



Sharda Education Society's
Anand Vishwa Gurukul College of Law

Affiliated To University of Mumbai
 Approved By Bar Council Of India

LL.B - 3 Years | LL.B - 5 Years | LL.M
 Diploma in Labour Law and Labour Welfare | Post Graduation Diploma in Cyber Law
 H. O. : Raghunath Nagar, Next to Mittal Park, Wagle Estate, Thane (W) - 400604.
 Tel.: 022-25820481 / 25830481 Email : avgcollegeoflaw@gmail.com

Criteria 1: Curricular Aspects

Matric No.: 1.3.1

Matric Title: *Institution integrates cross-cutting issues relevant to Professional Ethics, Gender, Constitutional and Human Values, Environment and Sustainability etc. into the Curriculum*

Index

Programme: Bachelor of Law (LLB)				
Sr. No.	Course	Nature of Cross-cutting Issue	Sem.	Pg.No.
1.	English-I	Gender Equity	SEM-I	1-2
2.	Economics	Environment & Sustainability	SEM-I	3-4
3.	History	Constitutional and Human Values	SEM-II	5-6
4.	Legal Writing & Legal Language	Gender Equity & Constitutional and Human Values	SEM-II	7-8
5.	Political Science - II	Constitutional and Human Values	SEM-III	9-9
6.	Sociology	Gender Equity & Constitutional and Human Values	SEM-III	10-11
7.	History of Courts	Professional Ethics	SEM-III	12-14
8.	Political Science-III	Human Values	SEM-IV	15-15
9.	Labour Laws	Professional Ethics	SEM-I & SEM-V	16-16
10.	Constitutional Law	Gender Equity & Constitutional and Human Values	SEM-VI	17-18
11.	Family Laws - I	Gender Equity	SEM-VI	19-19
12.	Environmental Laws	Constitutional and Human Values	SEM-VI	20-22



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Programme: Bachelor of Law (LLB)				
Sr. No.	Course	Nature of Cross-cutting Issue	Sem.	Pg.No.
13.	Practical Training -1	Professional Ethics	SEM-VI	23-23
14.	Administrative Law	Constitutional and Human Values	SEM-VIII	24-27
15.	Family Laws - II	Gender Equity	SEM-VIII	28-33
16.	Criminology & Correctional Administration	Human Values	SEM-VIII	34-36
17.	Practical Training-II	Constitutional and Human Values and Professional Ethics	SEM-VIII	37-37
18.	Law Relating to Women and Children	Gender Equity	SEM-IX	38-40
Programme: Master of Law (LLM)				
Sr. No.	Course	Nature of Cross-cutting Issue	Sem.	Pg.No.
20.	Religion and the Law	Constitutional and Human Values	SEM- I	41-43
21.	Language and the Law	Constitutional and Human Values	SEM- I	43-43
22.	Community and the Law	Gender equity, Constitutional and Human Values	SEM-I	44-44
23.	Women and the Law	Gender, Constitutional and Human Values	SEM-I	44-45
24.	Federalism	Constitutional and Human Values	SEM-I	46-46
25.	Right to Equality: Privatization and its Impact on Affirmative Action	Gender, Constitutional and Human Values	SEM-I	46-46
26.	Emerging Regime of New Rights and Remedies	Constitutional and Human Values	SEM-I	47-47
27.	Rights of Minorities to Establish and Administer Educational Institutions and Control	Constitutional and Human Values	SEM-I	47-47



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Programme: Master of Law (LLM)				
Sr. No.	Course	Nature of Cross-cutting Issue	Sem.	Pg.No.
28.	Special Dimensions of Judicial Process in Constitutional Adjudications	Constitutional and Human Values	SEM-I	48-49
29.	Rights of Protection of the Accused	Constitutional and Human Values	SEM-I	50-51

Revised Syllabus for the Five Year (Sem I)
LL.B. degree course.

(With effect from the academic year 2004-2005)

ENGLISH - I

SECTION ONE: 40 Marks

A. GRAMMAR and USAGE (Communication Skills)

1. Simple sentences (one clause): Their phrase structure
 - (i) Tense and concord
 - (ii) Basic Transformation: (a) passive (b) negative (c) question

2. Compound and Complex Sentences: Use of connectives

3. Conditionals

4. Reported Speech

5. Some common errors in construction of sentences and sentence correction

B. VOCABULARY (Communication Skills)

- (i) Use of Legal terms (ii) idiomatic expressions

C. COMPREHENSION SKILLS

(i) Reading Comprehension (Principles and Practise)

(ii) Listening Comprehension

(As far as possible Short Legal Passages should be selected)

D. COMPOSITION SKILLS

(i) Paragraph Writing

(ii) Essay Writing

(iii) Formal Correspondence:

- (a) Letters of application for jobs (b) Letters of complaint

SECTION TWO (60 Marks)

The TEXTS for study is :

1) The Due Process of Law
by Lord Denning (ONLY parts 1-5)

2) Roses in December - M.C.Chagla

Recommended Readings :

- 1) English Grammar, Composition and Correspondence
By M.A. Pink and S.E. Thomas
London : The Gregg Publishing Co.
- 2) English and American Business Letters
By C.E. Eekersley and W. Kauf Mann
London : Longmans

ECONOMICS

Section I – General Principles

Section – II – Indian Economy

Section - I

1. **Introduction**
 - (i) Economics as a science and its relevance to law
 - (ii) Positive and normative economics
 - (iii) Micro and macro economics
2. **Demand and Supply**
 - (i) Law of demand and Elasticity of demand
 - (ii) Law of supply
 - (iii) Determination of price
3. **Cost and Revenue Analysis**
 - (i) Cost concepts
 - (ii) Revenue concepts
4. **Market Structure**
 - (i) Features of perfect competition
 - (ii) Features of monopoly
 - (iii) Features of monopolistic competition
5. **Factors of production and their pricing**
 - (i) Land and rent
 - (ii) Labour and wages
 - (iii) Capital and interest
 - (iv) Entrepreneur and profit

Section – II

6. **Introduction**
 - (i) Salient Features of Indian economy and structural changes
 - (ii) National income trends
 - (iii) Problems of poverty, population growth and inequalities
7. **Agriculture**
 - (i) Agricultural production and agriculture productivity
 - (ii) Constraints in agriculture – institutional, financial, marketing and pricing
 - (iii) National Agricultural Policy – 2000

8. **Industry**
 - (i) Growth and pattern of industrialization
 - (ii) New Industrial Policy 1991
 - (iii) Public sector and disinvestments policy
 - (iv) Small scale industries – Problems and policies
9. **Financial Markets**
 - (i) Indian money market – Features and Reforms
 - (ii) Indian capital market – Features and Growth
 - (iii) SEBI
10. **Fiscal System**
 - (i) Evaluation of Indian tax structure and tax reforms since 1990's
 - (ii) Public expenditure – Composition and growth
 - (iii) Public debt management
11. **External Sector**
 - (i) Structural changes in India's foreign trade since nineties
 - (ii) Balance of payments problem since 1990's
 - (iii) WTO

Recommended Readings :

1. Indian Economics for Law students
Dr. S.R. Myheni, Allahabad Law Agency, Faridabad
2. Legal Economics – K.C. Gopalkrishnan Eastern Book Company, Lucknow.
3. Economics for Law students – Dr. S.R. Myheni Allahabad, Law Agency.
4. Indian Economy – Rudder Datt and K.P.M. Sundhram S. Chand & Co. Ltd.,
New Delhi – 110 055; 2004.
5. Elementary Economic Theory – Dewett, Varma S. Chand & Company,
New Delhi – 110 055.

HISTROY

1. East India Company and its administration (1757-1857)
 - (a) Regulating Act of 1773.
 - (b) The Charter Acts from 1773 to 1853.
2. (a) The revolt of 1857: Its origin and causes.
(b) Consequences of the revolt with special reference to:
 - (i) Queen's Proclamation and (ii) Act for the Better Government of India, 1858.
- (c) Indian Councils Act of 1861.
3. Socio-religious reform Movements with reference to:
 - (a) Emancipation of women.
 - (b) Upliftment of depressed classes.
4. Struggle for freedom (1885-1909)
 - (a) (i) Establishment of the Indian National Congress and the work of the Moderates (1885-1905)
(ii) Indian Councils Act of 1892.
 - (b) (i) Rise of Extremists and Partition of Bengal (1905)
(ii) The Indian Councils Act of 1909.
5. Constitutional Developments (1917-1935)
 - (a) (i) August Declaration (1917) and Montague-Chelmsford Report (1918)
(ii) The Government of India Act, 1919 and its consequences.
 - (b) (i) Simon Commission(1927), Nehru Report (1928) and Round Table Conferences.
(ii) Civil Disobedience Movement and the Government of India Act, 1935.
6. The Road to Partition:
 - (a) Cripps Mission (1942), Cabinet Mission Plan (1946) and the Indian Independence Act (1947)
 - (b) Genesis and Growth of Communalism and Partition of India.
7. British Impact and major developments in Indian
 - (a) Education
 - (b) Press
 - (c) Local self government
 - (d) Civil Services
8. Nehru Era (1947-1964)
 - (a) Making of the Constitution, its salient features and significance.
 - (b) Integration of the Indian States and the Kashmir issue.
 - (c) States Reorganization.

9. Contemporary India

- (a) Land Reforms and Modernization of Agriculture.
- (b) Labour and Trade Union Movement.
- (c) Hindu Code Bill and Emancipation of women.
- (d) Upliftment of Scheduled Castes and Scheduled Tribes.
- (e) Centre-States Relations.

Recommended Readings :

- 1) Mahajan, V.D. - Modern Indian History.
- 2) Majumdar, R.C., Raychaudhari, H.C., Datta, Kalikinkar - An Advanced History of India.

BOOKS FOR REFERENCE:

- 1) Sarkar, Sumit - Modern India, Macmillan India Ltd., New Delhi, 1983.
- 2) Banerjee, Anil Chandra - Constitutional History of India Vol. II (1858-1919) and Vol. III (1919-1977)
- 3) Pylee, P.V. - Constitutional History of India (1600-1950), Bombay, Asia Publishing House, 1972.
- 4) Ambedkar, B.R. - Annihilation of Caste, Speeches and writings Vol. I.
- 5) Dodwell, H.H. (ed.), The Cambridge History of India, Vol. VI: The Indian Empire (1858-1918), with additional chapters on the Last Phase (1919-1947), Delhi, S. Chand and Co., 1983.
- 6) Menon, V.P. - The story of Integration of States, Bombay, Orient Longman, 1956.

LEGAL WRITING AND LEGAL LANGUAGE

A. Essays

1. Uniform Civil Code -

10 Marks

Article 44 of the Constitution of India with relevant extracts from the Parliamentary Debate on the Subject.

Various personal legislations relating to the personal; rights in adoption, marriage and divorce, guardianship, maintenance and succession.

Desirability of Uniform Civil Code in the matter of Marriage, divorce, adoption, succession laws appearing herein after as applicable to different religion and community.

- a) Hindu Marriage Act 1955
- b) Divorce Act 1869
- c) Parsi Marriage and Divorce Act 1936
- d) Special Marriage Act 1954
- e) Dissolution of Muslim Marriage Act 1939
- f) Hindu Adoption and Maintenance Act 1956
- g) Indian Succession Act 1925
- h) Hindu Succession Act
- i) Law of Succession relating to Mohammedan

Judgments of the Supreme Court of India delivered from time to time recommending changes in personal laws to bring about uniformity amongst personal laws.

- a) Ms. Jordan Diengdeh vs. S. S. Chopra AIR 1985 SC 935
- b) Mohamed Ahmed Khan vs. Shah Bano Begum and others AIR 1985 SC 945
- c) Smt. Sarla Mudgar, President Kalyani and other vs. Union of India AIR 1995 SC 1531
- d) Ahmedabad Women Action Group (AWAG) vs. Union of India (1997) 3 SCC 573
- e) Mrs. Pragati Varghese and etc. vs. Cyril George Varghese and etc. AIR 1997 BOM 341

2. Reservation

Marks 15

Reservation under Constitution of India.

Articles 14, 15, 16(4), 17, 29(2), 46, 330, 331, 332 and 335 from the Constitution of India.

News items that have appeared and will continue to appear in the newspaper and magazines/journals from time to time on the subject of Reservation.

Judgments of the Supreme court of India in particular the Judgment on Reservation after Mandal Commission Report.

Reservation of seats for women in decision-making body.

Articles from the News Papers and Periodicals on this issue of Reservation.

Views expressed by the Supreme Court of India in the Judgment of Musilamani Mudaliar vs. Idol of Sri. Swaminathaswami Hirukoli. (1996) 8 SCC 525.

Constitution (Eighty First Amendment) Bill 1996 for Reservation of seats for women in the House of the People.

Reservation in Education, Employment and Promotion

Articles from the Newspapers and Periodicals on this issue.

Views expressed by the Supreme Court of India in the following Judgments.

- a) K. C. Vasanth Kumar vs. State of Karnataka 1985 Supp. SCCC 714
- b) Janaki Prasad Parimoo vs. State of J. & K. (1973) SCC 420
- c) Indra Sawhney vs. Union of India 1992 Supp. (3) SCC 217 **Mandal Commission Case**
- d) Chattar Singh vs. State of Rajasthan. (1996) 11 SCC 742.
- e) Ashok Kumar Gupta vs. State of U. P. (1997) 5 SCC 201.
- f) S. Rangarajan vs. P. Jagjivan Ram. (1998) 2 SCC 574

3. Consumer Activism

Marks 15

Introduction to the Consumer Protection Act.

The Consumer Protection Act, 1986

Sections 2 (6) Complainant

Section 2 (8) Who is a Consumer

Consumers of Housing Facilities, Banking Services, Medical Services, Insurance Services, Telephone Services and Miscellaneous Services.

Consumer Protection Movement.

Consumer, Consumerism and the Constitution of India

4. Public Interest Litigation

Marks 15

Concept of Public Interest Litigation

Public Interest Litigation in India

Constitution of India, Articles in Parts III and IV

POLITICAL SCIENCE – II

Foundations of Political Obligation

1. Power, Authority, Legitimacy
2. Political Obligation – Meaning, Grounds & Theories, Problems of Obedience to Unjust laws
3. Theories of Punishment
4. Political Ideologies
 - a) Liberalism – Meaning, Basic Principles, Merits & Demerits
 - b) Socialism – Meaning, Basic Principles, Arguments in favor & against
 - c) Utilitarianism – Mill's Concept of Liberty
 - d) Communism – Marx's Conception of Communism
 - e) Democracy - Definitions, Conditions essentials for its success
 - f) Gandhism
5. Indian Constitution
 - a) Salient Features of Indian Constitution
 - b) Preamble
 - c) Fundamental Rights & Duties
6. Political Parties, Features of Indian Political Parties

Recommended Readings :

1. Basu, Durga Das: An Introduction to the Constitution of India (Wadhwa & Company, Agra, 2002)
2. Berry, Norman: An Introduction to Modern Political Theory (MacMillan, London, 1981)
3. Cocker, F. W. : Recent Political Thought (The World Press, Calcutta, 1966)
4. Gokhale B. K.: Political Science [Theory and Governmental Machinery] (Himalaya Publishing House, Mumbai, 1994)
5. Sartori, Giovanni: Democratic Theory (Oxford UBH, Calcutta, 1965)

SOCIOLOGY

1. Sociology as a Science

- a. Nature, definitions, scope.
- b. Sociology of law & legal profession

2. Basic Concepts

Society - community - social groups - culture - role and status - social norms values and institutions

Following topics should be dealt with specific reference to the Indian society.

3. Understanding Indian society

- a. Plurality
- b. Unity in diversity
- c. Indian ethos.

4. Social stratification.

- a. Caste,
- b. Class,
- c. Gender,
- d. Deprived sections of society

5. Social conflict and social control

6. Social institutions (customs, law & problems regarding the same)

- a. Marriage and family
- b. Education
- c. Religion
- d. Political
- e. Economic

7. Social change & the role of law, media, education & technology in society

Recommended Readings :

Ahuja Ram: India Social System

Ahuja Ram: Social Problems in India (Rawat Publications, 1992)

Desai Neera: Women in Modern India

Dr.Radha Krishnan: Hindu View of Life

Ghosh Biswanath: Contemporary Social Problems in India (Himalaya Publications 1988)

Gore M S & Chitnis S: Sociology of Education

Horton R B & Hunt C L: Sociology (McGraw Hill, Kogaksha, 6th Ed.)

Kuppuswamy B: Social Change in India

Perry J & Perry E: The Social Web (Harper & Row)

Sood Sushma: Violence Against Women

Srinivas M N: Caste in Modern India & other Essays

Yorburg Betty: Introduction to Sociology (Harper & Row, 1982)

HISTORY OF COURTS

- I. Administration of Justice in the Presidency Towns and Development of Courts under East India Company. (1600 – 1773)
 - From 1600 to 1726
 - Establishment of Mayor's court (1726)
 - Working of the Mayor's Court of 1726
 - Changes Introduced by the Charter of 1753
 - Warren Hastings Plan of 1772, Reforms under the Plan of 1774 and Reorganization in 1780

- II. Regulating Act of 1773
 - Provisions of the Act
 - Establishment of Supreme Court at Calcutta under Charter of 1774
 - Merits and Demerits of Act and the Charter
 - Working of the Supreme Court at Calcutta
 - Trial of Raja Nandkumar
 - Trial of Radha Charan
 - Patna Trial
 - Kamalluddin's Case
 - Cossijurah Case
 - Saroopchand's Case
 - Gora Gopichand's Case
 - Settlement Act Of 1781

- III. JUDICIAL REFORMS OF LORD CORNWALLIS
 - Judicial Plan of 1787
 - Judicial Plan of 1790
 - Judicial Plan of 1793
 - Progress of Adalat System under Sir John Shore

- IV. CONFLICTS ARISING OUT OF THE DUAL JUDICIAL SYSTEM
 - Conflicts arising out of dual judicial system
 - Indian High Courts Act 1861
 - High Courts Under G.O.I. Act 1915
 - High Courts Under G.O.I Act 1935
 - High Courts under Constitution of India

- V. RULE OF LAW, INDEPENDENCE OF JUDICIARY AND SEPERATION OF POWERS
 - Before Independence
 - After Independence

- VI. JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
 - Appeals to privy council between 1726 and 1860
 - Appeals to privy council between 1861 and 1949

- VI. JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
- Appeals to privy council between 1726 and 1860
 - Appeals to privy council between 1861 and 1949
- VII. COURT SYSTEM UNDER THE CONSTITUTION OF INDIA
- A. SUPREME COURT
- Appt. of Judges
 - Qualification of Judges
 - Jurisdiction and Powers of the Supreme Court
- B. HIGH COURTS
- Appt. of Judges
 - Qualification of Judges
 - Jurisdiction and Powers of Judges
- C. WRITS
- Habeas Corpus
 - Mandamus
 - Certiorari
 - Prohibition
 - Quo Warranto
 - General principles of adjudication
- D. SUBORDINATE COURTS
- VIII. HISTORY OF LEGISLATURE
- Charter of 1600
 - Regulation Law and Charter of 1813
 - Charter Act of 1833
 - Indian Councils Act of 1861, 1892 and 1909
 - Govt. of India Acts 1919, 1935
 - Indian Independence Act 1947
 - Development of Criminal Law
 - Development of Criminal Law
 - Development of Civil Law
 - Codification of Law
 - Law Reforms
- IX. HISTORY OF LEGAL PROFESSION
- Legal profession in Pre-British India
 - Law Practitioners in the Mayor's Court of 1726
 - Legal Profession under Charter of 1774
 - Legal Profession in the Company's Courts and Legal Practitioners Act 1853
 - High Courts Act, 1861 and enrolment of Advocates under letters Patent Issued
 - Legal Practitioner's Act, 1879 and Report of Indian Bar Committee, 1923

- Indian Bar Councils Act 1926 and All India Bar Committee 1951
- ADVOCATES ACT OF 1961
- Law Reporting in India

Recommended Readings :

1. History of Courts, Legislative and Legal Profession - Kailash Rai
2. Indian Legal History – M.A. Jain
3. Indian Constitutional and Legal History – S. D. Kulashreshtha

POLITICAL SCIENCE - III

SECTION - I International Relations

1. International System: Nature & Scope
2. Components of National Power & Limitations of National Power
3. Peaceful Settlement of Disputes – Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement.
4. Power- From Bi- Polarity to Multipolarity Hegemonism

SECTION - II International Organization

5. World Government – Multi-National Agencies
6. International Society- Impact of the Third World, Stability vs. Progress, Rich vs. Poor
7. Principal organs of the United Nations and their working.
8. Regional Organisations- Specialised agencies and international non-government agencies.

Recommended Readings

1. Arora, Prem: International Politics (Cosmos Book Hive Pvt. Ltd., New Delhi, 1996)
2. Arora, Prem: International Relations (Cosmos Book Hive Pvt. Ltd., New Delhi, 1994)
3. Murthy B. S.: International Relations & Organisation, (Eastern Book Company, Lucknow, 2002)

Third Year (Five Years) (Sem. V)

And

First Year (Three Years) (Sem. I)

LABOUR LAWS

Industrial Disputes Act 1947	40 marks
Collective Bargaining	10 marks
Industrial Employment (Standing Orders) Act 1946	15 marks
Workmen's Compensation Act 1923	15 marks
MRTU & PULP Act 1971	20 marks

Recommended Readings :

Indian Law Institute - Labour Law & Labour Relations cases and materials.
O.P. Malhotra - The Law of Industrial Disputes.
K.M. Desai - The Industrial Employment (Standing Orders) Act. 1946.
Dr. Avtar Singh - Introduction to Labours & Industrial Law.

CONSTITUTIONAL LAW

1. Historical and Constitutional developments between 1858-1947
Framing of Indian Constitution.
Nature and Features
A broad over-view of the constitution of India, 1950.
Historical genesis of Indian Constitution should be part of the syllabus particularly the transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle, Indian Independence Act, 1947 and the drafting of our constitution.
2. Fundamental Rights and judicial activism
Equality and Social Justice (Arts.14-18 & Part IV & Part XVI)
Secularism and religious freedoms
Life, Liberty other rights and freedoms
3. Directive Principles and Fundamental Duties (Parts IV, IV A)
4. Indian Federalism – idea of federalism – Indian federal features – strong centre – cooperative spirit– centre relations - Special status to J & K (Parts XI, XII, XIII, XIV, XXI)
5. Indian Parliament – Nature, Composition, powers and privileges and state legislatures.
6. Cabinet form of govt.
Parliamentary form at the Centre and states – head of State – Council of Ministers – Attorney General and Advocate generals
7. Indian Judiciary : Supreme Court and High Courts, composition, powers and Judicial Independence – subordinate courts
8. Law making under Indian Constitution
Kinds of bills, passing of bills, Ordinances
Citizenship Act 1955, Representation of peoples Act 1951, comptroller and Auditor Generals Act, 1971.
Legislation made in pursuance of the constitution like the (1) Bonded Labour Abolition Act (2) Civil Rights Protection, Act, 1955, (3) Scheduled castes and Scheduled Tribes (Prevention of atrocities) Act 1989 should be duly referred to.
9. Emergency (Part XVIII)
Kinds, Legal requirements, Legal effects
10. Amendment and the basic structure doctrine (Part XX)

11. Services under Indian Constitution (Part IV)
Services under Union / State – All Indian Services, Doctrine of pleasure and exceptions
12. Democracy and Election Commission of India (Part XV)
13. Introduce the following
 1. Civil Rights Protection Act, 1955
 2. Citizenship : Part II
 3. Parts IX, IX A, X Panchayats, Municipalities and Scheduled & Tribal Areas
 4. Part XIV A Tribunals (Covered in administrative Law, Semester III)
 5. Part XVII official language
 6. Part XIX Miscellaneous

Recommended Readings :

- 1) D.D. Basu Shorter Constitution of (1996) Prentice 4 all of India, Delhi.
- 2) Constituent Assembly Debase Vole.1 to 12 (1989)
- 3) H. M. Seervai, Constitution of India, Vol.1-3 (1992), Tripathi
- 4) M.P. Singh (ed.), V.N. Shukla, Constitutional Law of India (200) Oxford.
- 5) G. Austin, Indian Constitution, Cornestone of a Nation (1970)
- 6) M. Gallanter, Competing Equalities – Law and the Backward Classes in India (1984) Oxford
- 7) B. Sivaramayya, Inequalities and the Law (1984) Estern, Kucknow.
- 8) S.C. Kashayap, Human Right & Parliament (1978) Metropolitan, New Delhi.
- 9) D.D. Basu, Ontroduction to Constitution.

FAMILY LAW - I

- | | | |
|----|--|----------|
| A) | Mohammedan Law | 35 marks |
| | 1) Sources | |
| | 2) Schools | |
| | 3) Shariat Act, 1937 | |
| | 4) Marriage | |
| | 5) Dower | |
| | 6) Divorce | |
| | 7) Maintenance | |
| | 8) Legitimacy & Parentage | |
| | 9) Guardianship | |
| B) | Indian Divorces Act & Christian Marriage Act | 15 marks |
| C) | Indian Succession Act (Sec. 1-166 only) | 35 marks |
| D) | Parsi Marriage and Divorce Act | 15 marks |

Recommended Readings :

- Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal
- Basu, N.D., Law of Succession (2000), Universal
- Kusem, Marriage and Divorce Law Manual (2000) Universal
- Machanda S.C., Law and Practice of Divorce in India (2000) Universal
- P.V.Kanw, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974)
- A. Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch.4 ("1986)
- B. Sivaramayys, Inequalities and the Law, (1985)
- K.C. Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies, 85 (1979)
- J.D.M. Derrett, Hindu Law: Past and Present
- J.D.M. Derrett, Death of Marriage Law
- A.A.A. Fyze, Outline of Muhammadan Law, (1998)
- Alladi Kuppuswami, (ed.) Mayne's Hindu Law and Usage, (1986)
- J.D.M. Derret, A Critique of Modern Hindu Law, (1970)
- Paraw Diwan, Hindu Law (1985)
- S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorths-India.
- Pares Diwan, Family Law: Law of Marriage and Divorce in India, (1984)
- A.M. Bhattachargee, Muslim Law and Constitution (1994) Eastern Law House, Calcutta.
- A.M. Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta.
- Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.

ENVIRONMENTAL LAWS

- 1) Concept of environment and pollution or introduction to problem of Environmental protection.
 - (i) Environment
 - (ii) Meaning and contents
 - (iii) Pollution
 - (iv) Meaning
 - (v) Kinds of Pollution
 - (vi) Causes of pollution
 - (vii) Effects of pollution

- 2) Constitutional provisions regarding environmental protection including
 - (i) Directive principles
 - (ii) Fundamental rights and duties
 - (iii) Right to clean and healthy environment
 - (iv) Right to education
 - (v) Right to information

- 3) Environmental protection under the general Laws: Nuisance, Penal Code, Procedural Code

- 4) General introduction the enforcing agencies and remedies :
 - (i) Courts
 - (ii) Tribunals

- 5) Polluter Pays principle :-
Public liability insurance

- 6) Precautionary Principle

- 7) Sustainable development

- 8) Water Pollution Act 1974 and Air Pollution Acts 1981
 - (i) Meaning and Air Standards
 - (ii) Culprits and victims
 - (iii) Procedures for sampling
 - (iv) Formation of Boards and their functions or Protection agencies: their powers and functions
 - (v) Offences and penalties
 - (vi) Judicial approach

- 9) Noise Pollution

- 10) Environmental Protection Act 1986

- 11) Bio Medical waste

- 12) Hazardous waste
- 13) Environment impact assessment
- 14) Coastal zone management
- 15) Environmental audit and eco mark
- 16) Disaster emergency preparedness
- 17) Town and country planning

- V) - Forest Conservation Act, 1980
 VI) - Forest Conservation Rules, 2002
- 18) Forest
 - (i) Greenery conservation laws
 - (ii) Forest conservation
 - (iii) Conservation agencies
 - (iv) Forest Act-1927 (Chapter 1-5) Section 80
 - 19) Wild life Protection Act 1972
 - (i) Sanctuaries and national parks
 - (ii) Licensing of zoos and parks
 - (iii) State monopoly in the sale of wild life and wild life
 - (iv) Offences against wild life

20) International Regime

- (i) Stockholm conference
- (ii) Green house effect and ozone depletion
- (iii) Rio conference
- (iv) U.N. declaration on right to development

Recommended Readings :

Aarmin Rosencranz, et al., (eds.) Environmental Law and Policy in India, (2000), Oxford

R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.

Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.

Richard L. Riversz, et.al. (eds.) Environmental Law, the Economy and Sustainable Development, (2000), Cambridge.

Christopher D. Stone Should Trees Have Standing and other Essays on Law, Morals and the Environmental (1996), Oceana,

Leelakrishnan, P. et.al. (eds.), Law and Environment (1990), Easter, Lucknow.

Leelakrishnan, P. The Environmental Law in India (1999), Butterworths-India.

Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative

Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).

Indian 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's Environment 1984-85 and The State of India Environment 1999-2000.

World Commission on Environment and Development, Our Common Future (1987), Oxford.

Practical Training – I

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

Recommended Readings

Mr. Krishnamurthy Iyer's book on "Advocacy"

**Fourth Year (5 Year) (Sem. VII) And
Second Year (3 Year) (Sem. III) I.L.B. degree course**

ADMINISTRATIVE LAW

- 1. Evolutions, Nature and Scope of Administrative Law**
 - 1.1. Form a Laissez-faire to a social welfare state
 - 1.1.1. State as regulator of private interest
 - 1.1.2. State as provider of services
 - 1.1.3. Other functions of modern state: relief, welfare
 - 1.2. Evolution of administration as the fourth branch of government necessity for delegation of powers on administration.
 - 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration.
 - 1.3.1. Regulatory agencies on the United States
 - 1.3.2. Conseil d'Etat
 - 1.3.3. Tribunalization in England and India
 - 1.4. Definition and scope of administrative law
 - 1.5. Relationship between constitutional law and administrative law
 - 1.6. Separation of powers
 - 1.7. Rule of law
- 2. Civil Service in India**
 - 2.1. Nature and organization of civil service: from colonial relics to democratic aspiration
 - 2.2. Powers and functions
 - 2.3. Accountability and responsiveness: problems and perspectives
 - 2.4. Administrative deviance – corruption, nepotism, mal-administration.
- 3. Legislative Powers of Administration**
 - 3.1. Necessity for delegation of legislative power
 - 3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
 - 3.3. Requirements for the validity of delegated legislation.
 - 3.3.1. Consultation of affected interests and public participation in rule-making.
 - 3.3.2. Publication of delegated legislation.

- 3.4. Administrative directions, circulars and policy statements.
- 3.5. Legislative control of delegated legislation.
- 3.5.1. Laying procedures and their efficacy.
- 3.5.2. Committees on delegated legislation – their constitution, function and effectiveness.
- 3.5.3. Hearings before legislative committees.
- 3.6. Judicial control of delegated legislation.
- 3.7. Sub-delegation of legislative powers.

4. Judicial Powers of Administration

- 4.1. Need for devolution of adjudicator authority on administration.
- 4.2. Administrative tribunals and other adjudicating authorities : their ad-hoc character.
- 4.3. Tribunals – need, nature, constitution, jurisdiction and procedure
- 4.4. Jurisdiction of administrative tribunals and other authorities
- 4.5. Distinction between quasi-judicial and administrative functions.
- 4.6. The right to hearing – essentials of hearing process
 - 4.6.1 No man shall be judge in his own cause
 - 4.6.2 No man shall be condemned unheard
- 4.7. Rule of evidence – no evidence, some evidence and substantial evidence rules.
- 4.8. Reasoned decisions.
- 4.9. The right to counsel.
- 4.10. Institutional decisions
- 4.11. Administrative appeals

5. Judicial Control of Administrative Action

- 5.1. Exhaustion of administrative remedies
- 5.2. Standing : standing for Public interest litigation (social action litigation) collusion, bias.
- 5.3. Laches
- 5.4. Res judicata
- 5.5. Grounds

- 5.5.1. Jurisdictional error/ultra vires
- 5.5.2. Abuse and non exercise of jurisdiction
- 5.5.3. Error apparent on the face of the record
- 5.5.4. Violation of principles of natural justice.
- 5.5.5. Violation of public policy
- 5.5.6. Unreasonableness
- 5.5.7. Legitimate expectation.

5.6. Remedies in judicial Review :

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

6. Administrative discretion

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

7. Liability for Wrongs (Tortious and Contractual)

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

8. Corporations and Public Undertakings

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

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

- 9.1 Conciliation and mediation through social action groups
- 9.2 Use of media, lobbying and public participation
- 9.3 Public inquiries and commissions of inquiry
- 9.4 Ombudsman : Lok Pal, Lok Ayukta
- 9.5 Vigilance Commission
- 9.6 Congressional and Parliamentary Committees

Recommended Readings:

- C.K. Allen, Law & Orders (1985)
 D.D. Basu, Comparative Administrative Law (1998)
 M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh(2000) Butterworths – India
 Franks, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959.
 Peter Cane, An Introduction to Administrative Law (1996) Oxford
 Wade, Administrative Law (Seventh Edition, Indian print 1997), Universal Delhi.
 J.C. Garner, Administrative Law (1989), Butterworths (ed. B.L.Jones)
 M.P. Jain, Cases and Materials on Indian Administrative Law, Vol.I and II (1996), Universal, Delhi
 Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
 S.P. Sathe, Administrative Law (1998) Butterworths- India, Delhi.
 De Smith, Judicial Review of Administrative Action (1995) Sweet and Maxwell with Supplement
 B. Schwartz, An Introduction to American Administrative Law
 Indian Law Institute, Cases and Materials on Administrative Law in India. Vol.I (1996), Delhi.

FAMILY LAW - II

1. Marriage and Kinship

- 1.1. Evolution of the institution of marriage and family.
- 1.2. Role of religious rituals and practices in moulding the rules regulating to marital relations.
- 1.3. Types of family based upon.
 - 1.3.1. Lineage – patrilineal, matrilineal
 - 1.3.2. Authority structure patriarchal and matriarchal
 - 1.3.3. Location- patrilocal and matrilocal
 - 1.3.4. Number of conjugal units-nuclear, extended, joint and composite.
- 1.4. Emerging concepts : maitri sambandh and divided home.

2. Customary practices and State regulation

- 2.1. Polygamy
- 2.2. Concubinage -
- 2.3. Child marriage
 - 2.4. Sati
 - 2.5. Dowry

3. Conversion and its effect on family

- 3.1. Marriage
- 3.2. Adoption
- 3.3. Guardianship
- 3.4. Succession

4. Joint Family

- 4.1. Mitakshara joint family
- 4.2. Mitakshara coparcenary-formation and incidents
- 4.3. Property under Mitakshara law-separate property and coparcenary property.
- 4.4. Dayabhaga coparcenary-formation and incidents
- 4.5. Property under Dayabhaga law.
- 4.6. Karta of the joint family-his position, powers, privileges and obligations.
- 4.7. Alienation of property-separate and coparcenary
- 4.8. Debta-doctrines of pious obligations and antecedent debt.
- 4.9. Partition and re-union.
- 4.10. Joint hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.11. Matrilineal joint family.

5. Inheritance

5.1. Hindus

- 5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu succession Act 1956.
- 5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.
- 5.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
- 5.1.4. Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
- 5.1.5. Disqualification relating to succession
- 5.1.6. General rules of succession
- 5.1.7. Marumakkattayam and Aliyasantana laws governing people living in Thiruvananthapuram, Cochin and other districts of Malabar and South Kanara.

5.2. General rules of succession and exclusion from succession.

- 5.2.1. Classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property."

5.3. Christians, Parsis and Jews

6. Matrimonial Remedies

6.1. Non-judicial resolution of marital conflicts.

- a. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution,

6.2. Judicial resolution of marital conflicts: the family court

6.3. Nullity of marriage

6.4. Option of puberty – Condition of Valid Marriage – Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given.

6.5. Restitution of conjugal rights

6.6. Judicial separation

6.7. Desertion a ground for matrimonial relief

6.8. Cruelty: a ground for matrimonial relief

6.9. Adultery: a ground for matrimonial relief

6.10. Other grounds for matrimonial relief

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- 6.9. Adultery: a ground for matrimonial relief
- 6.10. Other grounds for matrimonial relief

- 6.11. Bar to matrimonial relief:
 - 6.11.1. Doctrine of strict proof
 - 6.11.2. Taking advantage of one's own wrong or disability
 - 6.11.3. Accessory
 - 6.11.4. Connivance
 - 6.11.5. Collusion
 - 6.11.6. Condonation
 - 6.11.7. Improper or unnecessary delay
 - 6.11.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief.

7. Alimony and maintenance

- 7.1.1 Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law.
- 7.1.2 Alimony and maintenance as an ancillary relief.

8. Child and the Family

- 8.1. Legitimacy
- 8.2. Adoption
- 8.3. Custody, maintenance and education
- 8.4. Guardianship and parental rights –welfare of the child principle.

9. Family and its changing pattern –(looked from Socio-Economic view. point)

- 9.1. New emerging trends:
 - 9.1.1. Attenuation of family ties
 - 9.1.2. Working women and their impact on spousal relationship :composition of family, status and role of women.
 - 9.1.3. New property concepts, such as skill and job as new forms of property.
- 9.2. Factors affecting the family :demographic, environmental, religious and legislative.
- 9.3. Processes of social change in India : sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.

10. Settlement of spousal property

- 10.1 Need for development of law

11. Establishment of family Courts

- 11.1. Constitution, power and functions
- 11.2. Administration of gender justice

12. Uniform Civil Code

- 12.1 Religious pluralism and its implications.
- 12.2 Connotations of the directive contained in Article 44 of the Constitution.
- 12.3 Impediments to the formulation of the Uniform Civil Code
- 12.4 The idea of Optional Uniform Civil Code.

Recommended Readings :

- Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal
 Basu, N.D., Law of Succession (2000), Universal
 Kusem, Marriage and Divorce Law Manual (2000) Universal
 Machanda. S.C., Law and Practice of Divorce in Indian (2000) Universal
 P.V. Kane, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974)
 A. Kuppaswami (ed.) Mayne's Hindu Law and Usage Ch.4 (1986)
 B. Sivramayys, Inequalities and the Law, (1985)
 K.C. Daiya, "Population control through family planning in India," Indian Journal of
 Legal Studies, 85 (1979)
 J.D.M. Derrett, Hindu Law : Past and Present
 J.D.M. Derrett, Death of Marriage Law
 A.A.A. Fyze, Outline of Muhammadan Law (1998)
 Alladi Kuppaswami, (ed.) Mayne's Hindu Law and Usage, (1986)
 J.D.M. Derret, A Critique of Modern Hindu Law, (1970)
 Paras Diwan, Hindu Law (1985)
 S.T. Desai Ed.) Mulla's Principles of Hindu Law, (1998) – Butterorthis-India.
 Pares Diwan, Family Law : Law of Marriage and Divorce in India, (1984)
 A.M. Bhattachargee, Muslim Law and the Constitution (1994) Eastern Law House,
 Calcutta.
 A.M. Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House,
 Calcutta.
 Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000),
 Universal.

Optional Papers

Criminology and Correctional Administration

1. Dimensions of Crime in India

- 1.1. Nature and orient of crime in India
- 1.2. General approaches to crime control
- 1.3. Crimes of the powerful
 - 1.3.1. Organised of the smuggling traffic in narcotics
 - 1.3.2. White collar crime : corruption in public life
 - 1.3.3. Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice
 - 1.3.4. Crimes in the profession – medical, legal, engineering.
 - 1.3.5. Commonality by agencies of the state
- 1.4. Perpetrators of ordinary crime
 - 1.4.1. The situations criminal
 - 1.4.2. The chronic Tender
 - 1.4.3. Criminality of women
 - 1.4.4. Young offenders
 - 1.4.5. Criminal gangs
 - 1.4.6. Cyber Crimes

2. Causes of Criminal Behavior

- 2.1 Nature of the problem : some unscientific theories
- 2.2 The constitutional School of Criminology-Lombroso and others (heredity and mental retardation as causes of crime)
- 2.3 Sociological theories Anomies
- 2.4 Modern sociological theories – Sutherland's differential association theory. Reckless social vulnerable theory
- 2.5 Economic theories and their relevance
- 2.6 Environment home and community influences, urban and rural crimes.
- 2.7 The ghetto, broken homes, the effect of motion picture T.V. and video, press narcotics and alcohol.
- 2.8 Caste and community tensions caste wars and communal riots – their causes demoralising effects, atrocities against scheduled cadres.
- 2.9 Emotional disturbance and other psychological factors
- 2.10 Multiple causation approach to crime

3. Police and the Criminal Justice

- 3.1 The police system
- 3.2 Structural organization of police at the centre and the states
- 3.3 Mode of recruitment and training
- 3.4 Powers and duties of police under the police acts, Criminal Procedure Code and other laws.
- 3.5 Arrest, search and seizure and constructional imperatives

- 3.6 Methods of police investigation
- 3.7 Third degree methods
- 3.8 Corruption in police
- 3.9 Relationship between police and prosecution
- 3.10 Liability of police for custodial violence
- 3.11 Police public relations
- 3.12 Select aspects of National Police Commission report

4. Punishment of Offenders

- 4.1 Some discarded modes of punishment
 - 4.1.1 Corporal punishment : whipping and flogging : mutilation and branding
 - 4.1.2 Transportation
 - 4.1.3 Public execution
- 4.2 Punishments under the Indian criminal law
 - 4.2.1 Capital Punishment
 - 4.2.2 Imprisonment
 - 4.2.3 Fine
 - 4.2.4 Cancellation or withdrawal of licences
- 4.3 The prison system
 - 4.3.1 Administrative organization of prisons
 - 4.3.2 Mode of recruitment and training
 - 4.3.3 The Jail Manual
 - 4.3.4 Powers of prison officials
 - 4.3.5 Prisoners classification – male, female : juvenile and adult : undertrial and convicted prisoners
 - 4.3.6 Constitutional imperatives and prison reforms
 - 4.3.7 Prison management : prisoners right and security compulsions.
 - 4.3.8 Open prisons
 - 4.3.9 Prison labour
 - 4.3.10 Violation of prison code and its consequences.
- 4.4 Appraisal of imprisonment as a mode of punishment

5. Victimology

- 5.1 Demographic characteristics of the victims
- 5.2 Compensation to the victims
- 5.3 Rehabilitation

6. Treatment or Correction of Offenders

- 6.1 The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.
- 6.2 Classification of offenders through modern diagnostic Techniques
- 6.3 The role of psychoanalysts and social workers in the prison
- 6.4 Vocational and religious education and apprenticeship programmes for the offenders.

- 6.5. Group counseling and re-socialisation programmes
- 6.6. Prisoners organizations for self-government.
- 6.7. Participation of inmates in community services
- 6.8. An appraisal of reformatory techniques
- 6.9. Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

7. Re-socialisation processes

- 7.1 Parole
 - 7.1.1 Nature of parole
 - 7.1.2. Authority for granting parole
 - 7.1.3. Supervision of parolees
 - 7.1.4. Parole and conditional release
- 7.2 Release of the offender
 - 7.2.1 Problems of the released offender
 - 7.2.2 Attitudes of the community towards released offender
 - 7.2.3 Prisoner and societies and other voluntary organizations
 - 7.2.4 Governmental action
 - 7.2.5 An appraisal

Recommended Readings :

- Katherine S. Williams. Text Book on Criminology (1997), Blackstone, London
 Loveland, The Frontiers of Criminality (1995) Sweet & Maxwell
 Matrin Wasik, Emmins on Sentencing (19980, Blackstone, London
 Hall, J. Law, Social Science and Criminal Theory (1982)
 Mannheim, H. Comparative Criminology : A Text Book (1965)
 Ross, H. (Lawrence Ed.) Law and Deviance (1981)
 Sutherland, E. and Cressy, Principles of Criminology (1978)
 Walker, N. Crime and Criminology : A Critical Introduction (1987)
 S. Rao, Crime in Our Society (1983)
 J.M. Sethna, Society and the Criminal (1980)
 A. Siddique, Criminology : Problems and Perspectives (1997)
 E. Sutherland, White Collar Crime (1949)
 S. Kaldate, Society, Delinquent and Juvenile Courts (1982)
 W.C. Reckless, The Prevention of Juvenile Delinquency (1972)
 D.C. Pandey, Habitual Offenders and the Law (1983)
 D. Abrahamsen, David: Crime and the Human Mind (1979)
 Conrad John P. : Crime and its Correction : An international survey of Attitudes and Practices.
 Krishna Iyer Report on Female Prisoners (1986)
 Suen Titus Raid : Criminology
 Mulla Committee Report, (1983)
 P. Rajgopal, Violence and Response : A Critique of Indian Criminal Justice System (1988)

5. PRACTICAL TRAINING - II

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

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the Colleges in consultation with the Universities and State Bar Councils. It can be taught partly through class room instructions including simulation exercises and partly through extension programmes like Lok Adalat, Legal aid Camp, Legal Literacy an Para Legal Training. The course should also contain lessons on Negotiations and Counselling, use of computer in legal work, legal research in support of Public Intrest Litigation, writing of case comments, editing of Law Journals and Law office management. The marks may be appropriately divided to the different programmes that each University might evlove for introduction in the colleges under its control.

5) LAW RELATING TO WOMEN & CHILDREN

International concerns and conventions

- specify conventions

Women in India

- Pre-Independence period
- Social and legal inequality
- Social Reform Movement in India
- Karachi Congress – Fundamental Rights Resolution, Equality of Sexes

Women in post-Independence India

- Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy
- Personal laws – unequal position of women
- Uniform Civil Code towards gender justice

Sex Inequality in Inheritance Rights

- Feudal institution of joint family – women's inheritance position
- Hindu Law
- Muslim Law
- Matrimonial property
- Movement towards Uniform Civil Code

Guardianship

- Right of women to adopt a child
- Problems of women guardianing

Divorce

- Indian Divorce Act
- Christian Law
- Muslim Law

Criminal Law

- Adultery
- Rape

Social Legislation

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

Women and Employment

- Labour force
- Protective Laws
- Exploitation and harassment in workplaces

Protection and enforcement agencies

- Courts
- Family Courts
- Commission for women
- NGOs

Social Constitutional and International Legal Status of Child

- Magnitude of the problem
- Special status of child – national policies
- Constitutional concern – Article 15(3), Article 24 and Article 45
- International concern and endeavour for the welfare of the children
- Minimum Age conventions
- Child rights conventions
- U.N. Declaration of the rights of the child, 1924, 1959

Problems of conception, birth and nourishment and health of the child

- Legal status of child in work
- Tortious liability against injuries to unborn children
- Coparcenary and property rights of the unborn children
- Law relating to maternity benefit and relief
- Lack of legal protection of children of impoverished parentage

State responsibility for the education of children

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

Legal Control of Child Labour

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

Family Relations and Child

- The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody
- Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872

Child and Contractual Liability

- Minors Agreements
- Testimony of children
- Suits by and against minors

Child and Criminal Liability

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

Law and Offences Against Child

- Protection of neglected children
- Institutions for the protection of neglected children
- Juvenile Justice Act 2000
- Juvenile delinquency; law and offences against child
- Contribution by parents; licensing
- Protection of girls from immoral traffic
- Prevention of vagrancy and beggary

Discrimination Against Female Children

- Amniocentesis
- Deferred infanticide through based nutritional discrimination
- Termination of pregnancy

University of Mumbai



Department of Law LL.M. PROGRAMME 2021-2022 CURRICULUM

LL.M. PROGRAMME - OBJECTIVE

- To develop research skills among students
- To ensure specialized knowledge in the field of Law
- To encourage students to pursue further research education in the field of Law
- To maintain national standards and international comparability of learning outcomes
- To promote global academic standards and ensure global competitiveness,
- To facilitate mobility of Post graduate learners.

LL.M. PROGRAMME – OUTCOME

After completion of the LL.M Degree Program the learners will be enabled to

- The LL.M program, forwards disciplinary and interdisciplinary knowledge and understanding, generic skill, including global competencies to all students.
- To acquire specialized knowledge in the respective domains of Legal studies and practice

- To become legal research analysts..
- To become Legal luminaries, practitioners, officers and Judges.
- To join the noble profession of teaching in Law

CURRICULUM SUMMARY:

a. Foundation Papers

1. Law and Social Transformation in India
2. Indian Constitutional Law: New Challenges.
3. Judicial Process
4. Legal Education and Research Methodology

b. Optional Groups

1. Constitutional and Administrative Law.
2. Business Law
3. Intellectual Property and Information Technology
4. Human Rights Law
5. Criminal Law and Criminal Administration
6. Environmental Law.

c. Dissertation and Choice Based Project work

FOUNDATION PAPER I — LAW AND SOCIAL TRANSFORMATION IN INDIA (4 CREDITS)

OBJECTIVE

- Optimal utilization of knowledge of Jurisprudence towards the society.
- To study the social problems of society and find their solution.
- To have a legally tenable approach towards social problems.

OUTCOME

- This course enables students:
 - To raise legal and social awareness.
 - To make suggestions to the law makers for enacting the law accordingly.
 - To make suggestions regarding Implementation of the laws through appropriate mechanism.

Module – I (1 Credit)

1. Law and Social Change:

Law as an instrument of social change.

Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the Law:

Religion as a divisive factor. Secularism as a solution to the problem.

Reform of the law on secular lines: Problems. Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law:

Language as a divisive factor: Formation of linguistic states.

Constitutional guarantees to linguistic minorities. Language policy and the Constitution, Official language; multi-language system.

Non-discrimination on the ground of language.

4. Community and the law:

Caste as a divisive factor

Non-discrimination on the ground of caste.

Acceptance of caste as a factor to undo past injustices. Protective discrimination; Scheduled Castes, Tribes and Backward Classes.

Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)**5. Women and the Law:**

Crimes against women.

Gender injustice and its various forms.

Women's Commission.

Empowerment of women: Constitutional and other legal provisions

6. Children and the Law:

Child labour

Sexual exploitation.

Adoption and related problems.

Children and education.

Module – IV (1 Credit)**7. Modernization and the Law:**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Modernization of social institutions through law. Reform of family law

Agrarian reform –Industrialization of agriculture. Industrial reform: Free enterprise v. State regulation–

Industrialization v. environmental protection.

Reform of court processes.

Criminal law: Plea bargaining; compounding and payment of compensation to victims.

Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.

Prison reforms

Democratic decentralization and local self government.

8. Alternative approaches to law:

Naxalite movement: causes and cure

References: —

Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.

D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.

H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.

J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.

Law Institute, *Law and Social Change : Indo-American Reflections*, Tripathi (1988)

M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.

Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford.

Robert Lingat, *The Classical Law of India* (1998), Oxford. *Manushi*, A Journal About Women and Society.

Sunil Deshta and KiranDeshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.

Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage Indian

U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.

U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.

FOUNDATION PAPER II— INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES (4 Credits)

OBJECTIVES

- To give an insight of the Constitutional Law.
- To have an astute understanding about the comparative study of Constitutional Law.
- To provide rights and remedies under the Constitution.

OUTCOME

This course enables students:

- To analyze the new challenges faced under Constitutional law.
- To Implement the constitutional laws through measures available with the judiciary.
- To bring about Constitutional reforms.

Module – I (1 Credit)

1. Federalism:

Creation of new states

Allocation and share of resources—distribution of grants in aid The inter-state disputes on resources

Centre’s responsibility and internal disturbance within State.

Directions of the Centre to the State under Article 356 and 365.

Federal Comity: Relationship of trust and faith between Centre and State

Special status of certain States. Tribal Areas, Scheduled Areas

2 “State”: Need for widening the definition in the wake of Liberalization.

Module – II (1Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development:

Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh

Module – III (1 Credit)**6. Emerging regime of new rights and remedies:**

Fundamental Rights Directive Principles and Fundamental Duties.

Compensation jurisprudence. **Right to education.**

Commercialization of education and its impact. Brain drain by foreign education market.

7. Rights of minorities to establish and administer educational institutions and state control.**8. Secularism and religious fanaticism.****Module – IV (1 Credit)****9. Separation of powers: stresses and strain**

Judicial Activism and judicial Restraint PIL: implementation

Judicial independence.

Appointment, transfer and removal of judges. Accountability: executive and judiciary.

Tribunals

10. Democratic process:

Nexus of politics with criminals and the business.

Election commission: status.

Electoral Reforms

Coalition government, 'stability, durability, corrupt practice'

Grass root democracy.

References: —

- Indian Constitutional Law: New Challenges (Paperback, Shyamlal Verma), India Publishing Company, 2018.
- Constitutional Law- New Challenges (English, Paperback, GP Tripathi), Publisher: Central Law Publications
ISBN: 9789386456793, 9386456796, Edition: 2, 2018.
- Universal's Landmark Judgments Covering More than 100 Leading Cases of India, 12th Edition 2017 - Including Prescribed Cases for Supreme Court Advocate-On-Records Examination (English, Paperback, Universal's), Publisher: Universal Law Publishing, ISBN: 9788131252529, 8131252523, Edition: Twelfth Edition, 2017

FOUNDATION PAPER III - JUDICIAL PROCESS

(4 Credits)

OBJECTIVE

- To impart knowledge about significance of law and justice in the society
- To educate students about judicial activism and bring about creativity.
- To provide Guidelines to legislature to adopt significant legislative changes.

OUTCOME

This course enables students

- To develop acquaintance with various theories of justice.
- To acquire skill of judgment writing.
- To efficiently use of various rules of Interpretation of statutes in dealing with the cases.

Module – I (1 Credit)

1. Nature of judicial process:

Judicial process as an instrument of social order Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.

The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications:

Notions of judicial review

‘Role’ in constitutional adjudication – various theories of review.

Tools and techniques in policy-making and creativity in constitutional adjudication,

Varieties of judicial activism

Problems of accountability and judicial law making.

Module – III (1 Credit)**3. Judicial Process in India:**

Indian debate on the role of judges and on the notion of judicial review.

The ‘independence’ of judiciary and the ‘political’ nature of judicial process.

Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity.

Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges

Institutional liability of courts and judicial activism–scope and limits.

Module – IV (1 Credit)**4 The Concept of Justice:**

The Concept of justice or Dharma in Indian thought Dharma as the foundation of legal order in Indian thought. The concept and various theories of justice in western thought.

Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5 Relation between Law and Justice:

Equivalence Theories – Justice as nothing more than the positive law of the stronger class

Dependency theories – For its realization justice depends on law, but justice is not the same as law.

The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- To analyze the general principles of the Criminal law.
- In-depth study of theories of punishment.
- To analyze judicial trends on the rights of the accused.

OUTCOME

- Expert knowledge in Criminal Jurisprudence.
- Help the students to evaluate the criminal justice system.
- Deep understanding regarding the enforcing agencies of the criminal justice system.

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

OBJECTIVE

- Deliberation of the students on various aspects of crime, criminal laws and criminal justice.
- Acquainting the students to understand the issues relating to the notion of “group liability” in a crime.
- Acquainting students with the notions of private defense
- Acquainting students with the constitution and functioning of International Criminal Court.
- To inculcate amongst students the ability to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

On successful completion of this course, students will be able to:

- Gain in-depth knowledge and gain the ability to practice in criminal law and also Assist them to understand the nature and various issues regarding criminal administration.
- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively with specific issues and challenges relating to effective implementation of laws under criminal jurisprudence.

Module-I (1 Credit)

- 1. Crime, Criminal Law and Criminal Justice**
- 2. Administration of Criminal Justice – Meaning, Necessity and Growth**
- 3. Doctrine of Mens Rea and Exceptions:**
 - Negligence
 - Physical Element in Crime- Actus Reus
- 4. Stages in Commission of Crime:**
 - Inchoate Crimes
 - Abetment and Criminal Conspiracy

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**
- 6. Fundamental Principles of Criminal Jurisprudence:**
 - Test of Criminality /Legality
 - Presumption of Innocence
 - Double Jeopardy
 - De Minimus Non Curat Lex
 - Mistake of Law and Mistake of Fact
 - Jus Necessitas
- 7. General Exceptions.**
- 8. Right of Private Defense**

Module – III (1 Credit)

- 9. Theories and kinds of punishment**
- 10. Right to Protection of the accused**
- 11. Strict Liability**

Module – IV (1 Credit)**12. International Criminal Court****13. Concept of Decriminalisation****References :—**

- Glanville Williams : Criminal Law (The general part)
Jarome Hall : General Principles of Criminal Law
FitzGerald : Criminal Law and punishment
Moberly : Ethics of Punishment
Ram Chandra Nigam : Criminal Law
Tapas Kumar Banerjee : Back ground to Indian Criminal Law
Law Commission of India, Forty Second Report Chapter 3 (1971)
Criminal Procedure Code, 1973
14th and 41st Report of Indian Law Commission