

FACULTY OF LAW
SAURASHTRA UNIVERSITY,
RAJKOT.



ACCREDITED GRADE 'A' BY NAAC
FACULTY OF LAW
LL.B. THREE YEARS PROGRAME (CBCS)
SYLLABUS

EFFECTIVE FROM : 2019-2020

SAURASHTRA UNIVERSITY,
UNIVERSITY CAMPUS, RAJKOT. 360005
GUJARAT - INDIA.

www.saurashtrauniversity.edu

Saurashtra University.

Syllabus

Semester One

No.	Course Code	Course Name	Marks	Credit
1	190101	Law of Contract	100	4
2	190102	Constitutional Law – I	100	4
3	190103	Law of Torts including M.V. Act and Consumer Protection Act.	100	4
4	190104	Law of Crimes – I (Indian Penal Code)	100	4
5	190105	Banking Laws	100	4
6	190106 Foundation	Constitutional History of India	100	2

Law of Contract (190101)

Objective of the Course :

Every man in his day to day life from dawn to dusk makes a variety of contract, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person. This prompted Roscoe Pound to make his celebrated observation wealth, in a commercial age, is made up largely of promises. In this sense India is also a Promissory Society. The conferment and protection by the of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relation in a best possible manner they chose. However, the contours of contractual relation in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in a independent and developing India society. Whatever may be the nature of a given society, the contractual relation as are obtained in that society, are governed by certain principle which are more or less of a general and basic nature. India these general principles are enacted in the form of the Indian Contract Act, 1972.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relation. Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contract that can be specifically enforced and the methods of enforcement forms a significant of this study.

SYLLABUS:

1. General Principle of Law of Contract:

- 1.1 Agreement and contract definitions, elements and kinds Proposal, Communication and revocation - proposal and invitation for proposal - floating offers.
- 1.2 Acceptance - their various forms, essential elements
- 1.3 Consideration - is need, meaning, kinds, essential elements
- 1.4 Capacity to Contract

2. Capacity to Contract & Free Consent:

- 2.1 Minor, age of Majority, Nature's of minor's agreement & effects thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor.
- 2.2 Free consent- its need and definition, Effects of force, coercion & undue influence on contract.
- 2.3 Mistake: definition - kinds - fundamental error mistake of law and of fact - their effects.

2.4 Legality of objects:

2.4.1 unlawful Agreements: kinds and effects thereof

2.4.2 Void Agreement, Uncertain Agreements, Wagering Agreements, Illegal & Void Agreements

3. Discharge of contract & Quasi-Contract:

3.1 Various modes of discharge of contract and effect thereof

3.2 Anticipatory Breach of Contract

3.3 Impossibility of performance - specific ground of frustration-application to leases- leases- theories of frustration-effect of frustration and restitution, by period of limitation.

3.4 Rescission and alteration - their effect - remission and waiver of performance - extension of time - accord and satisfaction

3.5 Quasi-contract or certain relation resembling those created by contract, Quantum Meruit.

4. Specific Relief Act.

4.1 Person against whom specific enforcement can be ordered

4.2 Rescission and cancellation

4.3 Injunction: Temporary and Perpetual

4.4 Declaratory orders 4.5 Discretion and power of court

Suggested Reading

1. Beasten (Ed), Anson's Law of Contract P.S. Atiya,
2. Introduction to the law of Contract (Claredon Law Series) Avtar Singh,
3. Law of Contract, Eastern Law House.Lucknow
4. G.C. Cheshire, and H.S. Fitoot and M.P. Formston Law Contract
5. ELBS with Butterworths. M. Krishnan Nair, Law of Contract,
6. G.H. Trinel, Law of Contract Sweet & Maxwell R.K. Abichandani (ed),
7. Pollock and Mulla on the Indian contract and the Specific Relief Act,
8. Butterworths Publication Benerjee S.C. Law of Specific Relief, Universal Anson,
9. Law of Contract, Universal Dutt on Contract, Universal Anand and Aiyer, Law of Specific Relief, Universal Law House.

Constitutional Law – I (190102)

Objective of the Course:

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

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

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

SYLLABUS:

1. Preamble :

1.1 Preamble: Purposes, Objectives, Importance.

1.2 Preamble: Whether a part of the Constitution, Application of Basic Structure Theory to the Preamble.

1.3 Amendment made in the Preamble: Effects thereof.

1.4 Use of Preamble in Interpretation of constitution Provisions.

1.5 Salient Features of the Constitution of India.

2. Fundamental Rights –I

2.1 Under Article 12 and Judicial Approach. Meaning of Law under Article 13.

2.2 Right to Equality and Protective Discrimination, Equality of Opportunity in the matter of Public Employment.

2.3 Freedoms Guaranteed to Citizens of India under Article 19 and reasonable Restrictions.

2.4 Right against Exploitation, Abolition of Untouchability and titles.

2.5 Right of Self- Incrimination and Principle of Double Jeopardy.

2.6 Constitutional Remedy for the Enforcement of Fundamental Right (writ remedies under article 32, distinction from writ under article 226)

3. Fundamental Rights –II

3.1 Right to Life and Personal Liberty, due Process of Law (Article 21)

3.2 Safeguards against Arbitrary Arrest and Detention.

3.3 Right to Freedom of Religion and Secularism.

3.4 Prohibition of Traffic in Human beings and Forced Labour.

3.5 Prohibition of Employment of Children in Factories Act.

3.6 Right to Education (Article 21 and Article 21 A and its developments)

3.7 Cultural and Educational Right: Articles 29 and 30.

4. Directive Principles and Fundamental Duties of the State :

4.1 Directive Principle: Nature, Ideals, Distinction from Fundamental Right and Inter-relationship with Fundamental Rights.

4.2 Non – Enforceability of Directive Principles before the Court.

4.3 Classification of Directive Principles, Uniform Civil Code.

4.4 Reading Directive Principles into Fundamental Rights.

4.5 Fundamental Duties.

SUGGESTED READING:

1. Constitution Law of India: D.D. BASU
2. Introduction to the Constitution of India D.D
3. Basu Shorter Constitution Law of India: Durga Das
4. Basu Constitution Law of India: V.N.SUKHLA
5. Constitution of India: J.N. PANDEY
6. Constitution Law of India: M.P.JAIN
7. Constitution Law of India (Vol. 1-3): H.M.SEERVAI
8. Constitution Law of India: P.M.BAXI
9. Introduction to the Constitution Law of India: NARENDRA KUMAR

Law of tort including Motor vehicle accident and Consumer protection laws (190103)

Objective of the Course:

Writ repaid industrialization, tort action came to use against manufacturers and industrial unit for products injurious to human beings. Presently the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product Liability is now assuming a new dimension in developed economics.

In modern era of consumer concern of goods and services, the law of torts has an added significant whit this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and into those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human right for a healthy life and environment, has now a core subject to be taught as an indispensable part of a socially relevant curriculum. The provisions of the Motor Vehicles Act relating to payment of compensation in case of hit and run accident and compulsory third party insurance are also included in this paper.

Syllabus:

1. General Principle of Tort

- 1.1 Tort: Definition, Distinction from crime, Breach of Contract etc. Nature, Scope and object of Tort, who may sue? who may not be sued?
- 1.2 Damnum sine Injuria Sine Demnumn.
- 1.3 Volenti not fit injuria, ubi jus ibi remedium
- 1.4 Vicarious Liability: Basis, scope, Justification, Different types.
- 1.5 Extinguishment of Liability in Tort
- 1.6 Justification in Tort, defences to the defendants

2. Torts against person, property, Freedom & Reputation

- 2.1 Trespass to person: Assault, Battery, Mayhem, False Imprisonment.
- 2.2 Torts affecting Property (Movable & Immovable): Trespass, Trespass ab into
- 2.3 Torts related to Reputation (Defamation) & personal relations
- 2.4 Torts affecting person & property: Nuisance, Negligence, Fraud
- 2.5 Third party liability of owner under the Motor Vehicles Act.

3. Principles of Liability in Torts and Legal Remedies

- 3.1 Principle of strict liability: Ryland V/s. Fletcher case with exceptions

3.2 Principle of Absolute Liability: Bhopal Gas Disaster case and Shree Ram Food case.

3.3 Remoteness of damage - foresee ability and directness Injunction Specific restitution of property.

3.4 Extra-legal remedies - self - help, re-entry on land, re-capture of goods, distress damage feasant.

4. Concept of Consumer Protection Act.

4.1 Consumer: Definition.

4.2 Services: Types of services, Deficiency meaning.

4.3 Commercial & Professional Services, Medical Services.

4.4 Denial of Services.

4.5 Consumer Protection Councils.

4.6 Consumer Disputes Redressal Agencies: District Forums, State Commission & National Commission, Judicial Review.

Suggested Reading:

Salmond and Heuston - On the Law of Torts (2000) Universal, Delhi.

D.D.Basu, The Law of Torts (1982), Kamal, Calcutta.

B.M.Gandhi, Law of Tort (1987), Eastern, Lucknow

P.S.Achuthan Pillai, The law of Tort (1994) Eastern, Lucknow

Ratanlal & Dhirajlal, The Law of Torts (1997), Universal, Delhi. Law 38

Winfield and Jolowiz on Tort (1999), Sweet and Maxwell, London.

Saraf, D.N., Law of Consumer Protection in India (1995), Tripathi, Bombay

Avtar Singh, The Law of Consumer Protection: Principles and Practice (2000), Eastern Book Co., Lucknow

J.N.Barowalia, Commentary on Consumer Protection Act 1986 (2000), Universal, Delhi.

P.K.Majundar, The Law of Consumer Protection In India (1998), Orient Publishing Co. New Delhi.

R.M. Vats, Consumer and the Law (1994), Universal, Delhi

Ratanlal Dhirajlal, Law of Torts

The Consumer Protection Act. (Bare Act)

The Motor Vehicle Act (Bare Act)

Law of crimes - 1 (Indian penal code) (190104)

Object of the course:

The Indian society has changed very rapidly since independence. A paper understanding of crimes, method of controlling them and the socio-economic and political reason for their existence is now extremely important in the larger context of India's development. It student are to use their knowledge and skills to build a just and human society. The curriculum outlined here attempts to bring in these new perspectives.

SYLLABUS:

1. General:

- 1.1 Conception of crime, Stages of Crime, (including Section 511) Mens Rea.
- 1.2 Applicability of the Indian Penal Code: Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction.
- 1.3 General Explanations: Public Servant, Wrongful Gain, Wrongful Loss, Valuable Security, Harbour.
- 1.4 Group Liability
 - 1.4.1 Common Intention
 - 1.4.2 Criminal Conspiracy
- 1.5 Abetment

2. Punishments

- 2.1 Theories of punishment
- 2.2 Kinds of punishment
 - 2.2.1 Death Sentence: Constitutionality & Judicial Approach
 - 2.2.2 Life Imprisonment
 - 2.2.3 Imprisonment: Simple and Rigorous, Solitary Confinement
 - 2.2.4 Forfeiture of Property
 - 2.2.5 Fine: Rules imposing fine
- 2.3 Discretion in awarding punishment

3. General Defences:

- 3.1 Mental Incapacity, Minority, involuntary intoxication and Insanity as a defence
- 3.2 Right of Private Defence: Justification and limits
- 3.3 when private defends extends to causing of death to protect body and property?
- 3.4 Necessity
- 3.5 Mistake of facts

4. Offence Relating of Public Tran quality:

- 4.1 Unlawful Assembly
- 4.2 Rioting
- 4.3 Affray
- 4.4 Distinction between Common Object & Common Intention

5. Offences against State, giving of false evidence, etc,

- 5.1 Offences against State:
 - 5.1.1 Wagging war against the Government of India etc.
 - 5.1.2 Sedition
- 5.2 Giving/fabricating false evidence: Offence & Punishment
- 5.3 Offences relating to election
- 5.4 Offences by or against Public Servants

6. Offences against Human Body.

- 6.1 Culpable Homicide
- 6.2 Murder:
 - 6.2.1 Ingredients and exception
 - 6.2.2 Distinction between Culpable Homicide and Murder
- 6.3 When Culpable Homicide is Murder?
- 6.4 Suicide: Attempt punishable as offence & its Constitutionality
- 6.5 Hurt, Grievous Hurt
- 6.6 Criminal Force, Wrongful Restraint, Wrongful Confinement
- 6.7 Kidnapping: Types, Abduction
- 6.8 Causing death by rash or negligent Act.
- 6.9 Death caused by consent of the deceased - euthanasia and surgical operation: Constitutionality

7. Offences against property, Defamation & Miscellaneous offences:

- 7.1 Theft & Extortion, Robbery and Dacoity, Distinction between them, receiving and disposing of stolen Property & other related offences
- 7.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief
- 7.3 Cheating: Types, Forgery and Making False documents
- 7.4 Defamation: Exceptions
- 7.5 Criminal Intimidation

8. Offences against Women

- 8.1 Rape: Custodial Rape, Relevancy of Consent,
- 8.2 Intercourse by man with his wife: When Rape, Un-natural offence

8.3 Dowry Death, Cruelty by Husband or Relatives of Husband

8.4 Offences relating to marriage.

8.5 Outraging modesty and annoyance of woman.

Suggested Reading:

1. Kenny's Outlines of Criminal Law - Universal Law Publishing Co.
2. Russell on crime - Universal Law Publishing Co. (2 Volumes)
3. K.D.Gaur, Criminal Law Cases and Materials, Butterworth's, India
4. Ratanlal&Dhirajlal's Indian Penal Code Butterworth's Wadhwa, Nagpur
5. K.D.Gaur, A text Book on the Indian Penal Code, Universal Delhi.
6. P.S.Achuthanpillai, Criminal Law Eastern Book Co.,
7. B.M. Gandhi, Indian Penal Code, Eastern Book Co,

Principal of Banking laws (190105)

Objectives:

The modern society functions , contrary to the old better system, on monetary transactions, In a developing country like India ,the banking system takes off becomes quite common even among the common people . The services banks render to the general public do have a significant contribution to the development of the economy pan passu, the security to the asset's money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the bank. The variety of assistance tended by the banks to the common people and business community cannot be over emphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

Contents:

1. Origin and Development of Banking System

- 1.1 Evolution of Banking Institutions, Origin of Word Bank.
- 1.2 Development of British Banking and Banking System in India.
- 1.3 Types of Banks in India, Nationalised Banks, Co- Operative Banks, Multi-Functional Banks etc. and their Functions.
- 1.4 Reserve Bank of India and its Functions. Role of RBI AS Central Bank.

2. Constitutional Perspectives and Regulation of Banks and Banking Business in India.

- 2.1 Constitutional Perspectives Relating to Banking Laws : Entries :36,37,38,43,44,45,46 of List- I of the Schedule VII, Entry 30 of List II of Schedule VII of the Constitution of India.
- 2.2 Bankers Books Evidence Act : Main Provisions
- 2.3 Banking Ombudsman System of Disputes and Complaints Relating to Banking Services.
- 2.4 Main Provisions of Banking Regulation Act, 1949:
 - 2.4.1 Regulation of Banking Companies.
 - 2.4.2 Suspension and Winding up of Banking Companies.

3. Recovery of Debt due to Banks and Other Financial Institutions.

3.1 Recovery of Debt due to Banks and Other Financial Institution Act.

- 3.1.1 Amount of Debt, who can Initiate Litigation.
- 3.1.2 Procedure to Recover Debt under the Act.
- 3.1.3 Debt Recovery Tribunal: Constitution, Powers and Jurisdiction.
- 3.1.4 Power of the Recovery Officer.
- 3.1.5 Provision of Appeal.

3.2 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act ,2002

- 3.2.1 Object and Reasons of the Act.
- 3.2.2 Main Provisions of the Act.
- 3.2.3 Issues Covered under the Act.

4. Negotiable Instrument Act.

Suggested Books:

1. Recovery of Debt due to Bankers and Financial Institution Act, 1993 Asia Law House Ltd.
2. Banking Regulation Act, 1949
3. Reserve Bank of India ,1935
4. Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest (SARFAESI) Act.
5. M.L.Tannen, Tannens Banking Law and Practice in India . India Law House, New Delhi.
6. S.N.Gupta, The Banking Law in Theory and Practice, Universal New Delhi.
7. Negotiable Instrument Act.

CONSTITUTIONAL HISTORY OF INDIA (190106 Foundation)

1. Constitutional History of India

1.1 What is Constitution.

1.2 Historical Background

1.3 Motilal Nehru Report on Simon Commission

1.4 Muslim League Demand and Poona Pact, 1932 (Communal Award)

1.5 Government of India Act, 1935:

1.5.1 Federal Government

1.5.2 Federal Court

1.5.3 Provincial Autonomy

1.5.4 Provincial Government

1.5.5 All India Federation

1.5.6 Dyarchy at the Centre

1.5.7 Federal Legislature Provincial Legislature

1.5.8 Distribution of Power between centre and provinces

1.5.9 Special Provisions for Minority

1.5.10 Abolition of Indian Council

2. Important Constitutional Developments before framing of Constitution of India: (Towards Independence)

2.1 Round Table Conferences

2.2 The Cripps Mission, 1942

2.3 Cabinet Mission

2.4 C. Rajagopalachari's Formula, 1944

2.5 Wavell Plan and Simla Conference, 1945

2.6 Attlee's Statement (1947)

2.7 Mountbatten Plan, 1947

3. Constitutional Assembly Debates (Summary)

3.1 Framing of the Constitution of India

3.2 Various Committee.

3.3 Drafting Committee, Chairman, members and their contribution,

3.4 Final Draft and adoption of the Constitution of India

3.5 Indian Independence Act, 1947: Main Features

Suggested Reading

D. D. Basu : Introduction to the Constitution of India

G. N. Singh : Landmark in Indian Constitutional & National Development

V. D. Kulshreshtha's Landmarks in Indian Legal & Constitutional History, Eastern Book Co.

J. N. Pandey : Constitutional Law of India

Keith : Constitutional History in India

M. P. Jain : Indian Constitutional Law

M. V. Pylee : Constitutional History of India

Shiva Rao : Framing of the Constitution of India (Vols. 1-4)

V. N. Shukla : Constitution of India

<http://cadindia.clpr.org.in/>

<http://164.100.47.194/Loksabha/Debates/cadebadvsearch.aspx>

https://rajyasabha.nic.in/rsnew/official_sites/constituent.asp

Saurashtra University.

Syllabus

Semester Two

No.	Course Code	Course Name	Marks	Credit
1	190201	Special Contract	100	4
2	190202	Constitutional Law - II	100	4
3	190203	Property Law	100	4
4	190204	Environment Law	100	4
5	190205	Information Technology Laws and Cyber Crimes.	100	4
6	190206 Soft skill	Use of Internet in Legal Education and Legal Software	100	2

SPECIAL CONTRACT(190201)

Course Objectives:

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

This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

SALLYBUS:

UNIT - 1

1. Indemnity and Guarantee.

- 1.1 Indemnity: concept, Need for Indemnity, definition.
- 1.2 Method of creating Indemnity obligation.
- 1.3 Commencement, Nature and extent of liability of the Indemnifier.
- 1.4 Situation of various type of Indemnity creation, Document/ agreement of Indemnity, Nature of Indemnity clauses
- 1.5 Guarantee: Concept, essentials for a valid guarantee contract
- 1.6 Rights & Liabilities of Surety.

UNIT - 2

2. Bailment, Pledge and agency:

- 2.1 Bailment: Essential Features, Rights & duties of Bailor & Bailee
- 2.2 Pledge: Definition Rights and duties of Pawnee, who can pledge?
- 2.3 Agency:
 - 2.3.1 Definition, Essentials, kinds of agents, creation of Agency
 - 2.3.2 Relation, Essentials, kinds of agents, creation of Agency
 - 2.3.3 Relation of Principle with Third Parties
 - 2.3.4 Methods of termination of Agency Contract
 - 2.3.5 Liabilities of Principle and Agent before and after termination of Agency Contract.

UNIT - 3

3. Sale of Goods Act:

- 3.1 Contract of sale: Concept, Essentials, Implied Terms
- 3.2 Rule of Caveat Emptor
- 3.3 Condition and Warrantees
- 3.4 Transfer of title and passing of risk
- 3.5 various rules regarding delivery of goods
- 3.6 Unpaid Seller and his rights.

UNIT - 4

4. Partnership Act:

- 4.1 Partnership: Nature, Scope, Definition, Kinds of Partnership
- 4.2 Rights and duties of Partners, Liabilities of Partners
- 4.3 Registration of Firm, Effect of non-Registration
- 4.4 Dissolution of firm and its effects
- 4.5 Liability of partners under the Limited Liability Partnership Act.

Suggested Reading:

- P.S. Atiyah, Introduction to the Law of Contract (Claredon Law Series)
- Avtar Singh, Law of Contract, Eastern Law House Lucknow
- G.C. Cheshire, and H.S. Fifoot and M.P. Formston Law Contract ELBS with Butter worths
- M.Krishnan Nair, Law of Contract ,
- G.H.Trinel, Law of Contract Sweet & Maxwell
- R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
- Benerjee S.C. Law of Specific Relief, Universal
- Anand and Aiyer, Law of Specific Relief, Universal Law Publication.
- Pollock and Mulla, Partnership Act, Butterworths Publication
- Mulla on Sale of Goods Act.

CONSTITUTIONAL LAW – II (190202)

UNIT-I

1. Executive, Legislature and Judiciary:

1.1 Union Executive: President, Prime Minister, their qualifications, power and duties, position of the President vis-a-vis Prime Minister

1.2 State Executive: Governor, chief Minister, power, Council of Ministers

1.3 Union Legislature: Composition of parliament, Lok Sabha , Rajya Sabha , Qualifications and Disqualifications of the Member of parliament , Schedule X, Speaker and Dy. Speaker of both Houses and their powers, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House

1.4 State Legislature: Composition of House, Qualifications and Disqualifications of MLAs, Legislative Procedure of State Legislature

1.5 Union Judiciary: Supreme Court Judges & Chief Justice: Procedure for appointment and removal, qualifications, power and Jurisdiction of SC: Original, Appellate, Advising, Article 141,142.

1.6 State Judiciary: Appointment, Transfer and Removal Procedure of H.C. Judges and Chief Justice of H.C, Powers and Jurisdiction of HC, Writs, Article 226 and 227 Distinction Between them.

UNIT- 2

2. Amendment of the Constitution:

2.1 Procedure to amend the Constitution under Article 368

2.2 Limited power of the Parliament to amend the provision of the Constitution

2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments

2.4 Doctrine of Basic Structure.

UNIT - 3

3. Emergency provisions

3.1 National Emergency: Grounds, Effects of proclamation of Emergency
: Suspension of Fundamental Right during Emergency, Revocation of Emergency

3.2 Emergency due to failure of Constitutional Machinery in states: Grounds

3.3 Report of Sarkaria Commission, Guidelines of S.R. Bommai 's case

3.4 Financial Emergency.

UNIT-4

4. Miscellaneous

4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil servants, Attorney General, Advocate General, Chief Election Commission and Commission, Official Language

4.2 Freedom of Trade, Commerce and Intercourse

4.3 Special provisions relating to Jammu and Kashmir

4.4 Relation between Union and the State: Legislative and Financial, Schedule VII 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

SUGGESTED READING:

Constitution Law of India : D.D. BASU

Introduction to the Constitution of India D.D Basu

Shorter Constitution Law of India :Durga Das Basu

Constitution Law of India : V.N.SUKHLA

Constitution of India: J.N. PANDEY Constitution Law of India.

M.P.JAIN Constitution Law of India (Vol. 1-3) :

H.M.SEERVAI Constitution Law of India :

P.M.BAXI Introduction to the Constitution Law of India :

PROPERTY LAW (190203)

OBJECTIVES OF THE COURSE:

The Course on Property Conventionally Deals with The Transfer of Property Act, 1882. More Than A Century Has Elapsed Since The Passing Of The Act And Far-Reaching Changes Have Occurred In The Field In Property Laws Owing To Altered Social Condition. While Archaic Feudal Rules Enacted by The Colonial Administration Like the Rule Against Perpetuities Find A Place in The Act, The Post, Independence Development Relating to Control and Use of Agricultural Land Do Not Find A Place. The Obsolescence of The Transfer of Property Act Can Be Best Illustrated by Citing the Provision Relating to Leases On unmovable Properties.

Syllabus:

UNIT - 1

1. General Principles of Transfer of Property.

1.1 Kinds of property: Movable Immovable, Tangible and non-tangible Property, Intellectual Property.

1.2 Which properties may be transferred? – Competency of person to Transfer: Transfer for the benefit of unborn child

1.3 Rule against perpetuity

1.4 Vested Interest and Contingent Interest.

UNIT - 2

2 Doctrine of Election

2.1 Lis Pendens: Principal, Salient Features, application in India, Essential requirements, Exceptions

2.2 Fraudulent Transfer: Essential Requirements, Exceptions

2.3 Doctrine of Part-n performance: Essentials and Exceptions

UNIT - 3

3. Specific Transfers

3.1 Sale: Essentials, Rights & Liabilities of Buyer and seller.

3.2 Mortgage & Charge: Definition, Kinds of Mortgage, Rights and Seller Mortgager – Mortgagee, Redemption – Clog on Redemption

3.3 Lease: Definition, Essentials, Rights & Liabilities of Lessor and Lessee

3.4 Gift: Definition, Essentials, Rights & Liabilities of Gift, Onerous Gifts, universal Donee, Exchange: Definition & Features

3.5 Actionable Claim: Definition & transfer of Actionable Claims

UNIT - 4

4. Easements:

4.1 Easements: Meaning, Nature, Essentials and Characteristics

4.2 Kinds of Easements, Incidents of Easements, Creation of easement

4.3 Various Easementary Rights: Right of Air, Right of support, Right of water etc.

4.4 Extinction, Suspension and Revival of Easements,

4.5 Licences: Meaning, elements, Grant and Revocation of Licences

SUGGESTED READING:

Mulla, Transfer of Property Act, Universal Delhi.

Subbarao, Transfer of Property ACT,

B.Sivaramayya, The equalities and the Law, Eastern Book Co. Lucknow.

P.C. Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.

V.P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow,

Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company

T.R. Desai : The Indian Easements Act, 1982 B.B. Katiyar :Easements and Licences, Universal Law Publishing Co.

ENVIRONMENT LAWS (190204)

(Including laws for Protection wild life and other living creatures including animal welfare)

OBJECTIVES:

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

Syllabus:

UNIT - 1

1 Environment & Environmental Pollution.

- 1.1 Environment: Meaning
- 1.2 Eco System, Balance of Ecology
- 1.3 Environment Pollution: Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution: Air, Water and Noise Pollution

UNIT - 2

2 Environment Protection: International Scenario & Constitutional Remedies:

- 2.1 International Scenario: Stockholm Conference, 'Rio-de' jenario Conference, Sustainable Development.
- 2.2 Constitutional perspectives for protection of Environment: Article 21, 48-A,51-A(g), 32 and 226 42nd Constitutional Amendment
- 2.3 Constitution of Judiciary in Environment Protection though PILs, relevant decisions of the supreme court

2.4 Doctrine of Public Trust, Principle of Polluter Pays.

UNIT - 3

3. Legislation for the Protection of Environment:

3.1 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (prevention and Control of Pollution) Act, 1974

3.2 Offences, Remedies and Procedure for prevention of Air Pollution under the Air (prevention and Control of Pollution) Act, 1981

3.3 Noise Pollution: Causes, effects and control measures

3.4 Environment (Protection) Act, 1986: Need to enact this legislation, Powers of the Central Government, Provisions for Prevention Control and Abatement of Environment Pollution: Offences & Punishment

3.5 Special provisions relating to Hazardous Process: Chapter IV-A of the Factories Act, 1948

3.6 Criminal Procedure Code: Public Nuisance – sec.133-143

UNIT 4

4. Miscellaneous:

4.1 Public Liability Insurance Act, 1991: Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,

4.2 Wild life (Protection) Act, 1972: Authorities: Hunting of Wild Animals, protected Areas, Offences

4.3 Forest Act, 1927; Reserved Forests, Centuries, powers of Forest officer

4.4 National Environmental Tribunals Act: Functions, Jurisdiction

4.5 Prevention of Cruelty to the Animals Act: Objects & main features

SUGGESTED READING:

The Water (prevention and Control of Pollution) Act, 1974.

The Air (prevention and Control of Pollution) Act, 1981.

The Environment (Protection) Act, 1986.

The National Environmental Tribunals Act, 1995.

Public Liability Insurance Act, 1991.

The Factories Act -1948.

Environmental Law and Policy in India : Armin Resencranz.

Air Pollution and Environment (Protection) Laws: Lal's Commentaries on Water

Environmental Law in India : Jain and Jain

Environmental Law by Prof. S. C. Shastri, Eastern Book Co.

Environmental Law : Sumeet Malik

Environmental Law and Policy in India Armin Rosencranz et. Al (eds.,)

Environmental Law and Policy in India : R.B.Singh & Suresh Misra

Environmental Protection Law and Policy in India : Kailash Thakur

The Environment Law in India : Leelakrishanan, P.

Department of science and Technology, Government of India ,Report of the Committee for recommending legislative Measures and Administrative Machinery For Ensuring Environmental Protection, (Tiwari Committee Report) India Journal of Public Administration, Special Number on Environment and Administration, July –September, 1988 Vol.,XXXV No.3 PP 353-801 .

Centre for Science and Environment . The state of India 's Environment 1982, the state of India, Environment 1984-85 and the State of India Environment 1999-2000 .

Information Technology Laws and Cyber Crimes (190205)

Objectives:

The technological revolution in the field of communication has brought out revolutionary changes in the mode of carrying out business and commerce. The exchange of physical documents is no longer necessary for carrying out business transactions. The electronic commerce is the new buzzword in both national and international trade. Electronic commerce involves carrying out business transitive by means of electronic data interchange and other means of electronic communication involving the use of alternatives to paper-based methods of communication and storage of information. The international trade is growing at a vast pace and the whole has become almost a global village. The World Trade Organization (WTO) has further contributed towards the blast growth in trade, commerce and other field amongst different countries of the world.

The general assembly of the United Nations, recognizing this fast also resolved on 30.01.1997, to adopt a model law on electronic framed by United Nations Commission of International Trade Law. The resolution recommends that all stares give favourable consideration to the said model law when they communicate or revise their laws in view of the need of uniformity in the law application to alternatives to paper based methods of communication and storage of information.

The Government of India, keeping in view the above facts, got enacted by Parliament the Information Technology Act, 2000.

Post 2000, after the promulgation of cyber laws by Government of India in the form of Information Technology Act, 2000 along with allied Rules, the issue of E-commerce, Online contracting, cybercrime like hacking, phishing, data theft, identity theft, source code theft cloning, stalking cyber terrorism, cyber defamation etc. have become common. There should be effective enforcement of laws to protect, preserve, promote and regulate cyber security in the context of use of computers, computer systems. Computer networks, computer resources as also communication devices and to ensure fair usage.

To prevent and protect common people from cyber-crimes Government has started initiatives like cyber suraksha kavach, awareness programme etc..

Syllabus:**Unit – 1**

1. Evolution of the Information Technology Act, Genesis and Necessity.
 - a. International Perspective.
 - b. History of Cyber law in India.
2. Salient features of the Information Technology Act, 2000.
 - a. Various concepts (Definitions)
3. Digital Signature
4. Electronic Governance.
5. Attribution, Acknowledgement and Despatch of Electronic Records.
6. Secure Electronic Records and Secure Digital Signatures.
7. Regulation of Certifying Authorities.
8. Digital Signature Certificates.
9. Duties of Subscribers.

Unit – 2

1. Penalties and Adjudication.
2. The Cyber Regulations Appellate Tribunal.
3. Offences.
4. Network Service providers not to be liable in certain cases.
5. Miscellaneous.
 - a. Various Government Initiatives for awareness.
 - b. The Information Technology (Amendment) Bill, 2006

Unit – 3

1. Impact of other related Acts (Amendments)
 - a. Amendments to Indian Penal Code.
 - b. Amendments to Criminal Procedure Code.
 - c. Amendments to Indian Evidence Act.
 - d. Amendments to Bankers Books Evidence Act.
 - e. Amendments to Reserve Bank of India Act.
2. The Information Technology (Certifying Authorities) rules, 2001.
3. The Cyber Regulations appellate Tribunals (Procedure) rules, 2000.

4. The Information Technology (Certifying Authorities) regulations, 2001
5. The Cyber regulations appellate tribunal (Procedure for investigation of misbehaviour of incapacity of presiding officer) Rules, 2003.
6. The Information Technology (Qualification and Experience of Adjudicating officers and manner of holding enquiry) Rules, 2003.
 - a. Performa for complain to the adjudicating officer.
7. The Information Technology (use of electronic record and digital signatures) Rules, 2004
8. The Information Technology (Security procedure) Rules, 2004.

Unit – 4 (Cyber Crimes)

1. Introduction of Cyber crimes, meaning, definition, nature of cyber crimes.
2. Cyber Crimes.
 - a. Malicious Code.
 - b. Web Hacking.
 - c. Email Hacking
 - d. Cyber Stalking
 - e. Cyber Terrorism.
 - f. Pornography.
 - g. Cyber Bullying.
3. Cyber Crimes Investigation.
 - a. Basic Investigation Techniques.
 - b. Setting up c cyber crime investigation cell.
 - c. Future Challenges.

SUGGESTED READING

Raj, Niharikia, Law & Technology, Universal Law Publishing.

Information Technology Act, 2000.

www.prsindia.org

Jain, P.K., Computer for Law Students, Scientific Publisher, Jodhpur.

USE OF INTERNET IN LEGAL EDUCATION AND LEGAL SOFTWARE

(190206 Soft Skill)

Objectives of course:

In the era of computer technology, Internet and Web World, it becomes very essential for a law student to equip himself for the maximum use of the ICT technology to upgrade his legal knowledge. The use of ICT, not only gives speedy information but it is useful to compare the legal position, legislative approach and view of judiciary prevailing in India as well as in different countries. For the above purpose, basic theoretical knowledge about the utilization of internet, search engines and different web sites etc. for legal knowledge is must. This course will be taught in the form of theoretical information in order to give the proper guidance to the law students for effective and maximum use of the ICT.

Syllabus:

1. Theoretical Knowledge about Internet use in Legal Education:

- 1.1 Law Related Websites: Basic knowledge, Kinds and importance
- 1.2 Selection of Law Related Websites:
 - 1.2.1 For finding out International Conventions & Treaties
 - 1.2.2 For knowing legal situation in other countries
 - 1.2.3 For finding out Indian Legislations
 - 1.2.4 For searching Judgments of various courts & comments there upon
- 1.3 For sending Articles/abstract of the paper to be presented at the seminar and to know the status of acceptance
- 1.4 Use of Internet for gathering speedy legal information by the law students/researchers

2. Application of ICT in Legal Field:

- 2.1 Search Engines & Websites: Use for legal education purpose
- 2.2 Use of Law related Internet Sites: Knowledge about pdf & ppt files
- 2.3 Use of Internet for searching Head-notes, Cases & Legal Articles
- 2.4 Updating the legal news, current status of the pending Bills in the House through Internet
- 2.5 On line search of Supreme Court and other courts' Judgments

3. Use of ICT: Finding the status of cases & Legal Profession Office Management:

- 3.1 Knowledge of status of cases pending before High Courts and Supreme

Court through Internet

3.2 Legal Profession Office Management through Internet:

3.2.1 for knowing the case- list of the next day

3.2.2 to know about the business allotted to the judges etc.

3.2.3 to view the judgments of the unreported judgments from the website of the High Court

3.3 Speedy verification and perusal of the drafted memo/case and related instruction through Internet

3.4 Obtaining the latest status of the case law decided by the Apex Court (before its publication in the Law Journals)

3.6 Use of Internet in Legal Research and on line submission of Articles/Seminar papers by Researchers in Law.

4. Legal Software

4.1 Various types of Legal Software:

4.1.1 General Information about Legal Software

4.1.2 Characteristics and features of various Legal Software

4.1.3 Legal Software: Operating System, Utility Programme, upgradation & Installation, Dongle Lock Facility in Legal Software

4.1.4 Various Options available for searching judgments from Legal Software

4.1.5 Options to find out relied and overruled judgments from legal software

4.2 Court Cases:

4.2.1 Commenting and Reporting of Judgments

Note : The college may select any one of the various well known legal software for providing the information to the students.

Suggested Reading

Prof. R. P.Soni, Harshal Arolkar & Dr. Sonal Jain, Working with Personal Computer Software, Wiley-India Pvt. Ltd., New Delhi

Nandan Kamath: - Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey: - Internet and online law

Michael D. Rostoker:- Computer Jurisprudence and Legal Responses to the Information Revolution

Rega Rao:- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)

Baxi Upendra: - Legal Education in 21st Century

<https://loksabha.nic.in/>

<https://rajyasabha.nic.in/>

<https://www.sci.gov.in/>

<http://gujarathighcourt.nic.in/>

<https://www.prindia.org/>

<http://commonlii.org/>