Contract and Specific Relief (Eastern)
- P.S. Atiyah: Introduction of Law of Contract
- Mulla on Indian Contract Act, Lexis Nexis Butterworths

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Law of Crimes I (Bharatiya Nyaya Sanhita, 2023- Chapters I to VI)		
Course Type		Core Course		
Course Code		BLLB21103	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The Bharatiya Nyaya Sanhita, 2023 was enacted on December 25, 2023, repealing, and replacing the Indian Penal Code, 1860 as the new penal code of the country. The new legislation, by notification was made applicable from July 1, 2024. The Indian Penal Code has now after nearly 150 years been re-enacted with the stated objective of repealing colonial laws and streamlining provisions relating to offences and penalties Crime and punishment have always been the most important aspect of the Rule of Law. A proper understanding of crimes, method of controlling and the reasons for their existence is imperative to build a just and humane society. Students are expected to refer the provisions of the Indian Penal Code while reading Supreme Court judgements on offences.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the history, concept and definition of crime.

CO2: Demonstrate an understanding of the aspects of criminal justice.

CO3: Understand and identify the elements, stages and theories of punishment.

CO4: Illustrate how society views crime against women, children and human body.

### Syllabus

#### **Module 01. General**

- 1.1 Conception of Crime-distinction between crime and other wrongs
- 1.2 Introduction to the Bharatiya Nyaya Sanhita, 2023 (“BNS”)- Objects and reasons
- 1.3 Comparative analysis between BNS and IPC
- 1.4 Territorial Applicability of BNS – Intra-territorial & Extra-territorial and
- 1.5 Elements of Criminal liability- *Mens Rea*-importance
- 1.6 Stages of a Crimes
- 1.7 Definitions
- 1.8 General Explanations

#### **Module 02. Types of Punishment**

- 2.1 Theories of punishment – minimum punishment, judicial discretion in awarding punishment

- 2.2 Capital Punishment-Constitutionality, judicial approach, rarest of rare cases.
- 2.3 Kinds of punishment- Life sentence, Imprisonment – simple – rigorous – solitary confinement, Forfeiture of property, Fine- liability in default of payment of fine and related provisions and Community service

### **Module 03. General Defences**

- 3.1 Mistake of fact and mistake of Law
- 3.2 Judicial Acts
- 3.3 Accident
- 3.4 Absence of criminal intention, acts of minors, mental incapacity, consent, involuntary intoxication, acts by a person compelled by threats, communication made in good faith, acts causing slight harm
- 3.5 Right or private defence of body and property- Justification and limits

### **Module 04. Abetment, Criminal conspiracy and attempt**

- 4.1 Abetment – instigation – aiding – conspiracy
- 4.2 Criminal conspiracy – definition
- 4.3 Punishment for attempt to commit offences punishable with life imprisonment or other imprisonment

### **Module 05. Offences against Women and Child**

- 5.1 Rape and other sexual offences- punishments thereof
- 5.2 Gang rape- punishments
- 5.3 Assault, sexual harassment, voyeurism, stalking, insulting modesty of a women.
- 5.4 Offences relating to Marriage- Dowry death, marrying again during lifetime of husband and related offences
- 5.5 Offences against child

### **Module 06. Offences affecting Human Body I**

- 6.1 Offences affecting life
  - 6.1.1 Culpable homicide, murder, distinction between them
  - 6.1.2 Causing death by negligence
  - 6.1.3 Abetment of suicide of child or person of unsound mind, abetment of suicide- reasons for removing offence of attempt to commit suicide in BNS
  - 6.1.4 Organised crime, petty organised crime, terrorist act

### **Module 07. Offences affecting Human Body II**

- 7.1 Hurt and Grievous hurt, aggravated forms
- 7.2 Wrongful restraint and wrongful confinement
- 7.3 Criminal force and assault
- 7.4 Kidnapping, abduction, trafficking of person and forced labour

### **Suggested Readings:**

- Bare Act, Bharatiya Nyaya Sanhita, 2023
- Ratanlal & Dhirajlal: The Indian Penal Code, Lexis Nexis
- B.M. Gandhi: Indian Penal Code, Eastern

- P.K. Das: Supreme Court on Rarest of Rare Cases, Universal
- William Glanville: Text Book of Criminal Law, Universal

Note: As Indian Penal Code is now replaced by the Bharatiya Nyaya Sanhita, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of IPC while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Environmental Law		
Course Type		Core Course		
Course Code		BLLB11104	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Environmental pollution and degradation of biodiversity has become one of the biggest hazards not only to human existence but also to the existence of all the gifts that nature has bestowed on mankind. The object of this paper is to create an awareness about the various environmental issues and measures to be taken for its protection by imparting basic knowledge with an aim to develop an attitude of concern and motivation to participate in environment protection and its improvement.

### **Course Outcome**

CO1: Identify core environmental issues and legal and institutional responses to them.

CO2: Analyse the role of judiciary in environmental protection.

CO3: Understand development of environmental law in an international perspective, specifically developed and developing countries.

CO4: Introduce the basic concepts and principles of environmental law and to analyse these principles as tools of environmental protection.

### **Syllabus**

#### **Module 01. Introduction**

- 1.1 Historical origin of Environment Law, International and Indian Jurisprudence
- 1.2 Components of Environment, Ecology, Ecosphere and Biosphere
- 1.3 Protection of Environment in Ancient India and during British period
- 1.4 Meaning and definition of Environment, Environmental Pollution, Kinds of Pollution (Natural and artificial – Air, Water, Noise, Soil), causes and effects.
- 1.5 Nature of Environmental Law - Public law or private law
- 1.6 Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.
- 1.7 Criminal Liability and Environment Protection - Offences affecting public health and safety under Indian Penal Code, 1860 and Section 133 of Cr. P.C., Chapter IV-A of Factories Act, 1948.

## **Module 02. Environment Protection under the Constitution of India**

- 2.1 Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Implementation of International obligations
- 2.2 Distribution of Legislative Powers
- 2.3 Remedies - Writ Jurisdiction of High Court and Supreme Court
- 2.4 Public Interest Litigation and Environment Protection - Role of Indian Judiciary

## **Module 03. Principles of International Environmental Law - Relevance in India**

- 3.1 Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992 - Impact in India
- 3.2 UNEP, Convention on Climate Change, Convention on Biological Diversity, Earth Summit - II, 1997 - Impact in India
- 3.3 World Summit on Sustainable Development, 2002, UNFCCC, 2015 - Position in India
- 3.4 Responsibility of States in Protection of Environment - Transboundary pollution and state's responsibility - Trail Smelter Arbitration
- 3.5 Significance and Protection of Ozone Layer - Global Warming - Acid Rain Oil Spills - Gas Leak - Marine Pollution
- 3.6 Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine - Position in India

## **Module 04. Resource Management I - Legislative and Judicial Perspective**

- 4.1 The Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act 1986 - Definitions, Measures taken for protection and conservation of natural resources, Authorities, offences and penalties and important judicial decisions under these legislations
- 4.2 Protection of Forests: The Forest Act, 1927 - Definitions, Types of Forests, Acts prohibited in these forests, transit of forest produce, powers of forest officers, offences and penalties, important judicial decisions
- 4.3 The Forest (Conservation) Act, 1980 - De-reservation of forest land for non-forest purpose, Advisory Committee, Penalties
- 4.4 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Forest rights, recognition, restoration and vesting of forest rights and related matters, authorities and procedure for vesting of forest rights, offences and penalties, important judicial decisions
- 4.5 The National Forest Policies of 1952 and 1988
- 4.6 The Wildlife Protection Act, 1972 - Important Definitions, Authorities under the Act, Wildlife Advisory Board, Hunting, Protection of Specified plants, Sanctuaries and National Parks, Central Zoo Authority and Recognition of Zoos, Trade or commerce in wild animals, animal articles and trophies, Forfeiture of Property Derived from Illegal Hunting and Trade, Offences and Penalties, important judicial decisions

## **Module 05. Resource Management II - Legislative and Judicial Perspective**

- 5.1 The Biological Diversity Act, 2002 - Important Definitions, Regulation of access to biological diversity, national biodiversity authority, state biodiversity board, biodiversity management committees, equitable benefit sharing, judicial decisions

- 5.2 The Public Liability Insurance Act, 1991 - Important definitions, Liability to give relief in certain cases on principles of no fault, Duty of owner to take out insurance policies, relief and establishment of Environmental Relief Fund, offences and penalties
- 5.3 The National Green Tribunal Act, 2010 - Establishment, jurisdiction, powers and proceedings of the tribunal, penalty, Role of NGT in Environment Protection
- 5.4 Environment Protection Rules:
  - a) The Noise Pollution (regulation and Control) Rules, 2000
  - b) Guidelines for Eco-Sensitive Zones around Protected Areas
  - c) CRZ Notification
  - d) Hazardous Wastes (Management and Handling) Rules
  - e) Manufacture, Storage and Import of Hazardous Chemical Rules
  - f) Municipal Solid Wastes (Management and Handling) Rules

## **Module 06. Environment and Development**

- 6.1 Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Koondankulam Nuclear Power Plant
- 6.2 Human Rights Perspective - Displacement and Rehabilitation, Genetically
- 6.3 Modified Crops, Farmers and breeder's rights
- 6.4 Environment and Protection of Cultural Rights
- 6.5 Environment Impact Assessment (EIA) - Meaning, Evolution and history Process, Constraints, EIA Notification of 1994 and 2006
- 6.6 E-waste management

### **Suggested Readings:**

- S.C. Shastri: Environment Law, Eastern
- Sumeet Malik: Environment Law (2008), Eastern
- R.B. Singh and Suresh Misra: Environment Law in India
- S.N. Jain (ed): Pollution Control and the Law
- Dr. S.R. Myneni: Environmental Law- Asia Law House
- P.S. Jaswal, Environmental Law, Allahabad Law Agency.
- Majumdar, Nandy, Mukherjee, Environment and Wildlife Laws in India, LexisNexis.
- Maheshwara Swamy, Textbook on Environmental Law, Asia Law House, Hyderabad.
- S. Shantakumar, Introduction to Environmental Law, Wadhwa & Company, Nagpur.
- H. N. Tiwari, Environmental Law, Allahabad Law Agency.
- Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, New Delhi.
- P Leelakrishnan, Environmental Law in India, LexisNexis, New Delhi.
- P Leelakrishnan, Environmental Law Case Book, LexisNexis, New Delhi.
- Philippe Sands, Principles of International Environmental Law, Cambridge University Press, New York.
- P. Ishwara Bhat, Natural Resources Law: Concepts and Approaches, Eastern Book.
- P B Sahasranaman, Handbook of Environmental Law, Oxford University Press.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Law of Torts, Motor Vehicles Act, 1988 and Consumer Protection Act, 2019		
Course Type		Core Course		
Course Code		BLLB21105	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The law of torts is uncodified law about civil wrongs. A tort is an act or omission, other than a breach of contract, which gives rise to injury or harm to another, and amounts to a civil wrong for which courts impose liability. The objective of this paper is to understand the nature of tort and condition of liability with reference to established case law. This course also covers the Consumer Protection Act, 2019 and the principle of liability in case of accident under the Motor Vehicles Act, 1988.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Demonstrate a specialized knowledge of the fundamental doctrines and principles of the law of torts and the characteristics of specific torts.

CO2: Engage in basic legal reasoning and analysis demonstrating knowledge of the principles of tort law.

CO3: Achieve a sound understanding of the concepts of Motor Vehicles Act.

CO4: Understand the existing law on consumer protection in India and major international instruments on consumer protection along with awareness on the basic procedures for filing a consumer dispute.

### **Syllabus<sup>3</sup>**

Subject	External Examination Marks
Law of Torts	35 Marks
Consumer Protection Act, 2019	10 Marks
Motor Vehicles Act, 1988	05 Marks
<b>Total</b>	<b>50 Marks</b>

<sup>3</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Module 01. General: Evolution, Definition, Nature, Scope and Object**

- 1.1 Principles of justice, equity, good conscience-uncodified character-advantages and disadvantages.
- 1.2 Wrongful act-violation of duty in rem-damnum sine injuria and injuria sine damnum.
- 1.3 Tort distinguished from crime, breach of contract etc.- concept of unliquidated damages.
- 1.4 Changing scope of law of torts, expanding character of duties.
- 1.5 Objects-prescribing standards of human conduct, redressal of wrongs prescribing unlawful conduct by injunction.
- 1.6 Foreign Torts

## **Module 02. Principles of liability**

- 2.1 Fault – Wrongful intent, motive. Negligence-liability without fault-violation of ethical codes-statutory liability- Motor Vehicle Act.
- 2.2 Absolute/Strict Liability-Rationale Rule of Rylands v. Fletcher- Exceptions.
- 2.3 Vicarious liability-basis, scope justification-express authorization, ratification, abetment-special relationships master and servant, principal and agent, firm and partner, corporation and principal officer etc.
- 2.4 Occupiers of Premises
- 2.5 Persons professing greater skill-director, physicians, surgeons, advocates, bankers, manufacturers etc.

## **Module 03. Standing, Justification, Exinctions of Liability, Discharge of Torts and Legal Remedies**

- 3.1 Standing-who may sue, who may be and may not be sued-personal capacity.
- 3.2 Justification-*Volenti non fit injuria*-necessity-plaintiff's default- Act of God Inevitable Accident-Private defense-statutory authority-judicial and quasi-judicial acts-parental and quasi-parental acts-acts of state-executive, administrative acts-leave and licence-Trifles.
- 3.3 Doctrine of Sovereign immunity and its relevance in India-Liability of State.
- 3.4 Extinction of liability-*Actio personalis moritur cum persona*-waiver and acquiescence-release-accord and satisfaction-limitation.
- 3.5 Discharge of Torts
  - 3.5.1 Waiver by election
  - 3.5.2 Accord and satisfaction
  - 3.5.3 Release
  - 3.5.4 Acquiescence
  - 3.5.5 Statutes of limitation

## **Module 04. Specific Torts: Torts against Person, Personal Relations, Property, Reputation**

- 4.1 Torts against persons
  - 4.1.1 Assault, battery and mayhem
  - 4.1.2 False imprisonment
  - 4.1.3 Nervous shock

- 4.1.4 Marital relations, domestic relations, parental relations, master-servant relations,
- 4.1.5 Justification-damages.
- 4.2 Torts against Property-Movable and Immovable
  - 4.2.1 Trespass-trespass ab initio
  - 4.2.2 Movable Property-trespass to goods, detinue, conversion, maintenance and champerty
  - 4.2.3 Torts against business interests-injurious falsehood, misstatement, passing off.
  - 4.2.4 Immovable Property-trespass to land-trespass ab initio-dispossession, injuries to reversion, waste, wrongs to easements and similar rights slander of title and slander of goods.
- 4.3 Defamation
  - 4.3.1 Libel and Slander distinction.
  - 4.3.2 Defences
  - 4.3.3 Remedies
- 4.4 Malicious Proceedings
  - 4.4.1 Malicious Prosecution civil proceedings-malicious legal process- abuse of legal process.
  - 4.4.2 Misfeasance in public office
- 4.5 Negligence – meaning, theories, existence of duty, standard of care, breach of duty
  - 4.5.1 Contributory negligence
  - 4.5.2 Breach of statutory duty
  - 4.5.3 *Res-ipsa loquitur* and its importance in contemporary law
  - 4.5.4 Professional liability-doctors, architects, lawyers, builders, engineers, common carriers etc.
  - 4.5.4 Product liability-liability of manufactures.
- 4.6 Nuisance-definition, essentials, types.

### **Module 05. The Consumer Protection Act, 2019**

- 5.1 Consumer-concept-definition scope
- 5.2 Unfair trade practices
- 5.3 Consumer goods
- 5.4 Consumer safety
- 5.5 Service and Commercial Services, Denial of Services-Deficiency
- 5.6 Enforcement of consumer rights:
  - 5.6.1 Consumer forum under Consumer Protection Act,
  - 5.6.2 Judicial Review
  - 5.6.3 PIL and Class actions
  - 5.6.4 Remedies and administrative remedies

### **Module 06. The Motor Vehicles Act, 1988**

- 6.1 Liability on fault basis (negligence)
- 6.2 No-fault basis (Section 140- 144),
- 6.3 Structured formula basis (Section 163A, 163B and Schedule),
- 6.4 Compensation in hit-and-run cases (Section 161 and 163),
- 6.5 Powers and jurisdiction of a Motor Accidents Claims Tribunal

6.6 Introduction only to the scheme of compulsory insurance under the Act (Sections 2(30), 145(b), 146 (1) and (2), 147(1)(i) and (2), 149, 151(1), 158(1), 160, 196)

**Suggested Readings:**

- D.D. Basu: The Law of Torts, Kamal.
- B.M. Gandhi: Law of Torts, Eastern
- P.S. Achuthan Pillai: The Law of Torts, Eastern
- Ratanlal and Dhirajlal: The Law of Torts, Universal
- Avtar Singh: The Law of Consumer Protection: Principles and Practice, Eastern
- The Motor Vehicles Act, 2019
- M.L. Bhargava, Law of Food Safety and Standards Act, 2006, Kamal Publishers; 2017.
- Kiron Prabhakar, A Practical Guide to Food Laws and Regulations, Bloomsbury India, September 2016.
- Bhatnagar, Food Laws in India, Ashoka Law House, 2011.
- R.K. Gupta (Eds.), Food Safety in 21<sup>st</sup> Century – Public health Perspectives, Academic Press, 2016.
- Law Commission of India, Report No. 264, On the Criminal Law (Amendment) Bill, 2017 (Provisions dealing with Food Adulteration), January, 2017



## SEMESTER - II

**SARVAJANIK UNIVERSITY  
SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Constitutional Law of India II (Part V onwards)		
Course Type		Core Course		
Course Code		BLLB11201	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The Course is designed with an objective to acquaint students and provide understanding of various constitutional aspects like constitution of panchayat, municipalities, co-operative societies, elections provisions, amendment procedure and emergency provisions. The objective of this paper is to develop an understanding of special provisions related to certain classes and the emergency provisions. Further this paper will familiarize students with leading case laws and legislative changes to the provisions of the Constitution.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the role played by the three organs of the government.

CO2: Understand about the parliament and state legislatures.

CO3: Understand the contemporary status of Centre-State relations.

### **Syllabus**

#### **Module 01. Parliamentary Government**

##### 1.1 Union and State Executive

1.1.1 President of India – qualifications, election, powers, impeachment etc.

1.1.2 Prime Minister and Council of Ministers – Presidents' Constitutional position – Constitutional Relationships between President and Council

1.1.3 Governor and State Government: Council of Ministers – Constitutional relationship between Governor and Council

1.1.4 Cabinet system-collective responsibility, individual responsibility, party system, anti-defection law.

1.1.5 Attorney General of India and Advocate General for the State

##### 1.2 Union and State Legislature

1.2.1 Parliament – Formation – Officers of Parliament – Disqualifications

1.2.2 State Legislatures – formation – Officers of State Legislature – Disqualifications of Members

1.2.3 Legislative Processes, Powers, Privileges and Immunities of the Legislature and their members – Legislative Privileges vs. Fundamental Rights – Article 143 of the Indian Constitution

1.2.4 Comptroller and Auditor General of India.

## **Module 02. Federalism**

- 2.1 Indian federation and comparative study of federalisms of other countries
- 2.2 Legislative Relations between the Centre and the States
- 2.3 Administrative Relations between the Centre and the States
- 2.4 Financial Relations between the Centre and the States-Contingency and Consolidated Funds.
- 2.5 President's and Governor's position from the perspective of federalism.
- 2.6 Centre's Powers over the States
- 2.7 Special Status – Provisions, Jammu and Kashmir, Union Territories, Assam, etc.
- 2.8 Critical problems of Indian Federation – State autonomy v. Central Control, Sarkaria Commission – Emergence of political federalism – growth of regional parties.

## **Module 03. Judiciary: Union and State Judiciaries**

- 3.1 Supreme Court – Establishment and constitution of Supreme Court – qualifications – jurisdiction – appointment and removal of judges.
- 3.2 High Court and Subordinate Courts – qualifications – appointment, transfer, removal – jurisdiction.
- 3.3 Writ Jurisdictions of the Supreme Court and the High Court – Court of Record– power of superintendence
- 3.4 Public Interest (Social Action) Litigation

## **Module 04. Constitutional Amendment**

- 4.1 Methods of amendment – ordinary procedure and special procedure – review of constitutional amendments – limitations upon constitutional amendments
- 4.2 Basic Structure Doctrine – development of the doctrine – constituent power of the Supreme Court – Judicial pronouncements.
- 4.3 Relevant Constitutional amendments

## **Module 05. Emergency Provisions**

- 5.1 Emergency: Need for such provision
- 5.2 Types of emergencies
  - 5.2.1 National emergency grounds, effects of proclamation on Centre – State relations.
  - 5.2.2 Failure of Constitutional machinery – grounds
  - 5.2.3 Financial emergency
- 5.3 Emergency and suspension of fundamental rights Articles 358 and 359
- 5.4 Report of Sarkaria Commission – Guidelines of S.R. Bommai Case.

## **Module 06. Freedom of Trade and Commerce**

- 6.1 Freedom
- 6.2 Restrictions
- 6.3 Power of Parliament and States with regard to trade and commerce.

## **Module 07. Services under the State**

- 7.1 Services Recruitment – Rules – Doctrine of Pleasure – dismissal, removal or reduction in rank.
- 7.2 All India Services – Public Service Commission Union and State

## **Module 08. Other Provisions**

8.1 Election – Election Commission – formation, functions – adult suffrage.

8.2 Official language

8.3 Local Government – decentralization of powers – gram panchayats, municipalities, scheduled and tribal areas.

8.4 Tribunals

8.5 Special Provisions relating to certain classes.

### **Suggested Readings:**

- M. P. Jain, Indian Constitutional Law, LexisNexis.

- D.D. Basu, Constitutional Law of India, LexisNexis.

- Narendra Kumar, Constitutional Law of India, Allahabad Law Agency.

- H. M. Seervi, Constitutional Law of India, N.M. Tripathi.

- Arvind Datar, Commentary on Constitution of India (3 Vols), LexisNexis (2010).

- S.P. Sathé: Fundamental Rights and Amendment of the Indian Constitution

- M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).

- Granville Austin, Working of a Democratic Constitution - The Indian Experience, Oxford University Press.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Special Contract (Specific Contracts under Indian Contract Act, 1872, Sale of Goods Act, 1930, Indian Partnership Act, 1932 and Negotiable Instruments Act, 1881)		
Course Type		Core Course		
Course Code		BLLB11202	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The foundation for the principles of Contract is laid down in Semester 1. This paper is to impart knowledge various special contracts, law of agency, sale of goods, negotiable instruments and partnership. Provisions relating to contract of Indemnity and Guarantee, of Bailment and Pledge, and Agency are contained chapters of the Indian Contract Act, 1872. The paper also covers three other statutes being the Sales of Goods Act, 1930, Negotiable Instruments Act, 1881 and the Indian Partnership Act, 1932.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Know the context and rationale of specific contracts of Indemnity, Guarantee, Bailment, Pledge and Agency.

CO2: Identify the principles and doctrines that guide such contracts and the situations that constitute breach of contract in such specific contracts and the remedies available for breach.

CO3: Understand and apply the provisions of legislation relating to the sale of goods and supply of services to different fact situations.

CO4: Understand and appreciate the rights and liabilities of partners and be acquainted with the incorporation and dissolution procedures of partnership firms.

CO5: Identify the most common form of negotiable instruments and understand the importance and function of negotiable instruments.

### **Syllabus**

Subject	External Examination Marks
Specific Contract under Indian Contract Act, 1872	20 Marks
Sale of Goods Act, 1930	10 Marks
Indian Partnership Act, 1932	10 Marks
Negotiable Instruments Act, 1881	10 Marks
<b>Total</b>	<b>50 Marks</b>

## **Module 01. Contracts of Indemnity under the Indian Contract Act, 1872**

- 1.1 Principle of indemnity in general
- 1.2 Definition of the contract of indemnity
- 1.4 Formation and essential features
- 1.5 Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- 1.6 Nature and extent of liability of the indemnifier
- 1.7 Commencement of liability of the indemnifier

## **Module 02. Contracts of Guarantee under the Indian Contract Act, 1872**

- 2.1 Definition of a contract of guarantee
- 2.2 Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
- 2.3 Contract of guarantee as distinguished from a contract of indemnity
- 2.4 Consideration for a contract of guarantee
- 2.5 Continuing guarantee, and its revocation
- 2.6 Nature and extent of surety's liability - commencement, duration and termination
- 2.7 Surety's rights against the principal debtor
- 2.8 Surety's rights against the creditor
- 2.9 Circumstances that discharge a surety. Contracting out of such discharge.
- 2.10 Letters of credit and bank guarantees
- 2.11 Co-surety and manner of sharing liabilities and rights

## **Module 03. Contracts of Bailment under the Indian Contract Act, 1872**

- 3.1 Definition of a contract of bailment
- 3.2 Formation and essential features of a contract of bailment, Parties to the contract
- 3.3 Creation of a contract of bailment, Obligations of bailment despite contract
- Gratuitous bailments
- 3.4 Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
- 3.5 Kinds of bailees
- 3.6 Rights, duties, disabilities and liabilities
  - 3.6.1 of a bailor
  - 3.6.2 of a bailee vis-à-vis the bailor
  - 3.6.3 of a bailee vis-à-vis the third parties, and the true owner
- 3.7 Termination of bailment, and consequences of termination
- 3.8 Finder of goods as a bailee

## **Module 04. Contracts of Pledge under the Indian Contract Act, 1872**

- 4.1 Definition of a contract of pledge
- 4.2 Essential features of a contract of pledge, Parties to the contract
- 4.3 Creation of a contract of pledge
- 4.4 Distinction between contracts of pledge, bailment, hypothecation
- 4.5 Rights, liabilities, duties and disabilities of the pawnor
- 4.6 Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale
- 4.7 Pledge by certain specified persons: Sections 178, 178A, 179

## **Module 05. Contracts of Agency under the Indian Contract Act, 1872**

- 5.1 Definition of a contract of agency
- 5.2 Essential features of a contract of agency. Parties involved. Kinds of agents and agencies
- 5.3 Creation of agency
- 5.4 Distinction between agent, servant or employee, and independent contractor
- 5.5 Agent's authority - Scope and extent, Express, implied, apparent or ostensible authority, and authority in an emergency, Restrictions or limitations
- 5.6 Delegation of authority, Relationship between a principal, agent and subagent, Substituted agents
- 5.7 Ratification
- 5.8 Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
- 5.9 Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
- 5.10 Revocation and other modes of termination of agency, Irrevocable agency
- 5.11 Effect of termination, Liability of the principal and agent before and after termination

## **Module 06. Sale of Goods Act, 1930**

- 6.1 Definition of a contract of sale of goods
- 6.2 Essential features of a contract of sale. Parties to the contract
- 6.3 Sale as a transfer of property, Sale and agreement to sell
- 6.4 Four elements: price, delivery, risk and property (ownership)
- 6.5 Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- 6.6 Implied conditions and warranties, Express conditions and warranties
- 6.7 The rule of 'caveat emptor', principle, meaning, and exceptions to the rule
- 6.8 Other implied terms
- 6.9 Transfer of title, Transfer by non-owners
- 6.10 Passing of risk
- 6.11 Delivery of goods, Various modes of delivery and their effect, Inspection of goods, Rejecting goods
- 6.12 Rights and liabilities of the buyer and seller, Unpaid seller and his rights
- 6.13 Remedies for price and for breach, Interest and taxes
- 6.14 Auction sales

## **Module 07. Indian Partnership Act, 1932**

- 7.1 Definition of a contract of partnership
- 7.2 Essential features of a contract of partnership, the firm and the partners, Parties to the contract, Minor as partner
- 7.3 Kinds of partnership
- 7.4 Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
- 7.5 Property of the firm, Firm name
- 7.6 Relations of partners to third parties, Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners

- 7.7 Change in constitution of a firm. Admission, retirement, expulsion, death and insolvency of any partner, Public notice, Effect of change in constitution of the firm
- 7.8 Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
- 7.9 Registration of firms, Procedure of registration, Effect of non-registration
- 7.10 Limited Liability Partnership: Essential features, Distinction between limited liability partnership and ordinary partnership.

### **Module 08. The Negotiable Instruments Act, 1881**

- 8.1 Essential features of negotiable instruments, and type of instrument, Instruments payable to order or to bearer, payable at specified time or on demand.
- 8.2 Maturity of an instrument
- 8.3 Parties to negotiable instruments, their rights and liabilities
- 8.4 Negotiation – Meaning, Requirements, Types of endorsements, Modes of negotiation, Who can negotiate? Effect of negotiation by various modes, Negotiation in particular cases (Sections 57-59), Period of negotiation (Section 60)
- 8.5 Presentment - Purposes of presentment, Time for presentment, Place of presentment, Presented to whom? Effective presentment, Delay in presentment, When presentment not necessary, Liability of banker for negligent dealing.
- 8.6 Payment and Interest, Delivery of instrument, Immunity to bankers
- 8.7 Discharge from liability on negotiable instruments, Modes of discharge
- 8.8 Dishonour, Modes of dishonour, Notice of dishonour, Noting and protest
- 8.9 Acceptance and payment for honour and reference in case of need
- 8.10 Compensation
- 8.11 Rules of evidence, Presumptions and estoppel
- 8.12 Crossed cheques
- 8.13 Penalties in case of dishonour, Criminal liability and procedure

### **Suggested Readings:**

- Avtar Singh: Contract Act, Eastern
- Principles of Law of Sale of Goods and Higher Purchase, Eastern
- Krishnan Nair: Law of Contract, Orient
- Ramanaiya: The Sale of Goods Act, Universal
- M.S. Parthasarthy: Negotiable Instruments Act
- Pollock and Mulla's: Sale of Goods Act, Lexis Nexis-Butterworths
- Pollock and Mulla's: Indian Partnership Act, Lexis Nexis-Butterworths

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Law of Crimes II (Bharatiya Nyaya Sanhita, 2023 – Chapter VII onwards)		
Course Type		Core Course		
Course Code		BLLB21203	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The focus of this paper will be on the study and understanding of the substantive offences under the Indian Penal Code. This course is designed with a prime object to familiarize students about various specific offences such as offences against the State, property, public justice, public tranquility to name a few and offences relating to the principles of criminal liability and relevant case laws. Students are expected to refer the provisions of the Indian Penal Code while reading Supreme Court judgements on offences.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the various kinds of crimes, its components and methods of controlling them.

CO2: Understand various offences, their essentials & punishments

CO3: Understand the judicial approach towards such offences and punishment.

### **Syllabus**

#### **Module 01. Offences against State, Offences relating to Army, Navy and Air Force and Offences relating to Elections**

##### 1.1 Offences against State

1.1.1 Waging war against the government of India and related offences

1.1.2 Act endangering sovereignty, unity and integrity of India (Section 152 of BNS)

1.1.3 Public Servant voluntarily allowing prisoner of State or war to escape

##### 1.2 Offences relating to Army, Navy and Air Force

##### 1.3 Offences relating to elections

##### 1.4 Offences relating to coin, currency notes, bank notes and government stamps- counterfeiting

#### **Module 02. Offences against Public Tranquility, Offences by or relating to Public Servants and Contempt of lawful authority of Public Servants**

##### 2.1 Public Tranquility

2.1.1 Unlawful Assembly- common object, common intention- its distinction.

2.1.2 Rioting

- 2.1.3 Affray
- 2.1.4 Promoting enmity between different groups
- 2.1.5 Imputations, assertions prejudicial to national integration
- 2.5 Offences by or relating to Public Servants
- 2.6 Contempt of lawful authority of Public Servants

**Module 03. False evidence and Offences against Public justice, Offences affecting Public Health, Safety, etc. and Offences relating to Religion**

- 3.1 False Evidence and offences against public justice
  - 3.1.1. Giving and fabricating false evidence- distinction- Punishment-Aggravated forms
  - 3.1.2 Using evidence to be false, issuing/ using/signing false certificate, giving false information and related offences
  - 3.1.3 Harboursing offender and related offences
  - 3.1.4 Public servant disobeying direction of law and other offences related to public servants.
- 3.2 Offences affecting Public Health, Safety, etc.
  - 3.2.1 Public Nuisance
  - 3.2.2 Food and drugs adulteration
  - 3.2.3 Negligent acts, Rash driving or riding
  - 3.2.4 Obscenity
- 3.3 Offences relating to Religion
  - 3.3.1 Injuring or defiling place of worship, deliberate and malicious acts intended to outrage religious feelings
  - 3.3.2 Disturbing religious assembly, trespassing on burial places, uttering words with intention to hurt religious feelings

**Module 04. Offences against Property, Documents and Property Marks, Criminal Intimidation, Defamation**

- 4.1 Theft – Snatching- Extortion – Robbery – Dacoity
- 4.2 Criminal misappropriation of property – criminal breach of trust
- 4.3 Receiving stolen property- Cheating- Mischief- Criminal trespass
- 4.4 Offences relating to documents and property marks-forgery, tampering with property marks
- 4.5 Criminal intimidation
- 4.6 Defamation
- 4.7 Breach of contract to attend on and supply wants of helpless person

**Suggested Readings:**

- Taxmann’s Bare Act, Bharatiya Nyaya Sanhita, 2023
- Ratanlal & Dhirajlal: The Indian Penal Code, Lexis Nexis, Butterworths
- Criminal Law – Cases and Materials, Lexis Nexis, Butterworths
- A Text Book on the Indian Penal Code, Lexis Nexis, Butterworths
- B.M. Gandhi: Indian Penal Code, Eastern
- Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co.

Note: As Indian Penal Code is now replaced by the Bharatiya Nyaya Sanhita, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of IPC while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Administrative Law		
Course Type		Core Course		
Course Code		BLLB11204	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The objective of this course is to give the students an understanding of the evolution of administrative law, to make them appreciate the concepts and principles of administrative law and to help them understand the working of the administrative institutions within the norms of good governance and accountability.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the nature, development of law relating to administration and effective means of administrative control.

CO2: Analyse the impact and operation of administrative law from policy perspectives and identify and explain government accountability for the exercise of public power.

CO3: Identify, explain and apply the principles of natural & administrative law covered in the course

CO4: Understand administrative tribunals, public corporations, judicial discretion, Lokpal and Ombudsman.

### **Syllabus**

#### **Module 01. Introduction: Evolution, Nature and Scope**

- 1.1 Meaning, Dicey's thesis, Rule of Law and Administrative Law, Constitutional base of Administrative Law, sources and definitions of Administrative Law.
- 1.2 Indian Constitution: An Outline
- 1.3 Local Self-Government
- 1.4 Separation of Powers and Executive Function: Scope
- 1.5 Emerging trends – positive duties of administration- modern social welfare legislation – functions of a modern State

#### **Module 02. Legislative Powers of Administration**

- 2.1 Legislative Process
- 2.2 Executive Legislation
- 2.3 Delegated Legislation
  - 2.3.1 Definition and forms
  - 2.3.2 Reasons for Growth

- 2.3.3 Types of Delegated Legislation
- 2.3.4 Limits upon Delegation of Legislative Power
- 2.3.5 Delegation under Indian Constitution and Other Constitutions
- 2.3.6 Constitutionality for validity of delegated legislation

### **Module 03. Control of Delegated Legislation**

- 3.1 Publication
- 3.2 Committee on Subordinate Legislation
- 3.3 Parliamentary Control on Delegated Legislation
- 3.4 Judicial Control of Delegated Legislation – Judicial Review

### **Module 04. Classification of Administrative Action**

- 4.1 Legislative function
- 4.2 Judicial, Quasi-Judicial and Administrative function
- 4.3 Administrative Tribunals
- 4.4 Commissions under Indian Constitution – Election Commission
- 4.5 Statutory Commissions and Agencies – MRTP Commission, Press Council, Commission of Inquiry, National Commission for Women, National Commission for Minorities, National Commission and State Commissions on Human Rights, National Commission for Backward Classes.

### **Module 05. Judicial Control of Administrative Action and Administrative Discretion**

- 5.1 Standing, laches, Res Judicata
- 5.2 Grounds and Scope of Judicial Review
- 5.3 Methods of Judicial Review, Writ Jurisdiction and Appellate Jurisdiction – Scope and Extent
- 5.4 Rule of Law and Administrative Discretion – meaning – discretion conferred by the Constitution and objections, Grant of Discretion and Article-14, Civil liberties
- 5.5 Judicial activism

### **Module 06. Rules of Natural Justice and Fair Hearing**

- 6.1 Rules and Principles of Natural Justice
- 6.2 *Audi alteram partem*
- 6.3 Pre-Decisional and Post-Decisional Hearing
- 6.4 Effect of Non-compliance with Principles of Natural Justice

### **Module 07. State Liability – Corporations and Public Undertaking**

- 7.1 Suits against State – Contractual liability
- 7.2 Tortious liability
- 7.3 Liability under Penal and Taxing Statute
- 7.4 State Monopoly and Accountability
- 7.5 Public Enterprises – Meaning – Classification
- 7.6 Legal Remedies – Rights and liabilities of Public Undertaking
- 7.7 Informal methods of settlement of disputes and Grievance Redressal Procedures

## **Module 08. Parliamentary and Other Controls over Government**

8.1 Ombudsman – Lokpal – Lokayukta, Parliamentary Commissioner

8.2 Public Inquires and Commissions of Inquires

8.3 Vigilance Commission

8.4 Congressional and Parliamentary Committees – Public Accounts Committees'

8.5 Comptroller and Auditor General of India

8.6 Constitutional Protection to Civil Servants and Administrative Service Tribunals – Service Rules and Procedural Safeguards – Administrative Service Tribunals.

### **Suggested Readings:**

- S.P. Sathe: Administrative Law
- I.P. Massey: Administrative Law
- D.D. Basu: Comparative Administrative Law
- Jain and Jain: Principles of Administrative Law
- C.K. Thakker: Administrative Law
- C.K. Takwani: Lectures on Administrative Law

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Property Law		
Course Type		Core Course		
Course Code		BLLB11205	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Every owner of the immovable property has a right to enjoy the property without any disturbance. This paper mainly deals with the Transfer of Property Act, 1882 which has been passed before a century, many changes have been made with in the act as per the time passes and to satisfy the changing need of the society. Besides this act, this paper also contains Sale, Lease, Mortgage, Exchange, Gift, and Indian Easement Act,1882. The main purpose of this subject is to make students informed with alienation of property whether movable or immovable and also to differentiate inherent with property system in different personal laws. This course also introduces students to The Real Estate (Regulation and Development) Act, 2016 which aims to create a more equitable and fair transaction between the seller and the buyer of properties, especially in the primary market along with an understanding of Gujarat Town Planning and Urban Development Act, 1976.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. A detailed study of the substantive law relating to sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken.

CO2: Understand that immovable property is precious and transactions in connection with immovable property are to be authenticated by the government via registration

CO3: Understand the objectives and functions of the Real Estate Regulatory Authority which includes *inter alia* increasing transparency in the real-estate sector, increasing accountability of the promoters and developers and establishing efficient forums for grievance redress.

CO4: Understand the implication of law relating to planning and land development and local government, with an emphasis on statutory authority, finance, and land use control.

## **Syllabus**

<b>Subject</b>	<b>External Examination Marks</b>
Transfer of Property Act, 1882	20 Marks
Indian Easement Act, 1882	10 Marks
The Real Estate (Regulation and Development) Act, 2016	10 Marks
Gujarat Town Planning and Urban Development Act, 1976	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Jurisprudential Contours of Property**

- 1.1 Concept – meaning – kinds of property – new property – Government largesse
- 1.2 Kinds of Property – movable and immovable property, intellectual property –copyright – patents and designs – trademarks, geographical indications etc.
- 1.3 Possessional ownership as man-property relationship – finder of goods

### **Module 02. General Principles of transfer of property**

- 2.1 Introduction
- 2.2 Transfer of property – definitions – transfers by acts of parties
- 2.3 Transfer of movable property
- 2.4 Doctrine of Election
- 2.5 Doctrine of Apportionment
- 2.6 Transfer of immovable property – transfer by co-owners, by ostensible owners – rights – fraudulent transfer – part performance

### **Module 03. Specific Transfers**

- 3.1 Sale – essentials, definition, rights and liabilities of seller and buyer –marshalling by subsequent purchaser, provision by court for encumbrances and sale freed there from
- 3.2 Mortgages and Charges
  - 3.2.1 Under the Transfer of Property Act – definitions – lands rights and liabilities of mortgagor and mortgagee – redemption – clog on redemption – marshalling and contribution – foreclosure and sale
  - 3.2.2 To a land mortgage bank, land development bank, powers and functions.
- 3.3 Leases-definitions – essentials – rights and liabilities of lessor and lessee
- 3.4 Exchanges-definitions – rights and liabilities of parties – exchange of money
- 3.5 Gifts – definitions – how effected- Essential requirements, kinds of gift –onerous gift – universal donee – suspension and revocation of gift – gift of existing and future property – *donatio mortis causa* and Muhammadan Law
- 3.6 Transfer of actionable claims – definition – notice – transfer of actionable claims – solvency of debtor – liability of transferee of actionable claim –mortgaged debt, assignment of rights under policy of insurance against fire –marine insurance – incapacity of officers connected with Courts of Justice, saving of negotiable instruments etc.

#### **Module 04. The Indian Easements Act, 1882**

- 4.1 Meaning – nature – essentials – characteristics
- 4.2 Kinds – creation, suspension and extinction of easements rights
- 4.3 Easement rights: way, air, light, support etc.
- 4.4 Riparian rights
- 4.5 Licenses – meaning, elements, grant of license and its revocation

#### **Module 05. The Real Estate (Regulation and Development) Act, 2016 (RERA)**

- 5.1 Introduction to Real Estate (Regulation and Development) Act, 2016
- 5.2 Genesis and important definitions of RERA
- 5.3 Registration under RERA and its procedure
- 5.4 Functions, duties, obligations and liabilities of a promoter - from advertisement to completion of project, Publication on web-site, effect, Transfer of title, Agreement for sale, Rights, duties and liabilities of allottees.
- 5.4 Authority/ Appellate Tribunal- composition, roles, duties and responsibilities
- 5.5 Real Estate Regulatory Authority: Establishment, Incorporation, Composition
- 5.6 Qualification of Chairpersons and members, Meetings, Powers and functions
- 5.7 Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)
- 5.8 Effect of the Act (Sections 88-89), Bar of jurisdiction (Section 79)
- 5.9 Appeals

#### **Module 06. Gujarat Town Planning and Urban Development Act, 1976**

- 6.1 Object, Application, and General Scheme of the Act
- 6.2 Development Plan, its contents and implementation
- 6.3 Control of Development and use of Land included in Development Plans

#### **Suggested Readings:**

- Mulla: Transfer of Property Act
- Avatar Singh, Textbook on the Transfer of Property Act, Universal Law Publishing
- V.P. Sarathy: Transfer of Property
- A P Singh and Ashish Srivastava, Property Laws, LexisNexis
- B B Katiyar, Law of Easements and Licences, Universal Law Publishing
- K Goyal, Guide to Real Estate (Regulation and Development) Act, 2016, 2nd ed, Commercial Law Publishers.
- A K Gupte, Real Estate (Regulation and Development) Act, 2016, Hind Law House
- SBD Publication: Gujarat Town Planning and Urban Development Act, 1976



# SEMESTER III

**SARVAJANIK UNIVERSITY  
SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Principles of Taxation Law		
Course Type		Core Course		
Course Code		BLLB11301	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Legal regime of Tax encompasses the policies, Laws and rules of Taxation process. Income Tax Law is concerned with tax imposed on various sources of income, income assessment procedures, adjudication and settlement of tax disputes. The object of this paper is to impart a conceptual understanding of the provisions and impact of direct and indirect tax laws.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the legal provisions, guidelines and case laws on the subject of taxation law.

CO2: Understand the basic concepts of Goods and Service Tax Act, 2016.

CO3: Understand and analyse the various provisions of the Customs Act and various types of customs duty, levy and exemption from customs duty and classification and valuation of goods imported and to be exported.

### **Syllabus**

Subject	External Examination Marks
Income Tax Act, 1961	20 Marks
Goods and Service Tax Act, 2017	20 Marks
Customs Act, 1962	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. General Perspective**

1.1 History and Development of Taxation in India

1.2 Fundamental principles relating to tax laws

1.3 Government financial policy, tax structure and their role in the national economy – critical analysis of taxation policy in India

1.4 Concept of tax –importance, nature and characteristics of tax – distinction between tax and fee, tax and cess, direct and indirect tax, tax evasion and tax avoidance –meaning and concept.

1.5 Taxing power and constitutional limitations in India – Centre State fiscal relations – Directive Principles and tax policy objective in India – Tax plan and judicial processes – Scope of taxing powers of Parliament, State legislatures and local bodies.

## **Module 02. Income Tax Act, 1961**

- 2.1 Basic concepts and definitions– income – agricultural income, Advance tax, total income, income not included in total income deemed income – clubbing of income
- 2.2 Assessee – person – family as a Unit for tax
- 2.3 Tax planning and tax avoidance- Black money – taxation of agricultural income and wealth.
- 2.4 Chargeable income – heads of income – salaries – income from the house property – income from business or profession – capital gains – income from other sources – deductions, relief, exemptions – rate of income tax
- 2.5 Income tax authorities – power and functions
- 2.6 Offences and Penal Sanctions
- 2.7 Settlement of grievances

## **Module 03. Goods and Services Tax (GST)**

- 3.1 Central Goods and Services Act, 2017
- 3.2 The Integrated Goods and Service Tax Act, 2017
- 3.3 Gujarat Goods and Services Act, 2017

## **Module 04. Customs Act, 1962**

- 4.1 Introduction to Customs Duty
- 4.2 Customs procedure
- 4.3 Levy and collection of customs duty, exemption from customs duties
- 4.4 Methods of Valuation of Customs Duty- Baggage-Problems
- 4.5 Drawbacks of customs duties, preparation and submission of drawback claim forms.
- 4.6 Adjudication and appeals before the customs authorities and the Appellate Tribunal.

### **Suggested Readings:**

- Taxmann's, Income Tax Act
- Bharat's, Direct Taxes, C.A. Prema Peshori
- Goods and Services Act, Sahitya Bhawan Publication
- Direct Taxes, Law & Practice, Dr. Girish Ahuja & Dr. Ravi Gupta
- Direct Taxes Ready Reckoner, Dr. Vinod K. Singhania
- Ready Reckoner GST, Taxmann's
- R.K.Jha and P.K. Singh- A Bird's eye view of GST, Asia Law House.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Family Law I		
Course Type		Core Course		
Course Code		BLLB11302	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal (Marks)	External (Marks)	Total
3	1	50	50	100

**Object:** India being a secular country with diverse religions protects the individual freedom to profess a religion as constitutional guarantee. Family Law I comprises of Nature of personal Laws, Marriage and Matrimonial Remedies, Maintenance and the dispute resolution mechanism. Study of this subject should enable the students to view family law not merely as a separate system of personal laws based upon religious beliefs, but as one cutting across religious lines, eventually enabling fulfilment of the Constitutional directive of Uniform Civil Code.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand historical and social contexts that have influenced the modern definition and regulation of families.

CO2: Understand and analyse various provision of Hindu and Muslim law, their sources, concept of marriage, and various matrimonial remedies available in case of a legal dispute under both Hindu, Muslim, Christian and Parsi Laws.

CO3: Understand the provisions of the Uniform Civil Code.

### **Syllabus**

#### **Module 01. Nature and scope of Personal Laws**

1.1 Sources of Hindu Law

1.2 Sources of Muslim Law

1.3 Sources of Christian, Parsi law

#### **Module 02. Marriage and Matrimonial Reliefs under Hindu law**

2.1 Evolution and concept of the institution of marriage, nature and forms of marriage under ancient Hindu law

2.2 Essentials of a valid marriage under the Hindu Marriage Act, 1955; ceremonies of marriage; valid, void and voidable marriages; importance of custom; marriage with a non-Hindu; registration of marriage; effect on legitimacy of children

2.3 Divorce, theories of divorce, grounds of divorce, customary divorce, effect of divorce, emerging trends; Bar to remarriage after a divorce

2.4 Other matrimonial reliefs: Nullity of marriage; Judicial separation; Repudiation of marriage; Restitution of conjugal rights; Other reliefs granted by a court in matrimonial proceedings (other than maintenance); Bar to matrimonial reliefs

2.5 Jurisdiction of courts: under the Hindu Marriage Act, 1955 and the Family Courts Act, 1984.

### **Module 03. Marriage and Matrimonial Reliefs under Muslim law**

3.1 Muslim marriage: pre-Quranic background, definition of nikah, nature and classification of marriages

3.2 Essentials and formalities of a valid marriage, legal effects of a valid marriage, muta marriage, stipulation in marriage contract; guardianship in marriage with reference to Shias and Sunnis

3.3 Mehr / dower, nature and kinds of dower, rights of wife in case of unpaid dower

3.4 Nullity of marriage; restitution of conjugal rights; option of puberty

3.5 Talaq, kinds of talaq, divorce under the Dissolution of Muslim Marriage Act, 1939

3.6 Remarriage; Iddat: its rationale, utility and periods; prohibition to marry in certain cases

### **Module 04. Marriage and Matrimonial Reliefs among Parsis, Christians and under the Special Marriage Act, 1954**

4.1 Marriage under the Parsi Marriage and Divorce Act, 1936: Essentials of a valid marriage; Solemnization of marriage and its registration; Dissolution of marriage, divorce, nullity, judicial separation, restitution of conjugal rights; Remarriage; Parsi Matrimonial Courts and procedures

4.2 Marriage under the Indian Christian Marriage Act, 1872; Essentials of a valid marriage; Solemnization of marriage and its registration; Marriage of Indian Christians; Provisions under the Indian Divorce Act, 1869: relating to dissolution of marriage, judicial separation, nullity, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures

4.3 Marriage under the Special Marriage Act, 1954: Essentials of a valid marriage, Solemnisation of marriage and procedure, its registration and certificate; Registration of existing marriages, procedure and registration; Effect and consequences of such marriages; Void and voidable marriages; Remedies of divorce, judicial separation, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures

4.4 Marriages of citizens outside India under the Foreign Marriages Act, 1969: Essentials, Solemnisation of marriage, procedure and certificate, Effect of such marriage, Divorce of foreign marriages

4.5 Comparative analysis of marriage and matrimonial reliefs in different laws.

4.6 Relationship in the nature of marriage: live-in relationship, same-sex relationships

### **Module 05. Alimony and Maintenance**

5.1 Maintenance pendent lite and permanent maintenance; Maintenance of wives, children and parents under the Hindu law, Muslim law, Christian law and Parsi law; Maintenance in matrimonial proceedings under these laws

5.2 Alimony and maintenance under the Special Marriage Act, 1954, the Protection of Women from Domestic Violence Act, 2005, the Code of Criminal Procedure, 1973, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

## **Module 06. Uniform Civil Code**

6.1 Religious pluralism and its implications

6.2 Connotations of the directive contained in Article-44 of the Constitution

6.3 Impediments to formulation of the Uniform Civil Code

6.4 The idea of optional Uniform Civil Code

### **Suggested Readings:**

- Kusum, Family Law Lectures: Family Law I, LexisNexis, New Delhi.
- Satyajeet A Desai, Mulla's, Hindu Law, LexisNexis, New Delhi.
- Justice Ranganath Mishra, Mayne's Hindu Law and Usage, Bharat Law House, New Delhi.
- H. K. Saharay, Family Law in India, Eastern Law House, New Delhi.
- Flavia Agnis, Family Law Vol I and II, Oxford University Press, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.
- Mulla, Principles of Mohammedan Law, LexisNexis, Nagpur.
- Paras Diwan: Family Law: Law of Marriage and Divorce in India
- Manchanda: S.C. Law and Practice of Divorce in India, Universal
- P.V. Kane: History of Dharmasastra (1974)
- A. Kuppaswami (ed): Mayne's Hindu Law and Usage (1986)

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Labour and Industrial Law I		
Course Type		Core Course		
Course Code		BLLB11303	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The 20<sup>th</sup> century witnessed the development of Industrial jurisprudence in the country. The growth of industrial jurisprudence can significantly be noticed not only from the increase in the large number of industrial law issues decided by the Supreme Court. Rapid industrialization led to exploitation of labour and therefore various labour legislations were passed to protect interest of workmen. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers and employees. It defines the rights and obligations of workers, union members and employers in the work place. This paper aims to enable the students to understand the history of industrial jurisprudence. The object of the paper is to acquaint the students with the conceptual and operational parameters of the welfare and wages, various issues relating to industrial relation between employer and employee and its impact on labour relations in India.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand nature and scope of labour laws in India

CO2: Demonstrate knowledge of the welfare and wage legislations.

CO3: Understand the implications of non-implementation of various provisions of essential Labour Laws and the penal consequences on non-compliance.

CO4: Understand the changes required under the law with reference to its current need in the society.

### **Syllabus<sup>4</sup>**

Subject	External Examination Marks
Industrial Disputes Act, 1947	30 Marks
Trade Unions Act, 1926	10 Marks
The Industrial Employment (Standing Orders) Act, 1946	05 Marks
Gujarat Industrial Relations Act	05 Marks
<b>Total</b>	<b>50 Marks</b>

<sup>4</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Module 01. General Introduction**

- 1.1 Approach to Labour Law
- 1.2 Basis of Labour Law
- 1.3 Historical Aspects - Master and slave relationship
- 1.4 Social Justice and Labour Law
- 1.5 Constitutional Perspective and Labour Law
- 1.6 Approaches of Indian Judiciary and Judicial Legislation on Industrial Relations
- 1.7 International labour Organization and its influence on Indian labour laws

## **Module 02. Industrial Disputes Act, 1947**

- 2.1 Scope, objects and features of the Act
- 2.2 Definitions: Industry, Industrial Disputes (Industrial and Collective), Workman
- 2.3 Strikes and Lock-outs
- 2.4 Lay-off
- 2.5 Retrenchment
- 2.6 Closure
- 2.7 Unfair Labour Practices and Role of Government;
- 2.8 Authorities under the Act: Works Committee, Conciliation Officer, Boards of conciliation, Court of Inquiry, Labour Court, Tribunals

## **Module 03. Trade Unions Act, 1926 & Gujarat Industrial Relations Act & Collective Bargaining:**

- 3.1 History and development of Trade Union in India
- 3.2 Registration of Trade Union & privileges of registered trade union
- 3.3 Rights and Liabilities of Registered Trade Union
- 3.4 Meaning and importance of Industrial Relations
- 3.5 Classification of Unions: Primary union, Qualified Union, Representative union
- 3.6 Concept & importance of Principle of Collective Bargaining

## **Module 04. The Industrial Employment (Standing Orders) Act, 1946**

- 4.1 Meaning and application of the Act
- 4.2 Standing orders & Model Standing Orders
- 4.3 Certificate & Cancellation of Standing Orders
- 4.4 Provision of Appeal
- 4.5 Disciplinary Procedures: Departmental Inquiries

### **Suggested Readings:**

- Mishra S. N - Labour Laws
- Srivastava S. C - Social Security and Labour Laws.
- Malhotra O. P - Industrial Disputes Act Vol. I and II.
- Madhavan Pillai - Labour and Industrial Laws.
- Srivastava K. D - Commentaries on Industrial Disputes Act, 1947.
- Giri V. V - Labour problems in Indian Industry.
- Labour Law and Labour Relations Published by Indian Law Institute.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Jurisprudence		
Course Type		Core Course		
Course Code		BLLB11304	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Jurisprudence in its etymological sense means the *science of law*. It is the foundation on which the entire edifice of law is structured. It is therefore imperative to have a clear understanding of jurisprudence as it is *sine qua non* for the study of any subject of law. This subject aims to acquaint the students with the complexities of law and to develop an analytical approach to understand the nature of law and the inter-relationship. The paper also intends to create an understanding of basic legal concepts like Rights, Person, Property, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand major schools of jurisprudence, and the core legal debates that have preoccupied legal philosophers from the early days of civilisation to modern times.

CO2: Engage in identification, articulation and critical evaluation of legal theory and the implications for policy.

CO3: Critically analyse and research complex problems relating to law and legal theory and make reasoned and appropriate choices amongst alternatives.

### **Syllabus**

#### **Module 01. Introduction to Jurisprudence**

1.1 Jurisprudence – Meaning, Nature, and Utility

1.2 Meaning, Characteristics, Purposes and Classification of Law

1.3 Relationship between Law and Morality

#### **Module 02. Sources of Law**

2.1 Legislation – Meaning, nature, kinds, merits and demerits, relation with other sources

2.2 Precedent - Meaning, nature, theories of Precedent, Doctrine of Stare Decisis, article 141 of the Constitution of India, kinds, ratio decidendi and obiter dicta, doctrine of prospective overruling, significance and circumstances destroying binding force, relation with other sources

2.3 Custom - Meaning, nature, essential conditions, kinds, concept of Volkgeist

2.4 Juristic Writings - Meaning, nature and significance

### **Module 03. Natural Law Theories**

- 3.1 Classical Natural Law theory: Plato and Aristotle, St. Augustine, St. Thomas Aquinas
- 3.2 Natural law and Social Contract Theory: Hugo Grotius and International Law, Hobbes, Locke, Rousseau
- 3.3 Revival of Natural Law: Lon Fuller and the Morality of Law, H.L.A. Hart on Natural Law, John Finnis and the Restatement of Natural Law

### **Module 04. Legal Positivism**

- 4.1 Bentham and John Austin's theory of positivism
- 4.2 Hart's concept of law
- 4.3 Kelsen's Theory of law

### **Module 05. Sociological, Realist and Historical Schools of Law**

- 5.1 Sociological school of law - Roscoe Pound
- 5.2 Realist school of law
  - 5.2.1 American Realism: W Holmes, Karl Llewellyn, Jerome Frank
  - 5.2.2 Scandinavian Realism: Axel Hagerstrom, Alf Ross, Karl Olivercrona
- 5.3 Historical school of jurisprudence - Savigny and Maine. - Comparison of Historical and Analytical School of Law

### **Module 06. Critical Legal Studies**

- 6.1 Critical Feminist Jurisprudence
  - 6.1.1 Feminist Legal Theory
  - 6.1.2 Origins of Feminism
  - 6.2.3 Legal Feminisms - Liberal Feminism, Radical Feminism, Postmodern Feminism
- 6.2 Critical Race Theory
  - 6.2.1 Critical Race Theory's critique of Liberalism
  - 6.2.2 Critical Race Theory's racial critique of Civil Rights Scholarship
  - 6.2.3 Critical Race Theory as Reconstruction Jurisprudence

### **Module 07. Rights and Duties**

- 7.1 Meaning of Wrong, Duty and Right
- 7.2 Characteristics of Legal Rights
- 7.3 Kinds of Legal Rights
- 7.4 Theories of Legal Rights
- 7.5 Hohfeldian Classification of Legal Rights

### **Module 08. Concept of Property and Obligations**

- 8.1 Meaning of Property
- 8.2 Kinds of Properties
- 8.3 Theories of Property
- 8.4 Modes of acquisition Property
- 8.5 Definition of Obligation
- 8.6 Solitary Obligations
- 8.7 Sources of Obligations

## **Module 09. Concepts of Ownership and Possession**

- 9.1 Meaning of Ownership
- 9.2 Characteristic of Ownership
- 9.3 Subject-matter of Ownership
- 9.4 Kinds of Ownership
- 9.5 Modes of acquiring Ownership
- 9.6 Meaning of Possession
- 9.7 Kinds of Possession
- 9.8 Modes of acquiring Possession
- 9.9 Possessory Remedies
- 9.10 Comparison between Ownership and Possession

## **Module 10. Concept of Person**

- 10.1 Nature of Personality - Natural and Legal
- 10.2 Legal Status of Lower Animals, Dead persons, Unborn Persons
- 10.3 Kinds of Legal Persons
- 10.4 Uses and Purposes of Incorporation
- 10.5 Theories of Legal Personality

## **Module 11. Concept of Title**

- 11.1 Definition and Nature of Title
- 11.2 Classification of Titles
- 11.3 Importance of Agreements
- 11.4 Kinds of Agreements
- 11.5 Validity of Agreements

## **Module 12. Concept of Liability**

- 12.1 Definition and Nature of Liability
- 12.2 Kinds of Liability
- 12.3 General Conditions of Liability
- 12.4 Measure of Penal Liability
- 12.5 Measure of Civil Liability
- 12.6 Theory of Strict and Absolute Liability
- 12.7 Vicarious Liability in Civil and Criminal Law
- 12.8 Liability of Corporations
- 12.9 Mental elements- act, omission, mens rea, intention, malice, motive, negligence.

### **Suggested Readings:**

- V. D. Mahajan: Jurisprudence and Legal Theory
- H.L.A. Hart: The Concepts of Law
- Dhyani S.N., Jurisprudence: A Study of Indian Legal Theory
- Dr. S. R. Myneni, Jurisprudence (Legal Theory)
- P.S. Atchthew Pillai, Jurisprudence and Legal Theory, EBC Publication.
- Vijay Ghormade, Lectures on Jurisprudence & Legal Theory, Hind Law House

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Interpretation of Statutes and Principles of Legislation		
Course Type		Core Course		
Course Code		BLLB11305	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Interpretation is an art of finding out the true sense of an enactment by giving the words of the enactment their natural and ordinary meaning. It is the process of ascertaining the true meaning of the words used in a statute. The main object of this paper is to determine the intention of the legislature conveyed expressly or impliedly in the language used.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Locate, identify and critically analyse relevant statutes, statutory provisions and legislative instruments, as well as pertinent judicial authority.

CO2: Interpret the appropriate provisions using the accepted tools and techniques of statutory interpretation.

CO3: Understand the importance of the law making process in the present context.

CO4: Understand and analyse the judicial interpretation, construction of words, phrases and expressions.

### Syllabus

#### **Module 01 Introduction**

1.1 Meaning of Interpretation

1.21 Difference Between Construction and Interpretation

1.3 Object of Interpretation

1.4 Classification of Statutes

1.5 Consolidating and codifying statutes

1.6 The General Clauses Act, 1897: An overview of important definitions and Provisions

#### **Module 02. Principles of Legislation**

2.1 Law making – the legislature, executive and judiciary

2.2 Principles of utility – relevance of John Rawls and Robert Nozick – individual interest and community interest – operation of principles upon legislation.

2.3 Distinction between legislation and morals.

### **Module 03. Interpretation: General Rules of Construction**

3.1 Meaning of the term 'statute' - commencement, operation and repeal of statutes – purpose of interpretation of statutes.

3.2 General Rules of interpretation

### **Module 04. Interpretation: Aids**

3.1 Internal aids – title and preamble – heading and marginal notes – sections and subsections – punctuation marks – illustrations, exceptions, provisions and saving clauses – Schedules – Non-obstante clause

3.2 External aids – dictionaries – translations – Travaux preparatoires – statutes in pari materia – Contemporanea Exposito – debates, inquiry commissions, reports and Law Commission Reports

### **Module 05. Rules of Statutory Interpretation**

5.1 Primary rules literal rule Golden rule, Mischief rule, Rule of Harmonious construction

5.2 Secondary Rules – Noscitur a sociis, Ejusdem generis, Reddendo singula singulis

### **Module 06. Presumptions in Statutory interpretation**

6.1 Validity of Statutes

6.2 Territoriality in operation

6.3 Presumption as to jurisdiction

6.4 Presumption against inconvenience and absurdity<sup>56</sup>

6.5 Presumption against injustice, impairing obligations or permitting advantage from one's own wrong

6.6 Prospective operation and Prospective over – ruling of statute

### **Module 07. Interpretation with reference to the subject matter and purpose**

7.1 Restrictive and beneficial construction – taxation statutes, penal statutes, welfare legislations.

7.2 Interpretation of substantive and adjunctival statutes

7.3 Interpretation of directory and mandatory provisions

7.4 Interpretation of enabling statutes

7.5 Interpretation of codifying and consolidating statutes

7.6 Interpretation of statutes conferring rights

7.7 Interpretation of statutes conferring powers.

### **Module 08. Principles of Constitutional Interpretation**

8.1 Harmonious Construction

8.2 Pith and Substance

8.3 Colourable legislation

8.4 Ancillary Powers

8.5 "Occupied field"

8.6 Residuary Powers

8.7 Doctrine of repugnancy

## **Module 09. Maxims of Statutory Interpretation**

- 9.1 Delegatus non potest delegare
- 9.2 Ex-pressio unius exclusio alterius
- 9.3 Generalia specialibus non derogant
- 9.4 In pari delicto potior est conditio possidentis
- 9.5 In pari delicto potior est conditio defendentis
- 9.6 Ultra valet potior quam perat
- 9.7 Expressum facit cessare tacitum
- 9.8 In bonam partem

### **Suggested Readings:**

- V.Sarathi: Interpretation of Statutes Eastern, Lucknow
- M.P. Jain: Constitutional Law of India, Wadhwa & Co.,
- M.P. Tandon: Interpretation of Statutes, Allahabad Law Agency
- Avtar Singh, Introduction to Interpretation of Statutes LexisNexis, Butterworth Wadhwa.
- Battacharya T., Interpretation of Statutes, Central Law Agency
- R.D. Shrivastava, Textbook of Interpretation of Statutes, Central Law Publication
- Swarup, Legislation and interpretation, University Book Agency
- Chatterjee on Interpretation of Statutes, Calcutta, De, B.C.



# SEMESTER IV

**SARVAJANIK UNIVERSITY  
SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Family Law II		
Course Type		Core Course		
Course Code		BLLB11401	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** This course primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations and provisions relating to wakf, and relating to gifts in Muslim law. Family Law II comprises of adoption, minority and guardianship, inheritance and succession and its modern perspectives.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the legal or statutory provisions relating to maintenance, adoption and guardianship under various personal and secular laws in India.

CO2: Understand the legal solutions to some very sensitive disputes relating to religious endowments, wakf and pre-emption.

CO3: Understand legislative changes brought in the matters of maintenance, adoption and succession laws.

### **Syllabus**

#### **Module 01. Hindu Joint Family System**

1.1 Mitakshara joint family – mitakshara co-parcenary formation and incidents –property under Mitakshara law – separate property and co-parcenary property

1.2 Coparcenary, Mitakshara and Dayabhaga coparcenary; Women as coparceners; Rights and powers of coparceners, sole surviving coparcener; Effect of amendments to the Hindu Succession Act 1956.

1.3 Karta of joint family – position, powers, privileges and obligations

1.4 Alienation of property – separate and co-parcenary

1.5 Debts – doctrine of pious obligations and antecedent debts

1.6 Partition under Dayabhaga and Mitakshara systems; Subject matter of partition; Persons entitled to claim partition and who get share on partition; Kinds of partition; Principle of survivorship and representation; Reopening and Reunion

#### **Module 02. Inheritance and Succession: Hindus**

2.1 Hindus – historical perspective of traditional Hindu Law as a background to the study of Hindu Succession Act, 1956

- 2.1.1 Succession to property of a Hindu male dying intestate
- 2.1.2 Succession to property of a Hindu female dying intestate
- 2.2 Devolution of interest in Mitakshara co-parcenary with reference to the Hindu Succession Act.
- 2.3 General rules of succession and disqualification relating to succession

### **Module 03. Inheritance and Succession: Muslims**

- 3.1 General rules of succession and exclusion from succession
- 3.2 Classification of heirs – under Hanafi and Ithna Asharia Schools and their shares and distribution of property

### **Module 04. Inheritance and Succession: Christians and Parsis**

- 4.1 Heirs and their shares and distribution of property under the Indian Succession Act, 1925

### **Module 05. Child and the Family**

- 5.1 Legitimacy
- 5.2 Adoption
- 5.3 Custody, maintenance and education
- 5.4 Guardianship and parental rights – principle of welfare of the child

### **Module 06. Establishment of Family Courts**

- 6.1 Constitution, powers, functions and jurisdiction
- 6.2 Administration of justice conducive to reconciliation and sorting out family problems

### **Suggested Readings:**

- Paras Diwan: Law of Intestate and Testamentary Succession, Universal
- Basu N.D.: Law of Succession (2000), Universal
- Paras Diwan: Law of Adoption, Maintenance, Guardianship and Custody (2000), Universal
- V.V. Raghavan (ed.): Paruck's Indian Succession Act, 1925
- Virendra Kumar: Alimony and Maintenance in the Light of Changing Concept of Marriage and Divorce
- Flavia Agnis, Family Law Vol I and II, Oxford University Press, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.
- Mulla, Principles of Mohammedan Law, LexisNexis, Nagpur.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Labour and Industrial Law II		
Course Type		Core Course		
Course Code		BLLB11402	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** This paper deals with the social security and retirement benefits during the course of employment and occupational safety, health and working conditions of employees.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the social security and retirement benefits of employees during the course of employment and its role in upliftment of standard of living of workers

CO2: Understand occupational safety, health and working conditions of employees.

CO3: Understand resolve labour welfare problems and its remedies.

### **Syllabus**<sup>5</sup>

Subject	External Examination Marks
Payment of Wages Act, 1936	05 Marks
Payment of Bonus Act, 1965	05 Marks
Factories Act, 1948	20 Marks
Other Labour welfare legislations	20 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. The Payment of Wages Act**

1.1 Object, Scope and Application of the Act

1.2 Definitions – Wage, Workman

1.3 Responsibility of Employer for Payment of Wages

1.4 Liabilities of employer for payment of wages

1.5 Authorized and Unauthorized Deductions

1.6 Remedies against unauthorized Deduction

<sup>5</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Module 02. Payment of Bonus Act**

- 2.1 Application of the Act
- 2.2 Definition: Bonus, Employees, Continuous Service
- 2.3 Calculation of Bonus: Available surplus and allocable surplus
- 2.4 Minimum Bonus & Maximum Bonus
- 2.5 Qualifications & Disqualifications for Bonus
- 2.6 Recovery of Bonus

## **Module 03. The Factories Act, 1948**

- 3.1 Definitions - Factory, Manufacturing Process, Worker
- 3.2 Application and essential features of the act
- 3.3 Measures to be taken in Factories for Health, Safety and Welfare of Workers
- 3.4 Working Hours of Adults
- 3.5 Provisions relating to Young Person, Adolescent, Children
- 3.6 Provision relating to Women workers
- 3.7 Annual Leave with Wages
- 3.8 Special provisions relating to Hazardous Process
- 3.9 Authorities under the Factories Act

## **Module 04. Labour Welfare Legislations**

- 4.1 Employees' Compensation Act, 1923: Emergence of the legislation, Total disablement, partial disablement, Dependent Workman, Wages, Liability of the employer to pay compensation and right of the workman to receive compensation, Accident "Arising out of and in the course of employment", Occupational disease, Doctrine of 'Added peril'
- 4.2 The Employees State Insurance Act, 1948: Corporation, Standing Committee and Medical Benefit Council; Contributions; Benefits; Adjudication of disputes and Claims; Penalties.
- 4.3 The Employees Provident Fund Act, 1952: Scheme, Object and Essential Features, Authorities;
- 4.4 The Maternity Benefit Act, 1961- Its object and its scope
- 4.5 The Minimum Wages Act, 1948 - Fixation of minimum wages - working hours and determination of wages
- 4.6 Payment of Gratuity Act: Application and concept of wages, Definition: Wages, employee, continuous services, Qualifications and disqualifications of Gratuity, Formula for calculation of Gratuity and related Judicial Pronouncements, Recovery of Gratuity and authorities under the Act.

### **Suggested Readings:**

- Indian Law Institute, Cases and Materials on Labour Law and Labour Relations, 1963
- Malik P L, Industrial Law, Eastern Book Company, 2013
- Surya Narayan Misra, An Introduction to Labour and Industrial Law, Allahabad Law Agency, 1978
- Srivastava S.C., Industrial Relations and Labour Law, Vikas Publishing House, New Delhi, 6th Edn., 2012
- Chaturvedi, Labour and Industrial Law, Central Law Agency, 2004
- Srivastava S.C., Commentaries on the Factories Act, 1948, Universal Law Publishing House, Delhi, 2002

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Companies Act, 2013 and Limited Liability Partnership Act, 2008		
Course Type		Core Course		
Course Code		BLLB21403	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** There have been considerable changes in company law over last few years. These changes have put more responsibility on the shoulder of Directors. A company has to comply with lot of procedures as covered under the Companies Act, 2013, Listing agreement, the Securities and Exchange Board of India Act, 1992 and regulations. Moreover, corporate Governance is now actively being implemented in various corporate houses. Law students are expected to study these changes thoroughly and minutely. The Company Act, 2013 seems to strengthen the Corporate Governance.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand and gain basic knowledge of the provisions of the Companies Act, 2013 in relation to types of companies, Memorandum of Association, Articles of Association, Administration of Company Law.

CO2: Comprehend the classification of Directors, key managerial personnel, Meetings of Companies and the Committees connected with the affairs of a Company

CO3: Gain insight on the law related to maintenance of Books of Accounts, Auditor's and Auditors Report

CO4: Be familiarized with the concept of winding up of a company and the modes of winding up along with the legal provisions related to Insider Trading and Whistle Blowing

CO3: Understand the nature of Limited Liability Partnership, its merits and process of winding up.

### **Syllabus<sup>6</sup>**

Subject	External Examination Marks
Companies Act, 2013	40 Marks
Limited Liability Partnership Act, 2008	10 Marks
<b>Total</b>	<b>50 Marks</b>

<sup>6</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Module 01. Concept, Nature and Meaning of Company**

- 1.1 Historical origin of company law in India and important definitions under the Companies Act, 2013
- 1.2 Characteristics of company – Company a Legal Person, Separate Legal Entity, Perpetual Succession, Common Seal, Limited liability
- 1.3 Doctrine of Corporate Veil
- 1.4 Difference between company and others forms of business organizations

## **Module 02. Registration and Incorporation of Company**

- 2.1 Types of Company - One Person Company, Company Limited by Shares, Unlimited Company, Private and Public Company, Foreign Company
- 2.2 Formation of Company
- 2.3 Certificate of Incorporation
- 2.4 Pre-incorporation contracts
- 2.5 Commencement of Business
- 2.6 Memorandum of Association (MOA), Alteration of MOA and Doctrine of Ultra vires
- 2.7 Articles of Association, Doctrine of constructive notice and Indoor Management

## **Module 03. Promoters, Securities, Debentures**

- 3.1 Promoters - Fiduciary relationship, Duties and liabilities
- 3.2 Prospectus and Kinds of Prospectus
- 3.3 Shares - Meaning and Nature
- 3.4 Kinds of Shares
- 3.5 Securities (Shares) - Allotment of securities and Share Holdings
- 3.6 Issue of shares
- 3.7 Certificate of shares
- 3.8 Shareholders and voting rights
- 3.9 Transfer of shares
- 3.10 Shareholders and Members
- 3.11 Share Capital and kinds of share capital
- 3.12 Publication of Authorized, Subscribed and paid up capital
- 3.13 Buy back of shares
- 3.14 Dividends
- 3.15 Debentures - Meaning, Kinds and Characteristics

## **Module 04. Appointment, Role and Qualification of Director and Meetings of Boards**

- 4.1 Role, Appointment and Types of Directors
- 4.2 Board of Directors
- 4.3 Independent Directors
- 4.4 Legal Position of Directors
- 4.5 Appointment of directors and Managerial Staff
- 4.6 Powers and Duties of Directors
- 4.7 Civil and Criminal Liability of Directors
- 4.8 Inspection, Inquiry and Disqualification
- 4.9 Removal of Director
- 4.10 Types of Meetings

## **Module 05. Compromise, Reconstruction, Amalgamation and Mergers**

- 5.1 Compromise, Arrangements and Amalgamations
- 5.2 Sanction, Duties and Powers of Tribunal
- 5.3 Power to Compromise or make arrangements with creditors and members
- 5.4 Reconstruction and Amalgamation of Company
- 5.5 Modes of reconstruction
- 5.6 Declaration and Payments of dividends in above cases
- 5.7 Fast track Mergers
- 5.8 Amalgamation of companies by Central Government in public interest

## **Module 06. Accounts of Company**

- 6.1 Books of accounts, etc. to be kept by the Company
- 6.2 System of maintenance of accounts in Company
- 6.3 Audit and Auditors
- 6.4 Protection of Minority Share Holders
- 6.5 Prevention of Oppression and Mismanagement
- 6.6 Removal of names of companies from register of companies
- 6.7 Revival and Rehabilitation

## **Module 07. Winding up Process**

- 7.1 Meaning of Winding up
- 7.2 Procedures for winding up
- 7.3 Winding up process by Tribunal
- 7.4 Consequences of winding order
- 7.5 Company liquidator and their appointments
- 7.6 Report of the liquidator
- 7.7 Custody of company's property
- 7.8 Company Dissolution
- 7.9 Voluntary Winding up
- 7.10 Declaration of Insolvency
- 7.11 Procedure for voluntary Winding up
- 7.12 Appointment of Liquidators

## **Module 08. Constitution of National Company Law Tribunal, Appellate Tribunal and Special Court**

- 8.1 Constitution of National Company Law Tribunal
- 8.2 Appellate Tribunal
- 8.3 Selection of members, terms of office, salary
- 8.4 Removal of members
- 8.5 Order of Tribunal
- 8.6 Powers of Tribunal
- 8.7 Appeal from orders of Tribunals
- 8.8 Establishment of special courts
- 8.9 Offences trial by special courts
- 8.10 Mediation and Conciliation Panel
- 8.12 Corporate Social Responsibility

## **Module 09. Limited Liability Partnership Act, 2008**

9.1 Essential features, Distinction between limited liability partnership (LLP) and ordinary partnership

9.2 Partners and their relations

9.3 Form of Contribution

9.4 Conversion from Firm to LLP and from private company to LLP, from unlisted public company to LLP

9.5 Compounding of offences

### **Suggested Readings:**

- Avtar Singh: Indian Company Law 2013
- A. Ramaiya: Guide to the Companies Act, Wadhwa
- S.M. Shah: Lectures on Company Law, Tripathi, Bombay
- Aiyar A.M. and Ramchandran T.A.: Companies Act
- Avtar Singh, Introduction to Law of Partnership (including Limited Liability Partnership), Eastern Book Company

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Public International Law		
Course Type		Core Course		
Course Code		BLLB11404	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** This course provides the student with an introduction to international law and its significance in the economically globalised world. The aim of this paper is to provide basic acquaintance of various aspects of the public international law. It includes the sources of international law, various treaties, and responsibility of state, jurisdiction, dispute resolution. It will further help students to participate with more specialized courses on the same subject.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the sources and subjects of international law and foreign affairs.

CO2: Understand the fundamental principle of international law which is followed by states during their practice.

CO3: Analyse the interpretations of various international conventions and treaties.

CO4: Evaluate the role of leading international organisations like UNO, EU, NATO, and WTO.

### **Syllabus**

#### **Module 01. Nature and Development**

- 1.1 Historical Development – origins of Western nation state systems – interstate relation during colonization
- 1.2 Expanding legal scope of international concern – Modern theories and interpretations
- 1.3 Sources of international law – customs, treaties, general principles of law and equity – other sources.
- 1.4 Basic principles of international law – sovereignty and equality of state – non-intervention – co-operation – non use of force – peaceful settlement of disputes.

#### **Module 02. International Law and Municipal Law**

- 2.1 Theories of relationships
- 2.2 The role of municipal rules in international law.
- 2.3 International Law before municipal courts

### **Module 03. State as subject of International law**

3.1 Legal personality

3.2 State – Creation, recognition, fundamental rights of States – individuals –international organisations – acquisition, nature and consequences of legal personality.

### **Module 04. Territory and Jurisdiction of State**

4.1 Concept of territory in international law – territorial sovereignty – creation of new states and title to territory, acquisition of additional territory – territorial integrity and self-determination – common heritage of mankind – leases and servitudes – Law of Air and Outer Space – Law of Sea – International Environment Law – International Criminal Law – International Humanitarian and Refugee Law – Nuclear proliferation and Disarmament.

4.2 Jurisdiction – Principles of domestic jurisdiction – immunities and privilege from jurisdiction.

4.3 State Responsibility – nature of responsibility – question of fault – invocation and consequences – aliens – expropriation of foreign property.

4.4 State succession – continuity and succession

4.5 Treaties – law making of treaties – interpretation – application amendment –invalidity, termination and suspension – dispute settlement – treaties between states and international organisations.

### **Module 05. Settlement of Disputes**

5.1 Peaceful settlements – diplomatic methods – negotiations – etc.

5.2 Use of force – law and force – just war – intervention – terrorism and international law

### **Module 06. United Nations and International Institutions**

6.1 The UN System – Security Council, General Assembly, other principal organs.

6.2 Institutions – institutions of universal and regional character

6.3 The International Court of Justice – organisation – jurisdiction.

### **Suggested Readings:**

- Malcolm N. Shaw: International Law, Cambridge

- S.K. Varma: Public International Law, PHI

- M.P. Tandon: Public International Law

- Paras Diwan: Public International Law

- The Students shall consult journals published by Indian Law Institute, New Delhi and Indian Society of International Law, New Delhi.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Intellectual Property Rights		
Course Type		Core Course		
Course Code		BLLB11405	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Intellectual Property has acquired tremendous role in the present technology driven economy throughout the world. This course is designed with the intent to familiarize the students with the concept, nature, characteristics and internationalization of Intellectual Property. It also involves the study of important international instruments in the field of Intellectual Property with more emphasis on TRIPS agreement and the current issues.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Demonstrate a solid grounding in the preliminary understanding of intellectual property law and develop in-depth as to how intellectual property rights ensures social justice.

CO2: To construct a fundamental and systematic or coherent understanding of intellectual property rights, and its linkages with related disciplinary areas.

CO3: Identify activities and constitute IP infringements and the remedies available to the IP owner and describe the precautions steps to be taken to prevent infringement of proprietary rights in products and technology development.

### **Syllabus**

#### **Module 01. Introduction to Intellectual Property Rights**

1.1 Definition, Concept and Nature of Intellectual Property, Theories of Intellectual Property, Distinction between Intellectual Property and other tangible and intangible properties, Non-rivalrous nature of Intellectual Property, Kinds of Intellectual Property

1.2 Need for Protecting Intellectual Property- Policy Consideration, Importance of Intellectual Property in the present era, Monopoly v. Public Interest

1.3 Origin and Development of Intellectual Property, Internationalization of Intellectual Property Rights

1.4 Major International Instruments concerning Intellectual Property Rights: Paris Convention, 1883, the Berne Convention, 1886, the Universal Copyright Convention, 1952, the WIPO Convention, 1967, the Patent Co-operation Treaty, 1970, the TRIPS Agreement, 1994

1.5 Pre-TRIPS Scenario, Formulation of TRIPS, Basic Principles and Objectives of TRIPS, TRIPS and WIPO-WTO Cooperation, Transfer of Technology and TRIPS, The TRIPS Agenda, Critique of TRIPS

1.6 The Paris Convention for the Protection of Industrial Property, History, features and General Provisions

## **Module 02. Law of Copyright in India**

2.1. Meaning and definition of Copyright, Neighbouring rights (Related rights) and Secondary Rights

2.2 Subject matter of copyright: original literary, dramatic, musical, artistic works; cinematograph films and sound recordings - Registration Procedure, Term of protection, Ownership of copyright, Assignment and licence of copyright, Infringement, Remedies & Penalties.

2.3 The Berne Convention for the Protection of Literacy and Artistic Works- History, General Provisions, Developing Countries and the Berne Convention.

2.4 TRIPS provisions related to protection of Copyright.

2.5 Protection of technology-based works (such as computer programs and electronic databases), Secondary rights, Broadcasting rights

## **Module 03. Law of Trademarks**

3.1 The rationale of protection of trademarks (a) as an aspect of commercial and (b) of consumer rights – study of UNCTAD Report

3.2 Definition – conception of trademarks – registration – distinction between trademark and property mark – the Doctrine of Honest Concurrent User – the Doctrine of Deceptive Similarity

3.3 Passing off and Infringement criteria for infringement – Standards of proof in Passing off Action – Remedies

3.4 The Madrid Agreement Concerning the International Registration of Marks, Objectives, the Madrid System, Basic Features, Advantages of the System

3.5 Trademarks and the TRIPS Agreement.

## **Module 04. Patent Law**

4.1 Conception of Patent – Historical overview of the patents law in India

4.2 Patentable Inventions with special reference to biotechnology products entailing creation of new forms of life

4.3 Biotechnology patents – nature and types – TRIPS obligations – plant patenting sui generis protection of plant varieties – multinational ownership –regulation of environment and health hazards in biotechnology patents –Indian policy and position

4.4 Patent Search, Examination and Records – process of obtaining a patent –application examination, opposition and sealing of patents – International and global patent information retrieval systems (European Patent Treaty), Patent Co-operation Treaty (PCT) – differences in resources for patent examination between developed and developing nations – Indian Position

4.5 Grounds for Opposition: Problem of limited locus standi to oppose especially in relation to inventions having potential of ecological and mass disasters – wrongfully obtaining the invention – prior publication or anticipation – obviousness step – insufficient description – evidentiary problems in piracy – reversal of burden of proof in process patent – TRIPS obligation – nature and scope of law reforms

4.6 Rights and Obligations of Patentee – Patents as chose in action – duration of patent law and policy considerations – use and exercise of rights – Right to secrecy – the notion of "abuse" in patent rights – compulsory licenses.

- 4.7 Special Categories – Employee invention, law and policy considerations – combination and selection of patents – international patents, transfer of technology, knowhow and problems of self-reliant development patents in nuclear power
- 4.8 Infringement – criteria – onus of proof – modes of infringement – Doctrine of Colourable Variation – Defences in Suits of infringement – injunctions and related remedies.
- 4.9 The Doha Ministerial Conference 2001
- 4.10 Introduction to the Budapest Treaty
- 4.11 Doctrine of Equivalents, Public dedication Rule, Patent Exhaustion, Patent Misuse, Enforceability of Patent Rights

### **Module 05. Protection of Industrial Designs**

- 5.1 Meaning and definition of Industrial Designs
- 5.2 Industrial Designs Vs. Copyright
- 5.3 Introduction to the Hague Agreement concerning the International Registration of Industrial Designs, Benefits of Accession to the Hague Agreement
- 5.4 Protection of Industrial Designs under TRIPS

### **Module 06. Conventions and Treaties relating to other Intellectual Properties**

- 6.1 Definition and Concept of Geographical Indications, Layout Designs, Trade Secret, Plant Varieties, etc.
- 6.2 Lisbon Agreement for the Protection of Appellations of Origin
- 6.3 Protection of Geographical Indications, Layout Designs and Trade Secret under the TRIPS Agreement
- 6.4 The UPOV Convention

### **Module 07. Current IP Issues**

- 7.1 Access to Genetic Resources and Benefit Sharing
- 7.2 Intellectual Property and Human Rights
- 7.3 Protection of the rights of indigenous people
- 7.4 IP protection and its impact on right to food security and public health
- 7.5 Environmental Protection and Intellectual Property
- 7.6 Protection of Bio-diversity and Traditional Knowledge - Economic, Social, Cultural and Ethical Dimensions

#### **Suggested Readings:**

- Neeraj Pandey, Khushdeep Dharni, Intellectual Property Right, Universal.
- V.K. Ahuja, Law Relating to Intellectual Property Rights, LexisNexis.
- Avtar Singh, Intellectual Property Law, Eastern Book Company.
- , Sumeet Malik, Intellectual Property Rights Manual, EBC
- Ganguli Prabuddha, Intellectual Property Rights - Unleashing the Knowledge Economy. New Delhi: Tata McGraw-hill Publishing Company Ltd.
- Gopalkrishnan N S, and Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company.
- Parmeswaran Narayanan, Intellectual Property Law, Eastern Law House.



# SEMESTER V

**SARVAJANIK UNIVERSITY  
SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Civil Procedure Code and Law of Limitation		
Course Type		Core Course		
Course Code		BLLB11501	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Civil Procedure Code is subject of daily use by the courts and lawyers. The substantive law determines the rights of persons affected by action. The main objective of this paper is to give to a law student a thorough knowledge of procedural aspects of working of civil courts and other machineries.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the detail procedure for redressal of civil rights.

CO2: Understand and to know the procedure for institution of suit, the documents in support and against, evidence taking and trial, interim order.

CO3: Recognize and address issues that arise in Civil Procedure that implicate relevant ethical, moral, and religious principles.

CO4: Compute limitation and application of limitation as defence.

### Syllabus

Subject	External Examination Marks
Civil Procedure Code	40 Marks
Law of Limitation	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Introduction**

#### 1.1 Concepts

1.1.1 Affidavit, Order, Judgment decree, Plaint, restitution, execution, decree-holder Judgment –debtor, mesne profits, Written Statement.

1.1.2 Distinction between decree and judgment and between decree and order.

### **Module 02. Jurisdiction**

2.1 Kinds- Hierarchy of courts

2.2 Suit of Civil nature-scope and limits

2.3 Res-sub judice and Res judicata

2.4 Foreign judgment –enforcement

2.5 Place of suing

2.6 Institution of suit

2.6.1 Parties to suit: joinder, misjoinder or non-joinder of parties: representative suit.

2.6.1.1 Frame of suit: cause of action

2.6.2 Alternative disputes resolution (ADR)

2.6.3 Summons

### **Module 03. Pleadings**

3.1 Rules of pleading, signing and verification.

3.1.1. Alternative pleading

3.1.2. Construction of pleadings

3.2 Complaint: particulars

3.2.1 Admission, return and rejection

3.3 Written statement: particulars, rules of evidence

3.3.1 Set off and counter claim: distinction

3.4 Discovery, inspection and production of documents.

3.4.1 Interrogatories

3.4.2 Privileged documents

3.4.3 Affidavits

### **Module 04. Appearance, examination and trial**

4.1 Appearance

4.2 Ex-parte procedure

4.3 Summary and attendance of witnesses

4.4 Trial

4.5 Adjournments

4.6 Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver

4.7 Interests and costs

### **Module 05. Execution**

5.1 The concept

5.2 General principles

5.3 Power for execution of decrees

5.4 Procedure for execution

5.5 Enforcement, arrest and detention

5.6 Attachment

5.7 Sale

5.8 Delivery of property

5.9 Stay of execution

### **Module 06. Suit in particular cases**

6.1 By or against government

6.2 By aliens and by or against foreign rulers or ambassadors

6.3 Public nuisance

6.4 Suits by or against firm

- 6.5 Suits in forma paupers
- 6.6 Mortgages
- 6.7 Interpleaded suits
- 6.8 Suits relating to public charities

### **Module 07. Appeals**

- 7.1 Appeals from original decree
- 7.2 Appeals from appellate decree
- 7.3 Appeals from orders
- 7.4 General provisions relating to appeal
- 7.5 Appeal to the Supreme Court

### **Module 08. Review, reference and revision**

### **Module 09. Miscellaneous**

- 9.1 Transfer of cases
- 9.2 Restitution
- 9.3 Caveat
- 9.4 Inherent powers of courts

### **Module 10. Law of Limitation under The Limitation Act, 1963**

- 10.1 The concept-the law assists the vigilant and not those who sleep over the rights.
- 10.2. Object.
- 10.3. Distinction with laches, acquiescence, prescription.
- 10.4. Extension and suspension of limitation
- 10.5. Sufficient causes for not filing the proceedings
  - 10.5.1 Illness
  - 10.5.2 Mistaken legal advice
  - 10.5.3 Mistaken view of law
  - 10.5.4 Poverty, minority and Purdha
  - 10.5.5 Imprisonment
  - 10.5.6 Defective vakalatnama
- 10.6 Legal disability
- 10.7 Foreign rule of limitation: contract entered into under a foreign law
- 10.8 Acknowledgement – essential requisites
- 10.9 Continuing tort and continuing breach of contract
- 10.10 Acquisition of ownership by possession

### **Suggested Readings:**

- Mulla, Code of Civil Procedure (1999), Universal, Delhi
- C.K. Thaker: Code of Civil Procedure (2000), Universal, Delhi
- M.R. Mallick: B.B. Mitra on Limitation Act (1998), Eastern, Lucknow
- Majumdar P.K. & Kataria R.P.: Commentary on the Code of Civil Procedure, 1908 (1998), Universal, Delhi

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Bharatiya Nagarik Suraksha Sanhita, 2023 and Probation of Offenders Act, 1958		
Course Type		Core Course		
Course Code		BLLB21502	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') was enacted on December 25, 2023, with the stated objective of repealing pre-independence, 19th century colonial-era criminal laws. The BNSS aims to provide for a faster and more efficient justice system to address the issues of delay in delivery of justice due to complex procedures, large pendency of cases in courts, low conviction rates, low level of use of technology in legal system, delays in investigation and inadequate use of forensics. This course will acquaint the students with organisation of the functionaries under the BNSS, their powers and functions. The course is devised to deal with the basic procedural aspects with regard to criminal law in action. Indeed, understanding of the same is a must for any aspiring litigation lawyer, and so it is aimed at satisfying this requirement. A thorough knowledge of the BNSS along with the comparative study of the Criminal Procedure Code is indispensable for effective implementation of criminal law.

### **Course Outcome**

At the end of the course, the student will be able to:

- CO1: Understand the system of criminal prosecution in India: who can prosecute, process to compel appearance of person and production of things and right to speedy trial.  
CO2: Understand trials at various forums such as Sessions Court, Magistrate Court and processes of appeal, reference, revision and probation.  
CO3: Demonstrate an understanding of the concept of probation and its application.

### **Syllabus**

Subject	External Examination Marks
Criminal Procedure Code	40 Marks
Probation of Offenders Act, 1958	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Introduction to the Bharatiya Nagrik Suraksha Sanhita, Powers of courts, police officers and related provisions**

- 1.1 Purpose and Importance of criminal procedures and historical developments
- 1.2 Comparative study- BNSS and Criminal Procedure Code

- 1.3 Newly added provisions of BNSS
- 1.4 Definitions- difference between Summons and Warrant, Compoundable and Non-Compoundable Offences, Bailable and Non-Bailable Offences
- 1.3 Constitution of Criminal Courts and Offices
- 1.4 Trial of offences under BNSS and other laws
- 1.5 Constitution of criminal courts and offices
- 1.6 Powers of courts
- 1.7 Powers of Superior Officers of Police and aid to the Magistrates and Police
- 1.8 Arrest of persons
- 1.9 Processes to compel appearance- Summons, warrant of arrest, proclamation and attachment, other rules regarding processes
- 2.0 Processes to compel the production of things- Summons to produce, search warrants, general provisions relating to searches, miscellaneous
- 2.1 Reciprocal arrangements for assistance in certain matters and procedure for attachment and forfeiture of property

**Module 02. Security for good behaviour, Maintenance of wives, etc., Maintenance of public order, preventive action, investigation, inquiry and jurisdiction of criminal courts and Charge**

- 2.1 Security for keeping peace and for good behaviour
- 2.2 Order for maintenance of wives, children and parents
- 2.3 Maintenance of public order and tranquility- unlawful assemblies, public nuisances, urgent cases of nuisance or apprehended danger, disputes as to immovable property
- 2.4 Preventive action of the police
- 2.5 Information to the Police and their powers to investigate
- 2.6 Jurisdiction of Criminal Courts in Inquiries and Trials
- 2.7 Conditions requisite for initiation of Proceedings
- 2.8 Complaints to Magistrates
- 2.9 Commencement of Proceedings before Magistrates
- 2.10 Charge- Form of charges, joinder of charges

**Module 03. Trial Process and its general provisions**

- 3.1 Trial by Court of Session
- 3.2 Trial of Warrant cases by Magistrates- cases instituted on a police report, cases instituted otherwise than on police report, conclusion of trial
- 3.3 Trial of Summons cases by Magistrates
- 3.4 Summary trials
- 3.5 Plea Bargaining
- 3.6 Attendance of persons confined or detained in prisons
- 3.7 General provisions as to Inquiries and trials
- 3.8 Evidence in Inquiries and Trials- mode of taking and recording evidence, commissions for examination of witnesses, general provisions
- 3.9 Provisions as to accused persons of unsound mind
- 3.10 Provisions as to offences affecting the administration of justice
- 3.11 Provisions relating to judgment
- 3.12 Submission of death sentence for confirmation

## **Module 04. Appeals, Reference, Revision, transfer of cases, execution, suspension, remission and commutation of sentences, provisions as to bail and bonds**

- 4.1 Appeals
- 4.2 Reference and Revision
- 4.3 Transfer of criminal cases
- 4.4 Execution, Suspension, Remission and Commutation of sentences- death sentences, imprisonment, levy of fine, general provisions regarding execution, suspension, remission and commutation of sentences
- 4.5 Provisions as to bails and bonds
- 4.6 Disposal of property
- 4.7 Irregular proceedings
- 4.8 Limitation for taking cognizance of certain offences
- 4.9 Miscellaneous provisions

## **Module 07. The Probation of Offenders Act, 1958**

- 7.1 Objects of probation
- 7.2 Power of the court to release on probation on condition of good behaviour
- 7.3 Provision for release of offender after reprimanding
- 7.4 Restriction on imprisonment of offenders under 21 years of age
- 7.5 Breach of condition of probation
- 7.6 Variation in condition of probation
- 7.7 Duties of Probation Officer

### **Suggested Readings:**

- Taxmann's Bare Act: Bharatiya Nagarik Suraksha Sanhita, 2023, 2024 edition
- Chandrasekharan Pillai, (Ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow.
- Ratanlal and Dirajlal, Code of Criminal Procedure, LexisNexis.
- Woodroffe, Commentaries on Criminal Procedure Code, Universal Law Publishing, Delhi.
- Chandrasekharan Pillai ed., Kelkar's Lectures on Criminal Procedure, Eastern Book Company, Lucknow.
- D. D. Basu, Criminal Procedure Code 1973, Vol I & II, LexisNexis (2017).
- Sarkar on Criminal Procedure Code, Vol I & II, LexisNexis.
- N.K. Chakrabarti, Probation System in the Administration of Criminal Justice, Deep & Deep Publications (1995)

Note: As the Criminal Procedure Code, 1973 is now replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of the Criminal Procedure Code while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Bharatiya Sakshya Adhiniyam, 2023		
Course Type		Core Course		
Course Code		BLLB21503	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The Bharatiya Sakshya Adhiniyam, 2023 (hereinafter referred to as the “**BSA**”) replaces the Indian Evidence Act, 1872 (hereinafter referred to as the “**IEA**”), which has long been the primary legislation concerning law related to evidence in all proceedings before the Court. The BSA has incorporated significant changes to crucial definitions pertaining to the law of evidence, some of which were much-needed given the dynamics of the changing legal framework of the country. A lot of the alterations and additions have kept in mind the social landscape of the country as well, also ensuring that the country’s colonial past is put behind. A majority of the provisions remain unchanged in their language and application, and the evaluation of the changes made will be better understood with subsequent judicial decisions pertaining to them. The object of this course is to acquaint students with the fundamental principles of the BSA, the role of evidence in civil and criminal proceedings and the strict application of its rules in judicial proceedings. Further, the course also aims to enable the students to synthesize the rules and use them in the context of a trial or other proceedings.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Analyse and define the concept and general nature of evidence, and illustrate the different types of evidence and court procedures relating to evidence.

CO2: Analyse the rule relating to relevance of evidence and admissibility of evidence before the court and the rules relating to dying declaration and admissibility of dying declaration.

CO3: Analyse recovery processes, expert evidence, examination-in-chief, rules for cross examination, concept of res gestae.

### **Syllabus**

#### **Module 01. Introduction, definition and relevancy of facts**

- 1.1 The main features of the Bharatiya Sakshya Adhiniyam (“**BSA**”) and its applicability
- 1.2 Comparative study of BSA and Indian Evidence Act, 1872
- 1.3 Definitions
- 1.4 Relevancy of facts, facts in issue and distinction between them
- 1.5 Admission
- 1.6 Confession

- 1.7 Statement by persons who cannot be called as witnesses- Dying Declaration and its admissibility, reliability, Books of accounts, other statements.
- 1.8 Statements made under special circumstances
- 1.9 Judgments of court when relevant
- 1.10 Opinions of third persons when relevant-
- 1.11 Character- meaning- its relevancy in civil and criminal proceedings.

## **Module 02. Types of Evidence**

- 2.1 Judicial notice
- 2.2 Oral evidence- general provisions
- 2.3 Documentary evidence- general provisions-
  - 2.3.1 Primary and secondary evidence and its related provisions
  - 2.3.2 Special provisions as to evidence relating to electronic record
  - 2.3.3 Admissibility, proof as to digital signature and its verification
  - 2.3.3 Public and private documents
  - 2.3.4 Proof of content of certain Public documents, Proof of genuineness of other public documents, Certified copies- Presumption as to documents, electronic agreements, digital signature certificate and electronic message etc.
- 2.4 General principles regarding exclusion of oral evidence by documentary evidence (Best evidence rule)
- 2.5 Distinction between documentary and oral evidence

## **Module 03. Burden of Proof and Estoppel**

- 3.1 The general conception of onus probandi
  - 3.1.1 General and special exceptions to onus probandi
  - 3.1.2 Justification of presumption and of the doctrine of judicial notice
  - 3.1.3 Presumptions as to certain offences
  - 3.1.4 Presumption as to abetment of suicide by a married woman
  - 3.1.5 Presumption as to dowry death
  - 3.1.6 The scope of the doctrine of judicial notice
- 3.2 Estoppel- Meaning of estoppel and its importance
  - 3.2.1 Estoppel, res judicata and waiver and presumption
  - 3.2.2 Kinds of estoppel- estoppel by deed, estoppel by conduct, equitable and promissory estoppel,

## **Module 04. Witness, competency, examination of witnesses**

- 4.1 Competency to testify
- 4.2 State privilege
- 4.3 Professional privilege
- 4.4 Approval testimony
- 4.5 General principles of examination and cross examination
- 4.6 Leading questions
- 4.7 Lawful questions in cross-examination
- 4.8 Compulsion to answer questions put to witness
- 4.9 Questions of corroboration
- 4.10 Hostile witness

4.11 Impeaching of the standing or credit of witness

4.12 Improper admission and rejection of evidence

**Suggested Readings:**

- Bare Act: Bharatiya Sakshya Adhinyam, 2023
- Ratanlal Dhirajlal, The Indian Evidence Act,
- The Indian Evidence Act, text book, Universal Publication.
- Sarathi V. P., Law of Evidence, EBC
- LexisNexis, The Indian Evidence Act.

Note: As the Indian Evidence Act, 1872 is now replaced by the Bharatiya Sakshya Adhinyam, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of the Indian Evidence Act while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Legal English		
Course Type		Core Course		
Course Code		BLLB11504	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The object of this paper is to acquaint students lay the foundation and nature of legal language and issues related to it in drafting legislations and legal drafting. The course intends to encourage the students to handle both Gujarati and English with fluency, accuracy and precision. Moreover, it is expected that it will help to develop argumentative skills (Legal reasoning) amongst the students.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Understand complex legal terms and maxims and conceptualize information, present coherently as well as fluently.

CO2: Present controlled and rational communications and essays with clear paragraphs and appropriate methods of introduction and conclusion.

CO3: Analyse and apply general principles of drafting and conveyancing and use effective writing techniques to draft different types of legal documents.

### Syllabus

	External Examination Marks
Comprehension	05 Marks
Precis	05 Marks
Legal Maxims	05 Marks
Legal Terms	05 Marks
Essay on Legal topics	10 Marks
Drafting: (a) Pleading (i) Civil (ii) Criminal Pleadings	10 Marks
(b) Conveyancing	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Introduction**

1.1 Characteristics of legal language

1.2 Command of language in the profession of law.

1.3 English as a medium of communication for legal transaction in India

1.4 Reading comprehension of Principles and practice

## **Module 02. Legal terminology**

- 2.1 Terms used in civil law and criminal law.
- 2.2 Latin words and expressions

## **Module 03. Essay writing**

- 3.1 How to write an essay- Concision, clarity, cogency, simplicity of structure
- 3.2 Attention and awareness of practical legal import of sentences
- 3.3 Essay writing on topics of legal interest

## **Module 04. Fundamental principles of Legal Writing**

- 4.1 Brief writing and drafting of law reports
- 4.2 Writing of case comments
- 4.3 General principles of drafting, pleading and conveyancing
- 4.4 Effective writing techniques to draft different types of legal documents.

### **Legal Terms & Phrases:**

Adoption; Bigamy; Court; Decree; Abetment and Abatement (Abet and Abate). Good Faith & Bad Faith; Kidnapping and Abduction Abeyance; Abscond; Alibi; Absolute Owner; Dominant and Servient Property and Dominant and Servient Owner; Title; Person; Will and Codicil; Bill of Exchange, Trespass and Trespass ab-initio; Indemnity and Guarantee; Accord and Satisfaction; Maintenance and Champerty; Accused; Offence and Crime; Liability; Act; Act of Law, Act in Law, Act of State; Action and Cause of Action; Actionable Claim; Affidavit; Domicile; Intestate Succession; Abandonment; Abrogate; Absolve; Accessory; Accident; Accomplice; Adjournment; Adjudge; Garnishee Order; Consideration; Consent; Competent Party; Adolescent; Child; Juvenile; Partnership Firm; Admiralty; Adoption; Adulteration; Adultery; Bigamy; Adverse Possession; Riot and Affray; Agent and Agency; Aggrieved Party; Alimony; Alien; Amendment; Annuity; Amnesty; Appeal; Appellate Jurisdiction; Arbitrator; Arson; Natural and Legal Person; Arrest; Attachment; Attempt; Autopsy; Arbitration award; Bail and Anticipatory Bail and Bond; Judgment; Charge and Charge sheet; Battery; Bench; Beneficiary; Ownership; Genocide; Possession in Fact and in Law; Bye law; Capital Punishment; Life Imprisonment; Case Law; Civil Justice and Criminal Justice; Civil Proceedings; Code; Code of Conduct; Bailable and Non-Bailable Offence; Cognizable and Non-Cognizable Offence; Prohibited Relationship and Sapinda Relationship; Hindu Undivided Family and Property; Coparcenary; Common Law and Equity; Complaint; First Information Report; Conclusive Proof; Burden of Proof; Consideration; Consent; Consumer; Contempt of Court; Pleading and Conveyance; Intellectual Property Right – Copyright, Patent Trademark; Counsel; Culpable and Culpable Homicide – Murder; Damage; Damages; Deceased; Creditor and Debtor; Decree Holder; Holder in Due Course; Deed; Defamation; Plaintiff and Defendant; Detention and Preventive Detention; Document, Dying Declaration; Easement; Enactment; Estoppel; Evidence; Exhibit; Extortion; Extradition; Fact and Fact in Issue and Relevant Fact; Felony; Forensic Science; Fraud; Hearsay Evidence; Homicide; Legitimate and Illegitimate; Movable and Immovable Property; Impeachment; Self-incrimination; Double Jeopardy; Indigent; Pauper; Inquest; Interlocutory; Interim; Injunction; Investigation and Inquiry; Juvenile Delinquency; Lease; Malice; Maintenance; Minor; Mischief; Motive; Intention; Mortgage; Natural Justice; Negligence; Act and Omission; Onerous gift; Probation and Parole; Pardon; Perjury; Petition and Petitioner; Plea; Pledge; Precedent; Prerogative; Presumption

Probate; Power of Attorney; Redemption; Remand; Reprimand; Respondent; Restitution; Repugnant; Review; Revision; Rule of Law; Sedition; Search and Seizure; Search Warrant; Libel and Slander; Solitary Confinement; Specific and General Relief; Statute; Stay and Stay of Proceedings; Summary Trial; Summons and Warrant; Summons Case and Warrant Case; Testament and Testamentary Succession; Custom and Usage; Tribunal; Trust and Trustee; Valid-Void and Voidable; Verification; Verdict; Volition; Guardian and Ward; Witness; Written Statement;

**Latin Terms and Maxims:**

- Actio personalis moritur cum persona
- Actus non facit reum nisi mens sit rea
- Audi alteram partem
- Damnum sine injuria
- Injuria sine damnum
- Ubi jus ibi remedium
- De minimis non curat lex
- Delegatus non potest delegare
- Ex turpi causa non oritur actio
- Ex nudo pacto non oritur actio
- Ex dolo malo non oritur actio
- Ignorantia facti excusat
- Ignorantia juris non excusat (Ignorance legis neminem excusat)
- Injure non remota causa sedproxima Spectatur
- Res ipsa locquitur
- Nemo dat quod non habet
- Qui Facit per alium facit per se
- Respondeat Superior
- Rex non potest pec care
- Salus populi est suprema lex
- Sic utere tuo ut alienum non leadas
- Volenti non fit injuria
- Aequitas Sequitur legem
- Affirmanti non neganti incumbit probatio
- Nullum poena sine lege
- Lex non cogit ad impossibilia
- Nemo debet bis vexari pro una et eadem causa
- Qui prior est tempore potior est jure
- Noscitur a sociis
- Consensus ad idem
- Expressio unius est exclusio alterius
- Vigilantibus non dormientibus jura subveniunt
- A verbis legis non est recedendum

**Suggested Readings:**

- Legal English, Legal Writing and Communication Skills, Singhal Law Publication.
- Legal English, Legal Writing and General English, B.M. Gandhi, EBC.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Land and Agricultural Laws		
Course Type		Core Course		
Course Code		BLLB11505	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Land laws deals with the rights to use, alienate, or exclude others from land. Land rights refer to the inalienable ability of individuals to freely obtain, use, and possess land at their discretion, as long as their activities on the land do not impede on other individuals' rights. The purpose of the course, divided across two semesters, is to apprise the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. This paper deals with laws that mainly affect urban properties, their development and dealings. With a sound background of law of transfer of property, this course aims to equip the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation. Although much of course content involves laws in force in the State of Maharashtra, the principles governing these laws are common across laws on the subjects in other states. Although detail provisions may differ in laws of other states, study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states as well.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand constitutional rights relating to land,

CO2: Scrutinize, understand and apply land and agricultural laws

CO3: Understand land revenue and its rules and the concept of land acquisition, & its procedure.

### **Syllabus**

Subject	External Examination Marks
The Gujarat Land Revenue Code, 1879	20 marks
The Gujarat Agriculture Land Ceiling Act, 1960	05 marks
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,	10 marks
The Gujarat Tenancy and Agricultural Land Act, 1948	10 marks
The Mamlatdars' Courts Act, 1906	05 marks
<b>TOTAL</b>	<b>50 marks</b>

### **Module 01. The Gujarat Land Revenue Code, 1879**

- 1.1 Object, application and definition of Code
- 1.2 Land Tenure and assessment of Land Revenue
- 1.3 Appointment and Powers of Revenue Officers Land and Land Revenue of the Grant,
- 1.4 Use and Relinquishment of Unalienated Land
- 1.5 The Settlement of Boundaries and The Construction and Maintenance of Boundary Marks
- 1.6 Record of Rights
- 1.7 Realization of The Land Revenue and Other Revenue Demands
- 1.8 Procedure of Revenue Officers
- 1.9 Appeal and Revision
- 1.10 Miscellaneous provisions

### **Module 02. The Gujarat Agriculture Land Ceiling Act, 1960**

- 2.1 Historical background, object, application and definitions under the Act
- 2.2 Ceiling on holding of land, Exempted land, Prohibition on holding land beyond ceiling limits
- 2.3 Restrictions on transfers and acquisitions, and consequences of contravention
- 2.4 Surplus land, selection of land, Procedure of determining surplus land,
- 2.5 Declaration of surplus land, compensation
- 2.6 Distribution of surplus land
- 2.7 Allotment of land vesting in the State Government under this Act
- 2.8 Procedure, Appeals and Revision

### **Module 03. The Land Acquisition Act- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, repealing the old Land Acquisition Act, 1894.**

- 3.1 Object, application and definitions
- 3.2 Comparison between the old Land Acquisition Act of 1894 and the New Land Acquisition Act.
- 3.3 Determination of social impact and public purpose
- 3.4 Notification and acquisition
- 3.5 Rehabilitation and resettlement award
- 3.6 Procedure and manner rehabilitation and resettlement award
- 3.7 National Monitoring Committee
- 3.8 Authorities
- 3.9 Apportionment of compensation
- 3.10 Temporary occupation of land
- 3.11 Offences and penalties
- 3.12 Miscellaneous provisions

### **Module 04. The Gujarat Tenancy and Agricultural Land Act, 1948**

- 4.1 Preliminary – Definitions
- 4.2 General Provisions regarding Tenancies
- 4.3 Special Rights and Privileges of Tenants and provisions for distribution of land for personal cultivation

- 4.4 Termination of Tenancy for personal cultivation and non-agricultural use
  - 4.4.1 Purchase of Land by Tenants
  - 4.4.2 Restriction of holding land in excess of ceiling area
- 4.5 Management of estates held by landholders
- 4.6 Restrictions on transfers of agricultural lands, management of uncultivated lands and acquisition of estates and lands
- 4.7 Procedure and Jurisdiction of Tribunal, Mamlatdar and Collector – Appeals and Revision
- 4.8 Offences and Penalties
- 4.9 Miscellaneous provisions

### **Module 05. The Mamlatdars' Courts Act, 1906**

- 5.1 Object, application and definitions under the Act.
- 5.2 Powers of Mamlatdars' Courts
- 5.3 Suits commenced by plaint – informal petitions to be treated as plaints – Rejection of plaint – Return of plaint – Procedure when plaint admissible – attendance of witnesses
- 5.4 Points to be decided by Mamlatdar at hearing – Mamlatdar's order to be endorsed on plaint and read out in open court
- 5.5 Mamlatdar's decision how executed – Possession to be given without prejudice to rights of parties
- 5.6 Bar of appeal – Bar of certain suits

### **Suggested Readings:**

- Ghanshyam H. Amin, Land Laws in Gujarat, SBD Publications.



# SEMESTER VI

**SARVAJANIK UNIVERSITY  
SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Drafting, Pleading and Conveyance		
Course Type		Core Course		
Course Code		BLLB11601	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	-	100	100

**Object:** The object of this paper is to train students in the art of drafting both for court purposes as well as for other legal forums. This course covers skills of drafting conveyances and pleadings which are essential for an Advocate. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. The objective of the course is to equip and provide adequate exposure of these skills to the students with the knowledge of substantive and procedural law in drafting, pleading and conveyance.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Analyse and apply general principles of drafting and conveyancing.

CO2: Use effective writing techniques to draft different types of legal documents.

CO3: Draft different types of Deeds including deed of sale of land, mortgage deeds, license deeds, lease deeds, assignment deeds, trust deeds, partnership deeds and power of attorney deeds.

CO4: Draft different types of contracts including commercial agreements, professional agreements and real estate and tenancy agreements.

### Syllabus

Subject	External Examination Marks
Pleadings	45 Marks
Conveyancing	45 Marks
Viva Voce	10 Marks
<b>Total</b>	<b>100 Marks</b>

(a) Pleadings: at least 15 written exercises on assigned topics (3 marks each)

(b) Conveyancing: at least 15 written exercises on assigned topics (3 marks each)

- i. Civil: Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution, Petition, Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India.

- ii. Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
- iii. Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
- iv. Drafting of writ petition and PIL petition.

Assignments to be attempted in the classroom at regular periodic intervals in the prescribed diaries which shall be evaluated at the end of the year.

The prescribed assignment diaries shall contain proper index as to the date of the written assignment attempted in the class room, supervisor teacher's signature, examiner's signature and marks.

- (c) Viva voce examination (10 marks) will test the understanding of legal practice in relation to drafting of pleadings and conveyancing.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations		
Course Type		Core Course		
Course Code		BLLB11602	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Professional ethics, accountancy for lawyers and bar bench relations encompasses an ethical code governing the conduct of person engaged in the practice of law and in the legal sector. All members of the legal profession have a paramount duty to the court and towards the administration of justice

### Course Outcome

At the end of the course, the student will be able to:

CO1: Understand and adopt the professional ethics and ethical standard of the legal profession.

CO2: Evaluate the key themes in professional ethics, in order to give them an insight into moral decision making in the legal profession.

Subject	External Examination Marks <sup>7</sup>
Written Examination: Advocate Act, Bar Council Code of Ethics, Contempt Law & Practice, Accountancy for Lawyers	30 Marks
10 Selected opinions of the Disciplinary Committee of the Bar Council of India	10 Marks
10 Major Judgments of the Supreme Court on the Disciplinary	10 Marks
<b>Total</b>	<b>50 Marks</b>

- (2) Viva Voce examination shall be a part of internal examination and to be conducted by a panel of senior legal experts.

<sup>7</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Syllabus**

### **Module 01: Introduction**

- 1.1 Law Relating to legal profession
- 1.2 Development of Legal Profession in India
- 1.3 Right to Practise – a right or privilege?
- 1.4 Right to Practise – Constitutional Guarantee under Article 19(1)(g) and its scope

### **Module 02: Enrolment and practice**

- 2.1 Admission and Enrolment of advocates
- 2.2 Disqualification for enrolment
- 3.3 Enrolment Procedure in Bar Council
- 3.4 Senior Advocate
- 5.5 Enrolment of Supreme Court Advocates
- 5.6 Rights and Privileges of an Advocate

### **Module 03: Advocacy**

- 3.1 Elements of Advocacy
- 3.2 Seven Lamps of Advocacy
- 3.3 Equipment of an Advocate (How to be a Successful Advocate)
- 3.4 Functions of an advocate
- 3.5 Practice of Law – Whether a business
- 3.6 Solicitor's Firm – Whether an industry

### **Module 04: Bar Council**

- 4.1 Organisation, Functions and Powers of the Bar Council of India
- 4.2 Autonomy of Bar in India
- 4.3 Constitution, Functions and Procedure of Committees of the Bar Council of India
- 4.4 Meeting of Council and its Committees
- 4.5 Elections of Bar Councils
- 4.6 Powers and duties of the Chairman and Vice Chairman of Bar Council
- 4.7. Qualification and Conditions of Service of the Secretary of Bar Council
- 4.8 Organisation and Functions State Bar Council

#### 4.9 Procedure of Election of Members of the State Bar Council

### **Module 05: Professional Ethics for Lawyers**

#### 5.1 Meaning, Nature and need of professional ethics

#### 5.2 Model Code of Conduct for Lawyers

#### 5.3 Bar Council Code of Conduct

#### 5.4 Legal Aid

#### 5.5 Hoffman's Resolution

### **Module 06: Disciplinary proceedings**

#### 6.1 Professional or other Misconduct – Disqualification

#### 6.2 Functions Disciplinary committee of the State Bar Council in dealing with the disciplinary proceedings

#### 6.3 Functions of Bar Council of India in dealing with the Disciplinary Proceedings

#### 6.4 Powers of Disciplinary committee under the Advocate Act, 1961

#### 6.5 Procedure to be followed by the disciplinary committee of a State Bar Council in disciplinary proceedings

#### 6.6 Punishment and remedies for professional or other Misconduct

#### 6.7 Disqualification and Removal from rolls

### **Module 07: Bar-Bench Relations**

#### 7.1 Meaning of Bar, Bench and Court

#### 7.2 Duties of Judge and advocate in administration of Justice

#### 7.3 Bar-Bench Relations

#### 7.4 Contempt of Court

### **Module 08: Accountancy for Lawyers**

#### 8.1 Nature and Functions of Accountancy

#### 8.2. Important Branches of Accounting

#### 8.3 Accounting and Law

#### 8.4 Need for Accountancy for Lawyers

#### 8.5 Bar Council Accounting

#### 8.6 Finance, Accounts and Audit of the Legal Services Authorities

8.7 Funds, audit and accounts of the Supreme Court Legal Services Committee and Welfare Fund Accounting.

**Suggested Readings:**

- Mr. Krishnamurthy Iyer's Books on "Advocacy"
- Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench-Bar Relation: Central Law Pub.
- Dr. S. R. Myneni, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House
- Subramanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.
- The Bar Council Code of Ethics
- 50 selected opinions of the Disciplinary Committees of Bar Councils
- Sanjiva Row, The Advocates Act, 1961, Lexis Nexis Butterworths
- S. P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Alternate Dispute Resolution		
Course Type		Core Course		
Course Code		BLLB11603	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world. The course is designed in a way that it will give the students insightful knowledge about this emerging area and to understand the various methods of resolving disputes under ADR system,

### Course Outcome

At the end of the course, the student will be able to:

CO1: Develop a thorough understanding of the arbitration as a method of dispute resolution.

CO2: Understand the basics of Alternate Dispute Resolution Art of Arbitration, Negotiation and Mediation.

CO3: Significance of Alternate Dispute Resolution and Arbitral Awards and its enforcements.

### Syllabus

Subject	External Examination Marks <sup>8</sup>
Arbitration & Conciliation Act, 1996	40 Marks
Legal Services Authorities Act, 1987	10 Marks
<b>Total</b>	<b>50 Marks</b>

Viva Voce examination shall be a part of internal examination and to be conducted by a panel of senior legal experts.

### **Module 01. Alternate Dispute Resolution Mechanisms:**

1.1 Alternate Dispute Resolution Mechanisms: Meaning, Definitions, Concept and History

1.2. Structure Powers and Functions of the Authorities under the Legal Services Authority Act, 1987

<sup>8</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

- 1.3 Legislative and judicial sanction for ADR
- 1.4 Forms of ADR: Negotiation, Mediation, Conciliation, Arbitration, Lok Adalat

## **Module 02. Arbitration**

- 2.1 Meaning, features, theories and types of arbitration
- 2.2 Historical perspectives of arbitration as a dispute settlement mechanism and law of arbitration
- 2.3 Types of Arbitration - Domestic and International arbitration, Institutional arbitration
- 2.4 Advantages and disadvantages of arbitration
- 2.5 Difference between Negotiation-Mediation-Conciliation-Arbitration

## **Module 03. Arbitration agreement**

- 3.1 The arbitration agreement, formation, its essentials
- 3.2 Validity of arbitration agreement
- 3.3 Rule of severability, Effect of death, insolvency, etc. on agreement
- 3.4 Parties to arbitration agreement, Agreement as binding on third parties
- 3.5 Power of Court to refer parties to arbitration
- 3.6 Jurisdiction of Courts

## **Module 04. Arbitration Tribunal**

- 4.1 Constitution of Arbitral Tribunal - qualifications to act as arbitrator
- 4.2 Disclosures by arbitrator, Disqualification of arbitrators
- 4.3 Grounds to challenge appointment and procedure of Arbitrators
- 4.4 Powers of Courts to appoint Arbitrators
- 4.5 Jurisdiction of arbitral tribunal - Power to rule on its own jurisdiction
- 4.6 Interim measures ordered by arbitral tribunal
- 4.7 Interim measures by Court

## **Module 05. Arbitral Proceedings and Award**

- 5.1 Conduct of arbitral proceedings, procedure, rules of procedure
- 5.2 Language, impartiality of arbitrator, equal treatment of parties
- 5.3 Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality, application of the Law of Evidence and Limitation
- 5.4 Court's assistance in taking evidence, fast track procedure
- 5.5 Arbitral award - Types of award - Form and Content - Finality of award - Interpretation of award
- 5.6 Correction in award - Stamp duty - Registration - Additional award Costs - Termination of proceedings
- 5.7 Time limits for award, extension of time
- 5.8 Recourse against award, Grounds of setting aside award, Court's role,
- 5.9 Enforcement of award
- 5.10 Appeal

## **Module 06. International Perspective and Enforcement of foreign awards**

- 7.1 UNCITRAL Model Law on International Commercial Arbitration
- 7.2 The Geneva Protocol on Arbitration Clauses, 1923

- 7.3 The Geneva Convention on the Execution of Foreign Arbitral Awards 1927
- 7.4 The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958
- 7.5 Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)
- 7.6 Referring parties to arbitration
- 7.7 Binding nature of foreign awards,
- 7.8 Enforcement of foreign award, Proof of award, Conditions for enforcement
- 7.9 Jurisdictional issues

### **Module 07. Conciliation**

- 8.1 Meaning, features and modes of Conciliation
- 8.2 Conciliation under the Arbitration and Conciliation Act, 1996
- 8.3 Appointment and role of conciliator
- 8.4 Techniques of conciliation and Termination of conciliation proceedings
- 8.5 Contractual provisions about conciliation

### **Module 08. Negotiation**

- 9.1 Meaning, features, theories, types of negotiation
- 9.2 Appointment, role and qualities of the negotiator, Process of negotiation
- 9.3 International negotiation

### **Module 09. Mediation**

- 10.1 Meaning and key characteristics of mediation
- 10.2 Nature of mediation as voluntary, consensual, non-coercive, confidential and risk-free
- 10.3 Process/Stages of mediation
- 10.4 Appointment and role of mediator
- 10.5 Good Offices
- 10.6 Civil Procedure Mediation (Gujarat) Draft Rules, 2007
- 10.7 Key developments in mediation

### **Module 10. Legal Service Authorities Act, 1987**

- 11.1 Introduction
- 11.2 Definitions
- 11.3 National and State Legal Services Authority
- 11.4 Entitlement to Legal Services
- 11.5 National, State and District Legal Aid Fund
- 11.6 Lok Adalats
- 11.7 Pre-litigation Conciliation and Settlement
- 10.8 Other provisions

### **Suggested Readings:**

- B.P. Saraf & M. Jhunjhunwala: Law of Arbitration and Conciliation (2000), Snow white, Mumbai.
- Gerald R. William (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration, New Delhi.
- A.K. Bansal: Law of International Commercial Arbitration, Universal, Delhi

- P.C. Rao & William Sheffield: Alternative Disputes Resolution- what it is and How it works? (1997), Universal, Delhi.
- G.K. Kwatra: The Arbitration and Conciliation Law of India (2000), Universal, Delhi
- 1. Justice R.P. Sethi, Commentary on Arbitration and Conciliation Act as Amended in 2016, 2<sup>nd</sup> Edition, Wytes and Co., 2016.
- Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, Universal Law Publishing
- N V Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed, Central Law Agency
- Mallika Taly, Introduction to Arbitration, Eastern Book Company
- Vishnu Warriar, Arbitration, Conciliation and Mediation, LexisNexis.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Moot Court exercise and Internship		
Course Type		Core Course		
Course Code		BLLB11604	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	-	100	100

**Object:** This course enables the student to apply all laws of the course in the practical. The moot courts will enable him to learn identifying facts, applying the law, deriving issues, oral presentation skills, organising argument, and presenting it with persuasion. It will be followed by critical positive analysis about the salient features of the presentation and content, and suggestions for improvement.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the world of moot courts, art of talking and legal research.

CO2: Understand the ground realities of how moot courts help shape the future lawyers by inculcating the skills of convincing and negotiation.

CO3: Get a glimpse of the very functioning of real courtroom practice and to prepare for the future challenges and learning process with social justice acumen.

### Syllabus<sup>9</sup>

- (a) Moot Court:  
Every student must participate in a minimum of 3 moot courts in a year.  
A total of 10 marks is allotted for each assigned moot problem  
(5 marks for Written Submission and 5 marks for oral submission) 30 Marks
- (b) Participation in Trial Proceedings:  
Observation of trial in a case  
Attendance and performance to be certified by the Advocate in the prescribed Dairy who is on the list having at least 10 years' standing in the Bar (One Civil & One Criminal) 30 Marks
- (c) Pre-trial Preparation:  
- Interviewing techniques 15 Marks  
- Pre-trial Preparations 15 Marks  
(Records to be maintained in the prescribed diary)
- (d) Viva Voce 10 Marks

<sup>9</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Law of Equity and Trust		
Course Type		Core Course		
Course Code		BLLB11605	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the rights and duties of persons connected with Trust transaction. The objectives of the course are to enable the students to acquire knowledge of law on private and public trust and also the principles of equity.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Get an insight of the Trust and equity laws and principles of Fiduciary Relations with exceptions.

CO2: Possess a thorough understanding of the principles of natural justice and maxims of equity.

CO3: Demonstrate a high level of understanding in learning the concepts like Trust and trustee with respect to their rights and duties.

### Syllabus

Subject	External Examination Marks
Law of Equity	15 Marks
Indian Trust Act, 1882	25 Marks
Bombay Public Trust Act, 1950	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Law of Equity**

1.1 Equity: Its nature, historical background and courts

1.2 Equitable rights and interests: Nature and classification

1.3 Maxims of Equity: 12 Working Principles of Equity

1.3.1 Ubi jus ibi remedium - Equity will not suffer a wrong to be without a remedy.

1.3.2 Equity follows the law, but not always and never slavishly.

1.3.3 He who seeks equity must do equity.

1.3.4 He who comes to equity must come with clean hands.

- 1.3.5 Vigilantibus, non dormientibus, jura subveniunt – Equity aids the vigilant and not the indolent - Delay defeats equity.
  - 1.3.6 Equality is equity.
  - 1.3.7 Equity looks to the intent rather than the form.
  - 1.3.8 Equity looks on that as done which ought to be done.
  - 1.3.9 Equity imputes an intention to fulfil an obligation.
  - 1.3.10 Where there is equal equity, the law shall prevail.
  - 1.3.11 Where the equities are equal, the first in time shall prevail.
  - 1.3.12 Equity acts in personam.
- 1.4 Priorities and Assignments

## **Module 02. Introduction to Trust**

- 2.1 The concept of Trust: distinction with agency and contract
- 2.2 Trusts: Classification
- 2.3 Definition and nature of trust under the Indian law
- 2.4 Creation of Trust
- 2.5 Extinction of Trust

## **Module 03. Trustee**

- 3.1 Duties of Trustee
- 3.2 Rights of Trustee
- 3.3 Power of Trustee
- 3.4 Disabilities of Trustee
- 3.5 Discharge of Trustee
- 3.6 Appointment of New Trustee

## **Module 04. Beneficiary**

- 4.1 Rights of Beneficiaries
- 4.2 Liabilities of Beneficiaries

## **Module 05. Constructive trusts, Public Trust**

- 5.1 Transfer without intent to dispose beneficial interest
- 5.2 Trust incapable of execution and Trusts executed fully without exhausting property the cypress doctrine
- 5.3 Transfer and request for illegal purpose
- 5.4 Transfer pursuant to rescindable contract
- 5.5 Debtor becoming creditor's representative
- 5.6 Advantage from undue influence
- 5.7 Advantage by qualified owner
- 5.8 Property acquired with notice of existing contract
- 5.9 Purchase by person contracting to buy property to be held on Trust
- 5.10 Possession of property without whole beneficial interest
- 5.11 Duties of constructive Trustees
- 5.12 Rights of bona fide purchasers
- 5.13 Charitable and religious Trusts
- 5.14 Common property resources and public Trust doctrine

**Suggested Readings:**

- Equity, Trust and Specific Relief, B.M. Gandhi, EBC
- Bombay Public Trust Act, 1950
- Principles of Equity, Central Law Agency

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Professional Electives

**SEMESTER I**

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**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		English for Law		
Course Type		Professional Elective		
Course Code		BLLB12101	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2		25	25	50

**Object:** The aims of this course are to improve student's ability to read and understand law journal articles, commercial legislation, legal texts and legal correspondence. The object of this paper is to increase student's comprehension of legal English (legal topics in lectures, presentations, interviews and discussions. and to strengthen student's speaking and writing skills in a range of situations typical of the study of law and the practice of law.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Develop an understanding of law and consolidate legal language skills

CO2: Produce organized and coherent communications and essays with clear paragraphs and appropriate methods for introducing and concluding.

CO3: Write using specialized legal vocabulary with few usage errors.

### Syllabus

#### **Module 01. Understanding the Law**

1.1 Defining Law

1.2 Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedent, Rule, Statute

1.3 Nature of Law

1.4 Classification of Laws- Municipal Law and International Law, Public and Private Laws, Civil and Criminal laws

1.5 Interpreting Law and Role of Language in Interpretation (Use of definitions, meanings of words, literal meaning and contextual meaning)

1.6 Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws

#### **Module 02. Foreign Terminology in Law**

2.1 Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use

2.2 Foreign Words

2.3 Legal Maxims

#### **List of Foreign Words**

*Ab initio* - From the beginning.

*Ad hoc* - Established for a particular purpose.  
*Ad valorem* - According to value.  
*Amicus curiae* - An impartial advisor.  
*Bona vacantia* - Ownerless property.  
*Compos mentis* - of sound mind.  
*De facto* - In actual fact.  
*De jure* - In law, By legal right.  
*Ex parte* - One side only.  
*Fauxpas* - Blunder.  
*In limine* - At the outset.  
*In memorium* - In memory of.  
*In personam* - Personally.  
*Inter alia* - Among other things.  
*Inter se* - Among themselves.  
*Lis pendens* - During the pendency in any court.  
*Locus standi* - Right to speak or intervene in a matter.  
*Mala fide* - In bad faith.  
*Mens rea* - Criminal intention or guilty mind.  
*Modus operandi* - Mode or Method of working.  
*Nudum pactum* - A bare promise.  
*Onus probandi* - The burden of proof.  
*Par excellence* - Without comparison.  
*Prima facie* - At first sight.  
*Ratio decidendi* - The reasons for decisions.  
*Sine die* - To a date not at the moment fixed.  
*Sub judice* - Under judicial consideration.  
*Suo moto* - By itself.  
*Ultra vires* - Beyond powers.  
*Vox populi* - The voice of people.

### **Legal Maxims**

*Actus curiae neminem gravabit* - An act of the court shall prejudice no one.  
*Actus non facit reum, nisi mens sit rea* - An act does not make a person guilty unless the mind is guilty.  
*Audi alteram partem* - Let the other side be heard as well.  
*Delegatus non potest delegare* - A delegate cannot delegate.  
*Ex nudo pacto non oritur actio* - No action arises from a contract without consideration.  
*Expressio unius est exclusio alterius* - Express mention of one thing excludes all others.  
*Ignorantia facti excusat, ignorantia juris non excusat* - Ignorance of facts excuses but ignorance of law excuses no one.  
*Nemo dat quod non habet* - No one gives what he does not have.  
*Noscitur a sociis* - The meaning of a doubtful word can be derived from its association with other words.  
*Qui facit per alium facit per se* - He who acts through another does the act himself.  
*Respondeat superior* - Let the master answer.

## **Module 04. Composition Skills**

4.1 Report Writing

4.2 Précis Writing

4.3 Notices of General Nature

4.4 Essay Writing on Legal Topics

### **Suggested Readings:**

1. Yadugiri, M. A. and Geeta Bhaskar. English for Law, New Delhi: Foundation Books
2. Gupta, Shweta. General English & Legal Language, Allahabad: CLP
3. Sanjay Kumar & Pushp Lata. Communication Skills. India: OUP

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Health Law		
Course Type		Professional Elective Course		
Course Code		BLLB12102	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** The objective of this paper is to develop student's legal acumen in health law regime and help them to understand the role of governments and law in promoting and protecting health, and be able to identify and analyse legal issues in health care.

### Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the importance of public health and nexus with human rights.

CO2: Identify forms of legal remedies available under health laws.

CO3: Understand and identify the various provisions relating to

### Syllabus

#### **Module 01. Introduction**

- 1.1 Concept and Importance of Health
- 1.2 Public Health in India - Ancient, medieval and modern perspectives
- 1.3 Human Rights Perspectives of Health – Overview

#### **Module 02. Health and Constitutional Protections**

- 2.1 Fundamental Rights - Right to Health – Right to Decent Environment-Right to Shelter - Reproductive Rights of Women
- 2.2 Directive Principles of State Policy and Health

#### **Module 03. Health and Legal Protection - Relevant Provisions under following Laws**

- 3.1 The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- 3.2 The Factories Act, 1948
- 3.3 Law on Mental Health
- 3.4 The Maternity Benefit Act, 1961
- 3.5 The Infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992
- 3.6 The Transplantation of Human Organs Act, 1994
- 3.7 The Indian Penal Code, 1860 - Chapter XIV (Sections 269 to 278)
- 3.8 The Epidemic Diseases Act, 1897

**Suggested Readings:**

- 1) R.K. Nayak (ed.), The Indian Law Institute, Global Health Law, (1998), World Health Organization, Regional Office for South East Asia, New Delhi.
- 2) Pragya Kumar & Virendra Kumar, Health as a Fundamental Human Right, in Dilemmas in Health Policy.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Offences against children and juvenile offences		
Course Type		Professional Elective Course		
Course Code		BLLB12103	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** The object of this paper is to give the students a holistic understanding regarding offences against children and explore the practical applications of the various laws formulated for their protection.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the various concepts of child in relation to child protection, having due regard to the practical implementation of the principles in actual cases.

CO2: Understand the various dimensions of criminal behaviour and the implementation of the law through Judicial interpretation.

CO3: Demonstrate a thorough and contextual knowledge of various offences under the various child-related laws, particularly in its application to real life legal scenario.

### **Syllabus**

#### **Module 01. Concept of Child and Juvenile**

1.1 Definition and Concepts of term Child and Juvenile.

1.2 Causes of Offence against Child.

1.3 International Protection to child and Convention.

#### **Module 02. Offences against Child**

2.1 Child abuse.

2.2 Child labour and forced labour.

2.3 Kidnapping and abduction.

2.4 Abetment of suicide of Child.

2.5 Sale of Obscene objects to young

#### **Module 03. Protection of Child and Juvenile**

3.1 Under the provisions of Constitution (fundamental rights and DPSP)

3.2 Indian Penal Code 1860

3.3 Criminal Procedure Code 1973

3.4 The Indian Contract Act 1872.

3.5 Juvenile Justice Act 2015.

## **Module 04. Juvenile Delinquency**

4.1 Juvenile Delinquency: Nature and Cause

4.2 Juvenile Court System

4.3 Treatment and Rehabilitation of Juveniles.

4.4 Legislative and Judicial protection of Juvenile offender

4.5 Salient features of the act.

### **Suggested Readings**

1. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2012
2. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2012
3. S.R. Myneni, Offences against Child and juvenile Offences, New Era Law Publication, Delhi, 2018
4. S.K. Chatterjee, Offences against Child and juvenile Offences, Central Law Publication, Allahabad, 2012
5. Sheetal Kanwal, Offences against Child and juvenile Offences, Amar Law Publication. Indore, 2017



# Professional Electives

## SEMESTER II

**SARVAJANIK UNIVERSITY**  
**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Gender Justice and Feminist Jurisprudence		
Course Type		Professional Elective Course		
Course Code		BLLB12201	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** This course aims at questioning the understanding that law is universal, protects everybody equally and is accessible to all equally. It uses gender, particularly in relation to women to show discrimination perpetuated and legislative response.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Apply analytical skills and knowledge to critically analyse functioning of legal provisions relating to crimes against women.

CO2: Critically examine statutes and judgments through feminist lens

CO3: Understand the ground realities of women's lives and the role of law in addressing the same as well as the women's access to justice.

### **Syllabus**

#### **Module 01. Crimes against Women**

1.1 Introduction

1.2 Domestic Violence

1.3 Dowry harassment

1.4 Sexual offences – Rape, Outraging modesty of woman, kidnapping.

1.5 Sexual harassment of women at workplace

1.6 Other offences – Female infanticide and female foeticide, Sati, prostitution, indecent representation of women, pornography

#### **Module 02. Constitutional Provisions and Policy**

2.1 Preamble – Equality of Status and Opportunity

2.2 Fundamental Rights and guarantees Articles 14, 15, 16, 21, 22, 24, 39, 39A

#### **Module 03. Empowerment of women**

3.1 Concept and Method

3.2 Human Rights – under domestic and international law

3.3 National Commission for Women – formation and functions

3.4 Uniform Civil Code, Gender Justice and Discriminatory provisions in Family Laws

3.5 Reservation for women

- 3.5.1 In local self-government bodies
- 3.5.2 In legislature – Proposed Amendment and Debates
- 3.6 Women and Employment
  - 3.6.1 Laws to protect women and her labour
  - 3.6.2 Maternity Benefit Act, Factories Act, Equal Remuneration Act.
- 3.7 Matrimonial Property

#### **Module 04. Feminist Jurisprudence**

- 4.1 Meaning of Feminism
- 4.2 Origins of feminist Jurisprudence
- 4.3 Dealing with the Basic Issues of Feminist Jurisprudence
- 4.4 Feminist Methodology
- 4.4 Schools of Feminist Jurisprudence
- 4.5 The School of Socialist Feminism
- 4.6 Criticism of Feminist Jurisprudence

#### **Suggested Readings:**

- Anwar Yaquin & Badar Anwal: Protection of Women under the Law
- M.J. Antony : Women's Rights
- S.R. Myneni: Jurisprudence (Legal Theory), Asia Law House
- Mamta Rao: Law relating to Women and Children, Eastern Book Company
- Hingorani (ed).: Gandhi on Women

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Banking Laws		
Course Type		Professional Elective Course		
Course Code		BLLB12202	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** The object of this paper is to give the students an overview of the kinds of banks, their functions, and relationship with customers and the banking frauds. Students will also explore the law relating to recovery of debts due to banks recovery of debts.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Understand the conceptual and legal parameters including the judicial interpretation of banking law.

CO2: Understand the new emerging dimension in banking systems.

CO3: Understand the Reserve Bank of India and its role in Banking.

### **Syllabus**

#### **Module 01. Banking System in India**

- 1.1 Kinds of Banks and their Functions
- 1.2 History of Banking in India
- 1.3 Bank Nationalization and Social Control over Banking
- 1.4 Relationship between Banker and Customer
- 1.5 Legal Character
- 1.6 Contract between Banker and Customer
- 1.7 Bank's Duty to Customers
- 1.8 Liability under the Consumer Protection Act, 1986

#### **Module 02. The Reserve Bank of India Act, 1934**

- 2.1 Object, Application and Definitions
- 2.2 Incorporation, Capital, Management and Business
- 2.3 Central Banking Functions
- 2.4 Collection and Furnishing of Credit Information
- 2.5 Provisions Relating to Non-Banking Institutions Receiving Deposits And
- 2.6 Financial Institutions
- 2.7 Prohibition of Acceptance of Deposits by Unincorporated Bodies
- 2.8 General Provisions
- 2.9 Penalties

### **Module 03. The Banking Regulation Act, 1949**

- 3.1 Object, Application and Definitions
- 3.2 Business of Banking Companies
- 3.3 Control over Management
- 3.4 Prohibition of Certain Activities in Relation to Banking Companies
- 3.5 Acquisition of the Undertakings of Banking Companies in Certain Cases
- 3.6 Suspension of Business and Winding up of Banking Companies
- 3.7 Special Provisions for Speedy Disposal of Winding up Proceedings
- 3.8 Provisions Relating to Certain Operations of Banking Companies
- 3.9 Application of the Act to Co-Operative Banks

### **Module 04. Banking Ombudsman Scheme**

- 4.1 Preliminary
- 4.2 Establishment of Office of Banking Ombudsman
- 4.3 Jurisdiction, Power, and duties of Banking Ombudsman
- 4.4 Procedure for redressal of grievance
- 4.5 Miscellaneous

### **Suggested Readings**

- SETH'S Banking Laws [commentaries on Banking Regulation Act as amended by SARFESI Act 2002 and BRA, amendment act 2007] K.C. Shekhar.
- Banking Theory and Practice (1998) UBS Publisher Distributors Ltd., New Delhi.
- Basu, A. Review of Current Banking Theory and Practice (1998) Mac Millan

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Moot Skills and Training		
Course Type		Professional Elective Course		
Course Code		BLLB12203	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

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

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Represent the college at various state and national moot competitions.

CO2: Prepare memorials for the competition by extensive research.

CO3: Understand, identify and analyse collected data for research.

### **Syllabus**

#### **Module 01. Moot Exercise: What and Why**

1.1 Historical Development of Moot Court

1.2 Meaning – Clinical legal education – simulate proceedings – difference between moot court and mock trial

1.3 Legal education as justice education – law students as 'frontier persons' of legal education – student becomes 'counsel' and classroom becomes 'court'

1.4 New jurisprudence – socially relevant and just

1.5 Development of range of skills – drafting, research, interviewing, negotiation, advocacy, communication, legal analysis.

1.6 'Anticipative lawyering' – simulation of court proceeding – anticipatory arguments of legal issues in hypothetical case – to organize "new breed of public interest lawyers"

1.7 Progressive lawyering – 'hard' and 'soft' cases

1.8 Three Terrains of Processes – reading process – writing process – argumentative process.

1.9 Educative potentials of moot learning – referring law, case law, digests and journals – sensitization – adversarial system of justice and non-adversarial system of justice.

## **Module 02. Preparation Protocols**

- 2.1 Meaning – oral advocacy – difference between written memorial and written pleading or argument
- 2.2 Problem and its analysis
- 2.3 Legal research – relevant law and case law – primary sources and secondary sources
- 2.4 Identification of the Issues
- 2.5 Interpretation of facts and application of law

## **Module 03. Oral Advocacy**

- 3.1 In the court room
- 3.2 Speech and body language – do's and don'ts
- 3.3 Court manners and etiquette – forms of addressing the court
- 3.4 Skills of oral presentation – vocabulary, expertise, appropriate expressions
- 3.5 Answering Court queries – respect and decorum

## **Module 04. Written Memorials**

- 4.1 requisites – grammar, syntax, style – rational thinking, legal perception of problem, knowledge of the current trends of legal interpretation.
- 4.2 Language – marshalling evidence – preparation of both sides of the case – clarity
- 4.3 Contents of Written Memorial A written memorial should ordinarily contain the following
  - 4.3.1 The Cause Title – status of moot court – nature, number and year of case – legal provision – names of parties – party represented
  - 4.3.2 Tables of Contents – scheme of written memorial at a glance – lists, issues, detailed arguments, prayer etc.
  - 4.3.3 List of Abbreviations
  - 4.3.4 Index of Authorities
  - 4.3.5 Statement of Jurisdiction
  - 4.3.6 Chronological Order of Facts
  - 4.3.7 Brief Statement of Facts
  - 4.3.8 Issues raised
  - 4.3.9 Summary of Arguments
  - 4.3.10 Arguments advanced in detail
  - 4.3.11 Prayer – remedy sought
  - 4.3.12 Use of italics – definitions – citations – lucid style, simple expression and syntax

## **Module 05. Mooting Skills: Benefits**

- 5.1 Role and duties of judge in mooting – transmitter of ideas and values – conscientious instructions – interactions with student counsel to moderate, improvise etc.
- 5.2 Learning to 'Swim' by actual 'getting into water'
- 5.3 Approach to law and case law and other sources
- 5.4 confidence building and development of personal skills – personal

participation

5.5 Research of legal issues and of facts – constant process – stamina and intellectual activity

5.6 Lessons in professional ethics – duties towards court, client, fellow counsel

5.7 Learning to be fair, candid and courteous – manners and etiquette

5.8 Formality of Dress Code

5.9 Learning use of legal language and legal terms

### **Suggested Readings**

- Dr. Kailash Rai: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Publication.
- Amita Danda: Moot Court for Interactive Legal Education, Gogia Law Agency, Hyderabad.
- Blackstone's: Books of Moots, Oxford University Press
- Mishra: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law, Allahabad.
- Hugh Rayne, Nigel Duncan and Richard Grimes: Clinical Legal Education – Active Learning in Your Law School, Blackstone Press Ltd; Aldine Place; London.
- NALSAR LAW University: Moot Court for Interactive Legal Education. Hyderabad



# Professional Electives

## SEMESTER III

**SARVAJANIK UNIVERSITY**  
**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		The Food Safety and Standards Act, 2006 <sup>10</sup>		
Course Type		Professional Elective Course		
Course Code		BLLB12301	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** The country took a revolution in Food Safety and Quality with the new scientific based food laws and standards designated as the Food Safety and Standards Act 2006 followed by its Rules and Regulations, 2011. The objective of this course is to expose students to need and nature of programme on food safety and standards in India.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Understand the need for food safety and standards Authority of India.

CO2: Identify the challenges to food safety and importance of adhering to safety rules and regulations.

CO3: Understand the legislative approaches for the management of food safety

### **Syllabus**

#### **Module 01. Introduction to Food Safety and Standards**

1.1 Brief history of the Act

1.2 Establishment and composition of Food Safety and Standards Authority of India

1.3 Duties and functions of Food Authority

#### **Module 02. Food Safety**

2.1 General principles to be followed in administration of the Act

2.2 Special responsibilities as to Food Safety

2.3 Provisions relating to import

2.4 Liability of manufacturers, packers, wholesalers, distributors and sellers

2.5 Food recall procedure

#### **Module 03. General provisions as to Articles of Food**

3.1 Use of food additive or processing aid

3.2 Contaminants, pesticides and genetically modified foods, etc.

<sup>10</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

3.3 Packaging and labelling of foods

3.4 Restrictions of advertisement and prohibition as to unfair trade practices

#### **Module 04. Enforcement of the Act**

4.1 Various Authorities- Responsibilities and Liabilities

4.2 Licensing and registration of food business

4.3 Procedure for launching prosecution

4.4 Recognition and accreditation of laboratories, research institutions and referral food laboratory

4.5 Functions of Food Analyst

#### **Module 05. Offence and Penalties**

#### **Module 06. Food Safety Appellate Tribunal**

#### **Suggested Readings**

1. Viraj Gupta, The Food Safety and Standards Act, 2006, Commercial Law Publishers, (India), 15<sup>th</sup> edition ,2021
2. Bloomsbury's, The Food Safety and Standards Act, 2006, Second Edition.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		The Competition Act, 2002 <sup>11</sup>		
Course Type		Professional Elective Course		
Course Code		BLLB22302	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Competition law is aimed at protecting the process of competition within the market. Since the nineties, almost all developing countries have enacted competition laws in the lines of the laws of developed countries. The purpose of the course is to examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Critical understand competition law and its impact on developing countries like India.

CO2: Critically analyse the emerging international competition law and its impact on developing countries.

### **Syllabus**

#### **Module 01. Development of Competition Law in India**

1.1 Overview of Competition Law in India

1.2 Objectives of competition law and policy

1.3 Basic concepts: relevant market, anti-competitive agreements, abuse of dominant position and anti-competitive combinations – Evolution of Indian competition law

1.4 Emerging International Competition Law

#### **Module 02. Anti-Competitive Agreements**

2.1 Anti- Competitive Agreements under the Competition Act, 2002.

2.2 Appreciable Adverse Effect on competition in the Market.

2.3 Determination of Relevant Market – Rule of Reason and Per se.

2.4 Illegal rule – Horizontal and Vertical restraints, Exemption, Penalties, Prohibition of Anti-Competitive Agreements.

2.5 Cartel- Predatory Pricing, bid rigging.

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<sup>11</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

### **Module 03. Regulation of Abuse of Dominant Position**

- 3.1 Introduction – Dominance in the Market – Relevant Market- Appreciable Adverse Effect on Competition in the Market (AAEC)
- 3.2 Abusive Conducts under the Competition Act, 2002
- 3.3 Penalties – Prevention of Abuse of Dominance.

### **Module 04. Regulation of Combinations**

- 4.1 Combinations: Merger, Acquisition, Amalgamation and Takeover- Horizontal, Vertical
- 4.2 Conglomerate Mergers- Combinations covered under the Competition Act. 2002 – Regulations, Penalties.

### **Module 05. Enforcement Mechanisms**

- 5.1 Enforcement Mechanisms under the Competition Act, 2002
- 5.2 Competition Commission of India – Constitution of the CCI – Powers and Functions
- 5.3 Jurisdiction of the CCI adjudication and appeals-
- 5.4 Director General of Investigation (DGI)
- 5.5 Competition Appellate Tribunal (CAT) – Enforcement Mechanisms.

### **Suggested Readings:**

1. Competition Act, 2002 – Principles and Practices by Dr. V.K. Agarwal
2. Competition Act, 2002 (Students Edition) by Dr. V.K. Agarwal
3. Suresh T. Vishwanathan, Law and Practice of Competition Act, Bharat

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Penology and Victimology <sup>12</sup>		
Course Type		Professional Elective Course		
Course Code		BLLB12303	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** This course will introduce the students to the concepts of Penology and Victimology and will acquaint them with the study of law from this perspective. This course will provide the students an understanding of the various theories of punishment, penal reforms, prison reforms, etc. the students will also learn about the various impacts of victimization, restorative justice and compensatory schemes for benefit of victims.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Critical understand the various theories of punishments and penal reforms.

CO2: Understand the various aspects of the Indian legal structure like that of the concepts of restorative justice and compensatory schemes for victims.

CO3: Demonstrate a thorough and contextual knowledge of penal laws and the various leading cases particularly in its application to real law problems.

### **Syllabus**

#### **Module 01: Introduction to Penology**

- 1.1 Concept & Scope of the study of Penology
- 1.2 Theories of Punishment- Retributive, Reformative, Preventive & Deterrent.
- 1.3 Forms of punishment

#### **Module 2: Police Reforms**

- 2.1 Police Administration – functions & Problems
- 2.2 Judicial Trend towards Police reforms
- 2.3 Recommendations & Implementation of the various reports on Police Reform.

#### **Module 03: Prison Reforms**

- 3.1 Administration – Functions
- 3.2 Prison Reforms

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<sup>12</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

3.3 Judicial Trend towards Prison Reforms in India

3.4 Open prisons in India

**Module 04: Probation of Offenders & Parole**

4.1 Probation & Parole – Meaning & scope

4.2 Salient features of Probation of Offenders Act, 1958

4.3 Parole System in India

4.4 Judicial Trend in India Victimology

**Module 05: Introduction to Victimology**

5.1 Meaning of Victim and Victimology

5.2 Victims of Crime - Victims of Abuse of Power

5.3 Impact of Victimization -Physical Impact -Financial Impact -Psychological Impact

5.4 Secondary Victimization

**Module 06: Restorative justice & Victim Assistance Program**

6.1 Restorative Justice for Victims

6.2 Victim Assistance Program

6.3 Advisory Group

6.4 Legal Reforms

**Module 07: Compensatory Reliefs to Victims**

7.1 Compensatory Provision in Cr.P.C

7.2 Compensation under Probation of Offender Act 1958

7.3 Compensation under Motor Vehicle Act 1988

7.4 Compensatory Relief to Victims - Judicial Trend

7.5 De-Victimization & Victim Welfare Fund

**Suggested Readings:**

1. Ahmad Siddique: Criminology & Penology (Sixth Edition), Eastern Book Company.
2. Chaturvedi, J.C, Penology & Correctional Administration (2006).
3. John Gillin, Criminology & Penology.
4. Paranjape, Prof. N.V, Criminology, Penology & Victimology, Central Law Publication



# Professional Electives

## SEMESTER IV

**SARVAJANIK UNIVERSITY**  
**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Legal Research and Paper Writing		
Course Type		Professional Elective Course		
Course Code		BLLB12401	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** This course is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

### Course Outcome

At the end of the course, students will be able to:

CO1: Develop legal research skills & legal reasoning and apply it in legal practice.

CO2: Produce organized and coherent communications and essays with clear paragraphs and appropriate methods for introducing and concluding.

CO3: Gather and interpret relevant facts and conduct legal research.

### Syllabus

#### **Module 01. Introduction to Legal Research**

- 1.1 The science of research and scientific methodology
- 1.2 Inter-disciplinary research and legal research models
- 1.3 Legal research-common law and civil law legal systems

#### **Module 02. Research Design**

- 2.1 Workable Hypothesis-formulation and evaluation
- 2.2 Major steps in research design

#### **Module 03. Research Techniques**

- 3.1 Sampling
- 3.2 Survey and Case Study method
- 3.3 Scaling and Content Analysis

#### **Module 04. Research Tools and Data Processing**

- 4.1 Observation
- 4.2 Interview and schedule
- 4.3 Questionnaire
- 4.4 Data processing and interpretation of data
- 4.5 Online Legal Research – Use of Electronic Databases

## **Module 05. Legal Writing**

5.1 Report/Article writing & legal research

5.2 Use of definitions, maxims, concepts, principles, doctrines in legal research

5.3 Plagiarism & its consequences.

5.4 Citation methodology

5.5 Book review and case comments

### **Suggested Readings**

- Stott D.-Legal Research
- Robert Watt and Francis Johns- Concise Legal Research
- S.K. Verma & Afzal Wani- Legal Research Methodology

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Human Rights		
Course Type		Professional Elective Course		
Course Code		BLLB12402	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** In pursuance of the directions of the preamble and other provisions of Charter, a plethora of international instruments have been agreed upon by the States Parties to Protect and promote the Human Rights of Individuals both at international and domestic levels. In view of the gaining significance of International Law of Human Rights, this course presents subtly an overview of the international and domestic perspectives of Human Rights along with the redressal mechanism.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Demonstrate knowledge and understanding of the international human rights framework, its origins and justifying theories.

CO2: Demonstrate capacity to assess how specific human rights may be asserted, enforced or violated.

CO3: Critically evaluate the relationship between international and domestic law on human rights.

### **Syllabus**

#### **Module 01. Introduction**

1.1 Historical origins of Human Rights in International and National Scenario -Nature and an overview

1.2 Basic Components of Human rights – Value, Dignity, Equality, Justice, Morals and Ethics and Significance

1.3 Perspectives on Rights and Duties – Relationship between Rights and Duties

1.4 Provisions under the Charter of UN – Preamble, Articles 1(3), 13(1)(b), 55 and 56

1.5 International Bill of Human Rights (UDHR, ICCPR, ICESCR) - Nature and significance

1.6 Introduction to generation of Human Rights

#### **Module 02. Human Rights Enforcement in India**

2.1 The Protection of Human Rights Act, 1993 – Object, Definitions, Landmark cases

2.2 Constitution, Powers and Functions of National Human Rights Commission

2.3 Role of Judiciary in Enforcement of Human Rights

### **Module 03. Human Rights of Vulnerable and Disadvantaged Groups**

3.1 Meaning and Definition of Vulnerable and Disadvantaged Groups

3.2 Social and Economic Status of Women and Children

3.3 Status of Socially and Economically Disadvantaged groups - Rights of

3.4 Indigenous People (Scheduled Tribes), Scheduled Caste, Minorities, Aged and Disabled

3.5 Vulnerable Groups - Sex Workers, Domestic Workers, Stateless Persons, Migrant Workers, HIV/AIDS patients, LGBTQ and Prisoners

### **Module 04. Significance of Human Rights Education**

4.1 Meaning and Definition of Human Rights Education

4.2 Role of UN in the Promotion of Human Rights Education

4.3 Role of Government of India in the Promotion of Human Rights Education- UGC and Universities

#### **Suggested Readings:**

- Peter N. Strarms, Human Rights in World History, Routledge, New York, 2010.
- De Schutter, International Human Rights Law, Cases, Materials Commentary, Cambridge University Press, New Delhi, 2010.
- V.R. Krishna Iyer, The Dialectics and Dynamics of Human Rights in India - Yesterday, Today and Tomorrow, Eastern Law House, New Delhi.
- Manoj Kumar Sinha, Implementation of Basic Human Rights, LexisNexis.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		4		
Subject		Media and Law		
Course Type		Professional Elective Course		
Course Code		BLLB12403	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Media is a social instrument which provides a platform to the people in the society to freely profess their right to freedom of speech and expression. The significance of media and its freedom can never be over emphasised in a participatory democratic setup like that of India, which regards 'Media' as the 'fourth estate' of democracy. The prima facie objective of this course is to study and analyse the historical background, present position and future prospects of the various privileges, rights and freedoms guaranteed by the state to media through various laws and judicial interventions.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Understand the significance of media and its freedom.

CO2: Understand the various privileges, rights and freedoms guaranteed by the State to media through various laws and judicial interventions.

CO3: Understand and analyse the various issues and challenges in media laws

### **Syllabus**

#### **Module 01. Introduction**

1.1 Introduction to Media and Communication

1.2 Importance of Media in Democracy

1.3 Kinds of Media

1.4 Functions of Media – Information, Surveillance, Service the economic system, hold society together, Entertain, Act as a community forum, Service the political system, etc.

#### **Module 02. Constitutional Framework of Freedom of Media in India**

2.1 Free Speech and Constituent Assembly Debates in India

2.2 Freedom of Speech and Expression in Indian Constitution

2.3 Facets of Freedom of Speech and Expression

2.4 Law Commission of India: 101st Report on Freedom of Speech and Expression under Article 19 of the Constitution - an Overview

2.5 Reasonable Restrictions

2.6 Legislative Privileges and Media

- 2.7 Right to Privacy and Media
- 2.8 Freedom of Media during emergency

### **Module 03. Legal Dimensions of Media**

- 3.1 Media and Criminal Law (Sedition, Obscenity and Defamation)
- 3.2 Media and Law of Torts (Civil Law of Defamation and Negligence)
- 3.3 Media and Judiciary (Contempt of Court)
- 3.4 Media and Executive - an Overview (The Official Secrets Act, 1923, The Right to Information Act, 2005)
- 3.5 Media and Journalists - an Overview (The Working Journalists (Conditions of Service) Act, 1955)

### **Module 04. Regulatory Framework of Media**

- 4.1 Methods of Regulation (Self-Regulation and Statutory Regulation)
- 4.2 The Cinematograph Act, 1952
- 4.3 The Cable Television Networks (Regulation) Act, 1955
- 4.4 The Prasar Bharti Act, 1990
- 4.5 The Press Council of India Act, 1978
- 4.6 The Telecom Regulatory Authority of India Act, 1997
- 4.7 Advertising Standards Council of India and its codes
- 4.8 The Indecent Representation of Women Act, 1986

### **Module 05. Issues in Media Laws**

- 5.1 Trial by Media (Law Commission of India: 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973)
- 5.2 String Operation and Media
- 5.3 Broadcasting Rights
- 5.4 Taxation and Media
- 5.5 Media and Convergence
- 5.6 Infringement of Intellectual Property Rights
- 5.7 Internet and freedom of media
- 5.8 Violence against Media persons and Law
- 5.9 Role of media in electoral process

### **Suggested Readings**

- P.M. Bakshi - "Press Law – An Introduction" BTRFI Publications, 1985.
- D.D. Basu - "Law of the Press", LexisNexis Butterworth's Wadhwa, Nagpur.
- Ram Jethmalani and D. S. Chopra - "Cases and Material on Media Law", Thomson Reuters, New Delhi.
- P.M. Bakshi, "Law of Defamation - Some Aspects", N.M. Tripathi, Bombay.
- Ursula Smartt, "Media and Entertainment Law", Routledge, First Edition.
- Kiran Prasad, Media Law in India, Kluwer Law International.



# Professional Electives

## SEMESTER V

**SARVAJANIK UNIVERSITY**  
**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Information Technology Law		
Course Type		Professional Elective Course		
Course Code		BLLB12501	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more and more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000. The primary focus of this course will be on studying the information technology law.

### Course Outcome

At the end of the course, students will be able to:

CO1: Understand the provisions of Information Technology laws

CO2: Understand electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues.

### Syllabus

#### **Module 01. Introduction**

1.1 Evolution of the IT Act, Genesis and Necessity

1.2 Salient features of the IT Act, 2000

1.3 Various authorities under IT Act and their powers.

1.4 Impact on other related Acts- Amendments to Indian Penal Code, Amendments to Indian Evidence Act, Amendments to Bankers Book Evidence Act, Amendments to Reserve Bank of India Act.

#### **Module 02. Cyber Space Jurisdiction**

2.1 Privacy and Data Protection On Cyber Space

2.2 Jurisdiction issues under IT Act, 2000

#### **Module 03. E-commerce and Laws in India**

3.1 Digital/ Electronic Signature in Indian Laws

3.2 E-Commerce; Issues and provisions in Indian Law

3.3 Cyber Tribunal & Appellate Tribunal

3.4 Cyber Regulations

## **Module 04. Sensitive Personal Data or Information (SPDI) in Cyber Law**

4.1 SPDI Definition and Reasonable Security Practices in India

4.2 Reasonable Security Practices – International perspective

### **Suggested Readings**

- Cyber Law in India by Farooq Ahmad; Pioneer Books

- Information Technology Law and Practice by Vakul Sharma; Universal Law Publishing Co. Pvt. Ltd.

- The Indian Cyber Law by Suresh T. Vishwanathan; Bharat Law House New Delhi

5. Guide to Cyber and E – Commerce Laws by P.M. Bukshi and R.K. Suri; Bharat Law House, New Delhi

6. Guide to Cyber Laws by Rodney D. Ryder; Wadhwa and Company, Nagpur

7. The Information Technology Act, 2000; Bare Act – Professional Book Publishers, New Delhi

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Maritime Law		
Course Type		Professional Elective Course		
Course Code		BLLB12502	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** This course intends to equip students with the knowledge of existing legal framework governing the Seas. The main aim of the course is to help the students learn about different maritime zones and the corresponding rights and duties of coastal and other states in respective zones. A separate chapter is dedicated to the dispute settlement mechanism under UNCLOS, 1982 which will help the students in assessing the practical implications of the law of sea.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Understand the laws of the sea and its implications.

CO2: Highlight the law relating to marine settlement mechanism in maritime law.

CO3: Generate a good understanding of the rights and duties of States and, possibly, other players in the various maritime zones.

### **Syllabus**

#### **Module 01. Introduction to Law of the Sea**

- 1.1 Historical Background
- 1.2 Freedom of sea
- 1.3 Codification
- 1.4 Sources of Law of the Sea
- 1.5 Principles
- 1.6 Law of the sea in India

#### **Module 02. Maritime Zones**

- 2.1 Concept of Territorial Sea – Internal waters
- 2.2 Navigation -- Innocent Passage
- 2.3 Zones - Continental Shelf & Exclusive Economic Zone – Rights and Duties of Coastal and other states.
- 2.4 Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- 2.5 Application of Civil and Criminal Jurisdiction within maritime boundary

### **Module 03. Marine spaces beyond National Jurisdiction**

3.1 High Seas – Navigation

3.2 Flag State Jurisdiction- Piracy - Hot Pursuit

3.3 Common Heritage of Mankind - Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)

3.4 Rights of Land locked States

3.5 Marine pollution

### **Module 04. Dispute Settlement Mechanism under UNCLOS**

4.1 Maintenance of International Peace and Security at sea

4.2 Compulsory settlement – Choice of procedure

4.3 International Sea Bed Authority

4.4 International Tribunal for Law of Sea

4.5 Role of ICJ

4.6 Role of International Sea Bed Chamber - Arbitration and Conciliation

### **Suggested Readings**

- Birnie W. Patricia; Boyle & Environment, International Law and the Environment 1992
- Brownlie, Principles of International Law (Oxford Universal Press).
- D.P. P'Connel, International Law of the Sea, Vols. 1 & 11 (1982)

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Private International Law		
Course Type		Professional Elective Course		
Course Code		BLLB12503	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Private International Law, also known as conflict of laws, is a national law, consisting of rules that enable finding that law of that country which will govern disputes among private parties that involve a foreign element. Currently, there is no well-defined body of private international law, but certain subjects such as contracts or family law may have their own governing rules. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law.

### Course Outcome

At the end of the course, students will be able to:

CO1: Understand the nature and scope of private international law.

CO2: Understand the civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce and adoption.

CO3: Analyse the impact of private international law from comparative and international perspectives, and in the context of social and cultural diversity.

### **Module 01. Introduction**

1.1 Meaning and definition of Private International Law

1.2 Historical development of Private International Law and Indian Private International Law

1.3 Nature, scope, theories and sources of Private International Law

1.4 Relationship between Public International Law and Private International Law

### **Module 02. Characterization**

2.1 Meaning, and nature of problem requiring characterization

2.2 Concept and theories of characterization - based on *lex fori*, *lex causae*; Two-fold characterization (primary and secondary), Comparative Law

2.3 Process and stages of characterization - Characterization of factual situation and Characterization of connecting factor

2.4 Characterization of Proper Law

### **Module 03. Domicile as a Connecting Factor**

3.1 Meaning and definitions

3.2 Acquisition of domicile - Domicile of independent persons: Domicile of origin; Domicile of choice: residence and intention, abandonment of domicile of choice, comparison between

domicile of origin and choice; Domicile of refugees, fugitives, Domicile of dependents-married women, minor children, lunatics, Domicile of legal persons

#### **Module 04. Law of Property**

4.1 Characterization - movable and immovable property

4.2 Transfer of immovable property, concept of lex situs, capacity and formal validity of transfer, the Mozambique rule and exceptions

4.3 Transfer of tangible and intangible movable property, meaning, Theories -lex domicile, lex actus, lex situs and proper law; Issues in transfer of tangible movables, Assignment of intangibles - debts and documents, voluntary and involuntary assignment.

#### **Module 05. Law of Contractual Obligations**

5.1 Proper law of contract - meaning and nature, freedom of choice, implied choice of law, Real and substantial connection theories

5.2 Validity and formation of contract - creation of contract, formal and material validity, capacity, contracts contrary to public policy and procedural law

5.3 Interpretation of contract

5.4 Discharge of contract - performance and impossibility of performance, lex loci contractus and lex loci solutionis

#### **Module 06. Law of Non-Contractual Obligations**

6.1 Tortious act, and lex loci delicti

6.2 Theories - lex fori, lex loci commissi and proper law or social environment

6.3 Jurisdictional issues - cause of action and locus delicti, Choice of law – the English approach

6.4 Defences

#### **Module 07. Private International Law in India**

7.1 Indian Private law and marital issues

7.2 Issues with the applicability of Private International Law in India

7.3 Marriage validity on an international level

7.4 Provisions for the reciprocal recognition of marriage

#### **Module 08. Foreign Judgments**

8.1 Recognition and enforcement of foreign judgments - Theories - comity, obligation, judicial reason, harmony, Indian Law

8.2 Recognition of foreign judgments - Conclusive and final judgment, Defences against enforcement of foreign judgments, Rule of res judicata, Reciprocity

8.3 Execution of foreign judgments by Indian courts

#### **Suggested Readings**

- Dicey, Morris & Collins, Conflict of Laws, Sweet and Max well 15th ed., 2016.

- James Fawcett and Janeen M Carruthers, Cheshire and North's Private International Law Oxford University Press, 14th ed., 2008.

- Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014.

- Paras Diwan, Private International Law: Indian and English; Deep & Deep, 2008.

- K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International, 2010



# Professional Electives

## SEMESTER VI

**SARVAJANIK UNIVERSITY**  
**SARVAJANIK COLLEGE OF LAW**

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Right to Information Act, 2005		
Course Type		Professional Elective Course		
Course Code		BLLB12601	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Any democratic government needs a well-informed citizenry and transparency of information is important to its smooth functioning. Transparency also helps us to contain corruption and to hold governments and their instrumentalities accountable to the governed, says the preamble of the Right to Information Act, 2005. Today is era of Good Governance and Transparency. In this era, openness is the need of the hour for every public organization and should be transparent in its working and functioning. Right to Information is a course which focuses on transparency in administration and ensures various mechanism through which this transparency can be ensured.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Understand the meaning and concept of right to information which leads to transparency in administration.

CO2: Analyse the functioning of various agencies which brings transparency in administration.

CO3: Determine the various pros and cons of Right to Information Act 2005.

### **Syllabus**

#### **Module 01. Introduction**

- 1.1 Right to Information: Need, relevance and significance;
- 1.2 Historical Growth of Right to Information Act in India.
- 1.3 Initiatives, Campaigns, Movements, Conferences and decisions.
- 1.4 Official Secrecy Act, 1923

#### **Module 2. Right to Information Act, 2005**

- 2.1 Right to information Act, 2005: Purpose and Aims, Features and Significance.
- 2.2 Implementation Issues: Designing Application for seeking information; Procedure and Fees and time bound limitation,
- 2.3 Duties of the Public Information Officer, Obligation of Public Authorities, Disposal of Application,
- 2.4 Exemption from disclosure of information, Grounds for rejection.

### **Module 03. Appellate Authority and Redressal Grievances Bodies**

- 3.1 Grounds of Appeal Against the decision of State Public Information Officer; Duties and functions of the First Appellate Authority.
- 3.2 Grounds of Appeal Against the Decision of the First Appellate Authority.
- 3.3 State Information Commission: Appointment, Removal, Powers and Functions;
- 3.4 Grounds of Complaint and Appeals.

### **Module 04. Issues in Implementation**

- 4.1 Major obstacles and Issues in Implementation:
- 4.2 Weakness in the working of the offices of State Public Information Officer,
- 4.3 First Appellate Authority and State Information Commission.
- 4.4 Exemption Disclosure controversy.

### **Suggested Readings**

- Yadav, A.S. Right to Information Act, 2<sup>nd</sup> edition, 2012.
- Narayana & Reddy, Right to Information & Law, 4<sup>th</sup> edition, 2011.
- Kumar Niraj, The Right to Information Act, 3<sup>rd</sup> edition, 2011.
- Singh, Ajit Kumar and Ravi, N.S. (2015), Transparency, Disclosure and Governance, Concept, New Delhi

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Election Law		
Course Type		Professional Elective Course		
Course Code		BLLB12602	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Democracy is one of the basic features of the Constitution and free and fair elections is the cornerstone for constructive realization for democratic ideals and aspirations of the people of a country. The elections are conducted according to the constitutional provisions, supplemented by laws made by Parliament. The course provides the students with the process of conduct of election and related aspects. This paper is intended to acquaint the students regarding the significance of free and fair elections and various intricacies of the Elections Law, including electoral corrupt practices, which will facilitate them to choose responsive representatives for good governance.

### **Course Outcome**

At the end of the course, students will be able to:

CO1: Understand and identify the importance of election in democratic country.

CO2: Analyse lacuna within among the election law and available remedies.

CO3: Understand the judicial perspectives on electoral reforms.

### **Syllabus**

#### **Module 01. Meaning and Concept of Election and Election Dispute**

- 1.1 Challenge to Election: Whom and How to Made
- 1.2 Forum for filing Election Petition
- 1.3 Parties, contents and grounds of Challenge to Election
- 1.4 Trial of Election Petition
- 1.5 Recriminatory Petition
- 1.6 Withdrawal, Abetment and Appeal
- 1.7 Election to President and Vice President
- 1.8 Composition and Powers of Election Commission

#### **Module 02. Qualification and Disqualification of Candidates**

- 2.1 Meaning and Distinction Between Qualification and Disqualification
- 2.2 Qualifications and Disqualifications Provisions under Indian Constitution and the Representation of Peoples' Act, 1951
- 2.3 Office of Profit
- 2.4 Government Contract

- 2.5 Disqualifications on Convictions under the Representation of Peoples' Act, 1951
- 2.6 Anti-Defection Law

### **Module 03. Nomination of the Representation of Peoples' Act, 1951**

- 3.1 Meaning of Valid Nomination
- 3.2 Procedure for Filing of Nomination Security Deposits etc.
- 3.3 Grounds of Rejection of and Withdrawal of Nominations
- 3.4 Voter's Right to Know Antecedent of the Candidates
- 3.5 Recognition of Political Parties and Election Symbols

### **Module 04. Corrupt Practices**

- 4.1 Meaning and Distinction between Corrupt Practices and Electoral Offences
- 4.2 Substantive Corrupt Practice: Bribery, Undue Influence, Character, Assassination of Candidates, Appeal on the Grounds of Religion, Race, Caste, etc.
- 4.3 Needs of Educational Qualification for Candidates
- 4.4 Criminalization of Politics
- 4.5 Election Expenses
- 4.6 Model Code of Conduct
- 4.7 Use of Government/Private Electronic Media and Social Media by Political Parties
- 4.8 Opinion and Exit Polls
- 4.9 Defacement of Public and Private Properties
- 4.10 Reservation for Women in Parliament and State Legislatures

### **Suggested Readings**

- V.S. Rama Devi & S.K. Mehendiratta, Election Law, Practice and Procedure, Butterworths Publishers, 2013
- P.C. Jain & Kiran Jain, Election Law and Practice, Chawla Publishers, 2012
- P.M. Bakshi, The Constitution of India, Universal Publishing Company Ltd., 2014
- The Presidential and Vice-Presidential (Election) Act, 1952 (Bare Act), Universal Publishing Company Ltd., 2014
- The Registration of Elector Rules, 1960 (Bare Act), Universal Publishing Company Ltd., 2014

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Forensic Science		
Course Type		Professional Elective Course		
Course Code		BLLB12603	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

**Object:** Forensic science plays a very important role in criminal law justice system. It helps in determination of the guilt of a suspected criminal, and ascertains various facts in a case by scientifically testing various types of evidences collected during criminal investigation. A Prosecutor or a Judge is an expert in the field of law but may lack in-depth scientific knowledge, which may be necessary in different cases to ascertain the facts and circumstances of the case in order to prove the case “beyond reasonable doubts” and to attribute criminal liability to the accused person. Therefore, expert opinion of scientists and doctors are invited by the courts whenever evidences are scientifically examined. The aim of this course is to explain the concept of forensic science and its role in criminal law. This course will give an overview as to what kind of evidences are collected and scientifically tested in various crimes, how the result of these tests and expert opinion are useful in investigations and trials and its evidentiary value.

### Course Outcome

At the end of the course, students will be able to:

CO1: Understand the concept and role of forensic science in criminal justice system.

CO2: Analyse various types of evidences collected during criminal investigation.

CO3: Understand the utility of expert opinion in investigation and trials and its evidentiary value.

### Syllabus

#### **Module 01. Introduction**

1.1 Basic Principles and Significance of Forensic Science

1.2 History and Development of Forensic Science

1.3 Recent advances in Forensic Science and the Law- narco-analysis, brain mapping, polygraph, DNA finger printing

#### **Module 02. Crime & Criminal behaviour**

2.1 Definition of Crime

2.2 Various types of Crime

2.3 Modus Operandi

2.4 Criminal Profiling

2.5 Corpus Delicti

### **Module 03. Criminal Justice System**

- 3.1 Role of Police Officers, Prosecution and Judicial Officers
- 3.2 Role of Forensic Scientists, Medico-legal Doctors
- 3.3 Expert Testimony

### **Module 04. Crime Scene Management**

- 4.1 Defining the Scene of crime
- 4.2 Crime a Scene Documentation
- 4.3 Collection, Packaging, Labelling and Forwarding of Exhibits to Forensic Laboratories.
- 4.4 Preservation of Evidence
- 4.5 Health & Safety Protocols

### **Module 05. Constitutional Rights and Law of Forensic Science**

- 5.1 Right to Privacy and Right against Self Incrimination - with leading cases
- 5.2 Importance of forensic science in Criminal Law: Role of forensic science in understanding criminal psychology, Role of forensic science in criminal investigation, Role of forensic science in court of law, Role of forensic science with respect to questioned documents
- 5.3 Digital evidences and forensic science
- 5.4 Role of forensic science in cyber crimes

### **Suggested Readings**

- Dennis Howitt, 2002, Forensic and Criminal Psychology, Prentice Hall.
- Encyclopedia of Criminal and Deviant Behaviour, 2001, Clifton D. Pryart, Editor-in Chief, Burrunner Routledge Taylor and Frances Group.
- Bartal, Curt R, 1999, Criminal Behaviour: A Psychosocial Approach, 5th edition, Prentice Hall, New Delhi.
- Hollin, Clive R Routledge and Kegan Paul, 1989, Psychology and Crime: An introduction to Criminal Psychology, London.
- Dartmouth Aldershot, 1987, Criminal Detection and Psychology of Crime.
- Harvard LPC Forensic Psychology, 1981, Professor of Clinical Psychology, University of Surrey, Batsford Academic and Educational Ltd. London.