

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S.LL B

Semester: IV/VIII

Course Title:- JURISPRUDENCE/LEGAL THEORY

Course Code:

Credits: 4

COURSE OBJECTIVES:

This course in Jurisprudence is designed primarily, to induct students into a realm of questions concerning nature of law. Accordingly, the first part of the course sheds vivid light on various schools of law explaining, what is law, what are the purposes of law? What is the relationship between law and justice? This course aims to educate students on various legal concepts, such as, Rights, Persons, Property, Possession, Ownership, Title and Obligation and attempts to shape up a general and more comprehensive picture of each concept as a whole. This course is proposed predominantly on English model but native Indian orientation is given wherever possible with help of case laws. The course aims at developing an analytical approach to understand the nature of law and development of legal system. The concerns of jurisprudence are an inescapable feature of the law and legal system. Overall, the course aims to identify and elucidate several major principles of legal theory.

COURSE OUTCOMES:

After completing this course, the student will be able to:

1. Know various theories of Law with their merits, demerits and their application in legal system.
1. Identify and acquaint themselves with the various formal and material sources of law
1. Understand the function and purpose of law.
1. Understand thoroughly the concept of right, its elements, its kinds including rights in the wider sense i.e., the Hofliedian analysis on rights
1. Know the concepts of Custody, Possession, Ownership, Title and the distinction between and among them
1. Grasp and understand the different Legal Concepts: Legal Personality, Property, Obligations.

1. Fathom the jurisprudential aspect of legal concepts, legal statutes, legal interpretations,

Module 1:

1. Introduction, Meaning, nature, scope and importance of jurisprudence.

2. Law

Nature and definition of law

Functions and purpose of law
Classification of law

1. State

Introduction, Meaning and Nature of State
Elements of State- Population, Territory, Government and Sovereignty
Theories regarding the origin of State- The Divine Theory, Social Contract Theory, Patriarchal Theory, Matriarchal Theory.

Module 2:

2.1 Sources of law

Formal and material sources of law
Custom
Meaning and Nature of Custom as a source of law

Kinds of Customs

Trade Usage/ Convention

Essential conditions of validity of Custom

1. Precedent-

Meaning and nature of Precedent as a source of law

Doctrine of Stare Decisis, Doctrine of Prospective Overruling and Declaratory theory of Precedents

Ratio-Decidendi and Obiter Dicta

Circumstances which destroy the binding force of precedent

Merits and Demerits of Precedent

1. Legislation-

Meaning, Nature and Scope of Legislation as a source of law

Kinds of Legislation

Merits and Demerits of Legislation as a source of law

Codification of Law

Statutory Interpretation

2.4 Convention as a source of law.

Module 3:

Schools of Jurisprudence

3.1 Natural Law School

Basic Tenets of Natural Law

History of Natural Law School- The Greek period, The Roman period, Christian period, Medieval period and Modern period.

1. Legal positivism

Bentham's Utilitarian theory,

Austin's Imperative/ Analytical theory,

Prof. HLA Hart's Concept of Law,

Hans Kelson's Pure Theory of Law.

1. Law and Morality, Ancient Indian concept of Dharma

3.4 Historical school of law-

Savigny's view, Puchta's view, Main's view

Basic Tenets of Historical School

1. Sociological school of law-

Roscoe Pound's Social Engineering Theory

Basic Tenets of Sociological School

1. Realist school of law-

American Realist School

The Scandinavian Realist School

Basic Tenets of Realist School

1. Feminist legal theory

MODULE 4:

4.1 Rights and Duties

Meaning of Rights

Characteristics of legal Rights

Rights and Duties correlations

Rights in wider sense (Hofeldian table)

Classification of Rights

4.2 Persons

Nature of Personality

Legal Status of Animal, Minor, Person of unsound mind, Drunk, Unborn and Dead person

Corporate Personality- Characteristic and Theories of Corporate Personalities.

4.3 Property

Philosophical Theories of Property

Kinds of Property

Modes of Acquisitions of Property

4.4 Possession

Concept of Possession

Possession in fact and possession in law

Corporeal and Incorporeal Possession

Modes of Acquisition

Why Possession is protected

Possessory Remedies

4.5 Ownership

Definition

Characteristics of Ownership

Possession and Ownership

Austin's conception of Ownership

Different kinds of Ownership

4.6 The law of Obligations

The Conception of Obligation

Imperfect and Perfect Obligations

Simple and Solidary Obligations

Sources of Obligations.

Recommended Resources: -

1. Bodenheimer Jurisprudence- "The Philosophy and Method of Law" (1996), Universal Publication, Delhi.
2. W. Friedmann, "Legal Theory" (1999) Universal Publication, Delhi.
3. Roscoe Pond, "Introduction to the Philosophy of Law (1998-Re-print)

4. Fizerald (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay.
5. V.D. Mahajan, "Jurisprudence and Legal Theory" 1996 Re-print, Eastern Book, Lucknow
6. H.L.A Hart, "The Concept of Law", Oxford University Press, ELBS, 1970
7. Dr. M. P. Tandon, "Jurisprudence –Legal Theory", 19th Edition- (2016), Allahabad Law Agency, Faridabad, Haryana.
8. Dr. Nomita Agarwal, "Jurisprudence", 2019, Central Law Agency, Faridabad.
9. Rohinton Mehta, "50 Lectures on Jurisprudence", Edi. 2000, Network Publications, Mumbai
10. Dr. B.N. Mani Tripathi, "Jurisprudence (Legal Theory), 2012 (Reprint- 16-17) Allahabad Law Agency, (Faridabad)
11. Dr. S.R. Myneni- "Jurisprudence", 2004 (Reprint-2010) Asia Law House, Hyderabad.
12. Dr. Avtar Singh & Dr. Harpeet Kaur, "Introduction to Jurisprudence" 2009, Lexis Nexis (Nagpur).
13. Jurisprudence and Legal Theory by G W Paton
14. Jurisprudence Indian Legal Theory Prof. S.N. Dhyani, Central Law Agency

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S. LL B

Semester: IV/VIII

Course Title:- CONTRACT II

Course Code:

Credits: 4

COURSE OBJECTIVES:

This course is principally designed to equip a law student with the knowledge of special contracts apart from equipping himself/herself with general principles of contract. The objective of this course is to enable students to understand the functioning of commercial transactions and to identify the forms of business organization and structuring and the requirement and legal framework of special contracts, sale of goods and partnership laws. The intention of this course is to facilitate understanding of the various legal provisions and case studies related to special contracts, sale of goods and partnership laws.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the importance and the difference between various forms of business organizations and structuring, from a legal as well as commercial perspective.
2. Appreciate the formation, liabilities and legal remedies in case of the partnership form of organizational structure.
3. Understand and apply the Limited Liability Partnership Act, 2008
4. Apply the provisions of sale of goods in practical commercial transactions.
5. Analyse the various special contracts under the Indian Contract Act viz Indemnity, Guarantee, bailment and pledge, their significance and applicability

1. Understand the rights and obligations of various stake holders in the special contracts, partnership contracts and sale of goods

Module 1:

1.1 Indian Partnership Act, 1932:

Forms of business organization
 Factors taken into consideration for choice of organization
 Definition of Partnership & Essentials
 Kinds of Partnership
 Partnership Property
 Rights and Duties of a Partner
 Implied Authority of a Partner
 Minor Admitted to the benefits of Partnership
 Incoming and Outgoing Partner
 Registration of Partnership Firm
 Dissolution of Partnership
 Public Notice in case of Partnership

Module2:

2.1 Limited Liability Partnership Act, 2008:

Nature of Limited Liability Partnership [Sections 2 – 10]
 Incorporation of Limited Liability Partnership [Sections 11 – 21]
 Partners and their Relations [Sections 22 – 25]
 Extent and Limitation of Liability of Limited Liability Partnership and Partners [Sections 26 – 31]
 Contributions [Sections 32 – 33]
 Assignment and Transfer of Partnership Rights [Section 42]
 Conversion into a Limited Liability Partnership [Sections 55 – 58]
 Winding up and Dissolution [Sections 63 – 65]
 Difference between Limited Liability Partnership incorporated under Limited Liability Partnership Act, 2008 and a Partnership Firm incorporated under the Indian Partnership Act, 1932 and a Company incorporated under Companies Act, 2013

Module 3:

3.1 Sale of Goods Act, 1930:

Significance of transfer of property
 Concept of buyer and seller
 Difference between sale and hire purchase
 Difference between sale and Agreement to Sell
 Condition and Warranty
 Delivery of goods and its rules
 Rules relating to passing of the property
 Unpaid Seller – Rights and Remedies
 Auction Sale

Module 4:

4.1 Special Contracts under Indian Contract Act, 1872:

Indemnity [Sections 123 – 125]

Guarantee [Sections 126 – 147]

Bailment [Sections 148 – 181]

Agency [Sections 182 – 238]

Reference Books:

1. Pollock and Mulla's The Indian Contract Act, 1872, by R. Yashod Vardhan, Chitra Narayan, Pollock, Lexis Nexis (2019)
2. Indian Contract Act and Tenders, by Sanjiva Row, Delhi Law House (2018)
3. Law of Contract, by M. J. Aslam, Thomson Reuters (2017)
4. Mulla's Indian Contract Act, by Anirudh Wadhwa, Lexis Nexis (2015)
5. Pollock & Mulla's Sale of Goods Act by Akshay Sapre, Lexis Nexis (2021)
6. Benjamin's Sale of Goods by Michael G Bridge, Sweet and Maxwell (2019)
7. Mulla's Sale of Goods Act and Indian Partnership, by K. Kannan, Lexis Nexis (2019)
8. Pollock & Mulla's Indian Partnership Act by Devashish Bharuka, Lexis Nexis (2020)
9. The Law of Partnership along with The Limited Liability Partnership Act, 2008, by P. S. Narayanan & Anita Gogia, Gogia Law Agency (2021)
10. Limited Liability Partnerships, Law and Practice, by Hitender Mehta, Commercial Law Publishers (India) Pvt. Ltd. (2020)
11. Law Relating to Limited Liability Partnership, by D. S. R. Krishnamurti, Taxmann Publications Pvt. Ltd. (2009)

Recommended Resources:

1. Law of Contract II, with Indian Partnership Act and Sale of Goods Act, by R. K. Bangia, Allahabad Law Agency (January 2019)
2. Law of Contract and Specific Relief Act, by Avtar Singh, Eastern Book Company (2019)
3. Law of Contract, by Rajni Malhotra Dhingra, Taxmann (February 2021)
4. Law of Contract I and II, with Specific Relief Act, Sale of Goods Act, Partnership Act and Negotiable Instruments Act, by Dr. S. S. Srivastava, Central Law Publications (2018)
5. Contract II along with Sale of Goods Act and Partnership Act, by Dr. S. K. Kapoor – Central Law Agency (2017)
6. Contract II (Special Contracts), by Dr. S. R. Myneni, Asia Law House (2018)
7. Law of Contract-II, by Y. S. Sharma, University Book House Pvt. Ltd. (2018)
8. Avtar Singh's Law of Sale of Goods, by Deepa Paturkar, Eastern Book Company (2021)
9. Sale of Goods Act, by R. K. Bangia, Allahabad Law Agency (January 2017)
10. The Indian Partnership Act, 1932 with Limited Liability Partnership Act, 2008, R. K. Bangia, Allahabad Law Agency (2012)
11. Introduction to Law of Partnership, including Limited Liability Partnership, by Avtar Singh, Eastern Book Company (2018)

Suggested Websites:

1. www.mca.gov.in

2. <https://rof.mahaonline.gov.in>

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S. LL B

Semester: IV/VIII

Course Title:- CONSTITUTIONAL LAW- II

Course Code:

Credits: 4

COURSE OBJECTIVES:

This course is the second course on Constitutional Law in the professional LL B programmes of the University. This is designed to enrich student's knowledge about the *Supreme Lex*. The course aspires to impart detailed understanding of various vital aspects of Indian Constitutional governance, federalism and Centre-State relations. The students will be intellectually armed with the exhaustive knowledge of the composition and jurisdiction of Supreme Court and High Courts. This course intends to highlight detailed understanding of the powers and functions of legislature and executive. At the same time, this course provides augmented acquaintance to students about concepts like independence of judiciary, judicial accountability and judicial activism in India. The students will gain in depth learning about provisions relating to Emergency and amenability of the Constitution. The Constitution and powers of various constitutional bodies will be analyzed in detail. Over all, this course emphatically prepares students to achieve intense knowledge and meticulous intricate details about imperative concepts of the Supreme law of the land. The course also encompasses study of interstate trade and commerce and cooperative societies.

COURSE OUTCOME:

After completing this course the students will be able to:

1. Understand the concept of Federalism and relationship and distribution of powers between Centre and State and analyse various doctrines to interpret the Union, State and Concurrent Lists
1. .Understand the procedure for appointment, removal and powers of President and Governor as well as various Constitutional bodies like Election Commission of India, Attorney General and Advocate generals, Comptroller and Auditor General of India.
1. Comprehend in detail the qualifications, disqualifications of members of legislatures and executives and powers and privileges of Centre and State Legislatures.
1. Understand and fathom the Composition and Jurisdiction of Supreme Court and High Court and the concepts of Independence of Judiciary, Judicial accountability and judicial activism.

1. Understand and identify the provisions relating to declaration of various emergencies and their interpretation
1. To know and appreciate the provisions of the Constitution as to the power, procedures and restrictions on amending the Constitution and their interpretation, including the Basic Structure Doctrine
1. To understand the provisions of the Constitution on interstate trade and commerce and cooperative societies

Module 1:

1. Federalism

Concept and Idea of Federalism

State and Union territories (Part-I and Part- VIII)

Features of Indian Federalism

Local self-governing Bodies: Panchayats and Municipalities (Part IX and IX-A)

Scheduled and Tribal Areas (Part X)

Special Status of some States (Part- XXI)

Forms of Government

1.2 Concept of Cooperative and Competitive Federalism

1.3 Centre-State Relations (Part-XI)

Legislative Relations

Administrative Relations

Finance, Property, Contract and Suits (Part-XII)

Special Provisions Relating to Certain Classes (Part-XVI)

MODULE 2:

2.1 Legislature and Executive under the Indian Constitution

Unicameral and bicameral Legislatures

Composition, Powers, and Functions of Union Legislature (Part-V, Chap-2)

Composition, Powers, and Functions of State Legislature (Part-VI, Chap-3)

1. Qualification, Disqualification and Privileges of-

Members of Parliament

Members of Legislative Assembly

Anti-Defection Law (Xth Schedule)

1. Law making procedure

Types of Bills- Ordinary, Financial, Money and Appropriation

Private Member Bills and Government / Public Bills

1. Qualification, Powers, and functions of-

President and Vice-president

Union Council of Ministers

Governor

State Council of Ministers

Module 3:

3.1 Judicial Activism

3.2 Independence of Judiciary

3.3 Judicial accountability

3.4 National Judicial Appointments Commission.

MODULE 4:

4.1 Emergency (Part XVIII)

Types of Emergencies

Grounds for proclamation

Consequences of Proclamation

Judicial Review of proclamation of emergencies

4.2 Amendment and the basic structure doctrine (Part XX)

4.3 Constitutional Bodies and Offices

Services (Part-XIV, Chap-1)

UPSC and State Public Service Commission (Part-XIV, Chap-2)

Election Commission of India (Part-XV)

Attorney General and Advocate Generals (Relevant Chapters from Part-V and Part-VI)

Comptroller and Auditor General of India (Chapter-V, Part-V)

Finance Commission (Art. 280, Art-281)

National Commissions for SC, ST and Backward Classes (Art.338, Art.338-A, Art.338-B)

4.4 Inter-state Trade and Commerce (Part-XIII)

Freedom of trade, commerce and inter course

Restrictions on the freedom

4.5 Co-operative Societies (Part-IX-B)

Recommended Resources :

1. H.M. Seervai, Constitutional Law of India, Law and Justice Publishing Company, 4th Edition 2021
2. M.P. Jain, Indian Constitutional Law, Lexis Nexis
3. Narendra Kumar, Constitutional Law of India, Allahabad Law Agency
4. J.N. Pandey, Constitutional Law of India, Central Law Agency
5. P.M. Bakshi, The Constitution of India, Butterworth Lexis Nexis
6. D.D. Basu, Introduction to the Constitution of India, Lexis Nexis
7. Subhash Kashyap, Constitution of India, National Book Trust
8. Dr. Suresh Mane, Indian Constitutional Law, Dynamics and Challenges, Aarti and Company
9. Mahendra Pal Singh, V. N. Shukla's Constitution of India, Eastern Book Company
10. Kailash Rai, The Constitutional Law of India, Central Law publication
11. Writing and speeches of Dr. Baba Saheb Ambedkar published by Government of Maharashtra.
12. Arvind Datar, Commentary on the Constitution of India, 3 volumes
13. K L Bhatia, Cases and Materials on Constitutional law of India, Universal Law Publishers

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S. LL B

Semester: IV/VIII

Course Title:- HUMAN RIGHTS LAW

Course Code:

Credits: 4

COURSE OBJECTIVES:

The objective of this course is to inculcate sense of responsibility amongst citizens and create awareness about Human Rights, democracy and development. This course aims to enlighten students about the Principles and Characteristics of Human Rights and its various Laws, Declaration and Covenants. Through this course the students will be able to understand the growth and development of Human Rights laws in India and across the globe. Education on national and international regime of Human Rights will be imparted. This course intends to reflect on the criticism of various theories of Human Rights. To study the classification of Human Rights-First, Second, Third generation rights with their historical development. To analyze Human Rights vis-à-vis Politics and Society and Third world perspective of Human Rights. Overall, this course intends to foster respect for international obligations for peace and development, to sensitize students to human suffering and promotion of human life with dignity, to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

COURSE OUTCOMES:

After completion of this course, students will be able to:

1. Understand, evaluate and analyze the historical perspectives and philosophical aspects of human rights jurisprudence across the globe.
2. Understand working of international organizations dedicated to the protection of human rights.
3. Have in depth knowledge of various statutory safeguards available for protection of human rights in India and role of judiciary.
4. Comprehend ideals of constitution and functions of commissions and bodies set up for protecting human rights in India.
5. Fathom the global steps taken for protection of human rights of vulnerable persons.
6. Understand, appreciate and evaluate the promotion of human life with dignity, especially with respect to the various regional arrangements and recognized measures to protect the rights of the meek and subjugated.

Module1:**History and Philosophy of Human Rights**

1. Human Rights: Concept, Definition, Evolution, Characteristics, Need, Limitations, Theories of Development of Natural Rights, Theories of Utilitarianism, Idealism, Socialism and Positivism;
2. Human Rights in India, the tradition of Human Rights in Indian context: ancient, medieval and modern;
3. First, Second and Third Generation Human Rights: Their Meaning, Historical Development and evolution, distinguishing factors and essential characteristics;
4. Universality of Human Rights.
5. Human Rights in Western tradition, Normative Foundation of International Human Rights;
6. The American Declaration of Independence and the Bill of Rights & the French Declaration of the Rights of Man.
7. The UN Human Rights System and UDHR.

Module 2:**International Conventions and Protocols**

- 2.1 International Covenant on Civil and Political Rights, First Optional Protocol, Second Optional Protocol, International Covenant on Economic, Social and Cultural Rights
- 2.2 Role of ILO, UNESCO, UNICEF and WHO
- 2.3 UN SDG's, Right to Environment, Role of NGOs in protection of Human Rights.

Module 3:**Human Rights and the Indian Constitution and Commissions**

3.1 Indian Constitution and Human Rights: Fundamental Rights and Directive Principles of State policy under the Indian Constitution, Fundamental Duties under the Indian Constitution, Relationship Between Rights and Duties in relation to State and Society.

3.2 The Protection of Human Rights Act, 1993

3.3 National Commission for Women: Constitution, Role and Responsibilities;

3.4 National Commission for Minorities: Constitution, Role and Responsibilities;

3.5 National Commission for Scheduled Castes: Constitution, Role and Responsibilities;

3.6 National Commission for Scheduled Tribes: Constitution, Role and Responsibilities

3.7 Role of Judiciary in Protection of Human Rights in India

Module 4:

Human Rights Protection of Vulnerable Groups & Regional Arrangements

4.1. Human Rights Protection of Vulnerable Groups

The Convention on Elimination of all forms of Discrimination
Against Women (CEDAW), 1979

The Convention on the Rights of Child (CRC),
The Convention on Rights of Persons with Disabilities (CRPD), 2008

International Convention on the Rights of Older Persons, 2020

4.2 Human Rights: LGBT, Refugees and Aliens.

4.3 Regional Arrangements:

European Regional Arrangement
American Regional Arrangement
African Regional Arrangement

Suggested Readings

1. Theodor, Meron, Human Rights and International Law: Legal and Policy Issues
2. Kapoor, S.K., International Law and Human Rights, Central Law Agency
3. Luis, Henkin, "The Rights of Man Today", University of Miami Inter-American Law Review,
4. Singh, Nagendra, Enforcement of Human Rights in Peace and War and the future of humanity
1. The Module ed., Nations and Human Rights (Clarendon Press, Oxford)
1. Agarwal, H.O., Implementation of Human Rights Covenants with Special Reference of India {Kitab Mahal, Allahabad}
1. D.D. Basu Human Rights in Constitutional Law (Lexis Nexis)

1. B.P. Singh Seghal, (Human Rights in India)
1. International Refugee Law: A Reader, Edited by B.S. Chimni

PROGRAM: 3 Yr/5 yr Professional Law

Second year LLB / Fourth Year B.L.S. LL B

Semester: IV/VIII

Course Title:- CRIMINOLOGY AND PENOLOGY (Optional Paper)

Course Code:

Credits: 4

COURSE OBJECTIVES:

Crime is a concept having changing dimensions according to social, economical, political and legal dimensions. Science and technology have also impacted on patterns of crime. Thus, this Course aims to give a basic idea of concepts like crime, criminal law, administration system etc. and to make students acquainted with criminology, penology and victimology in detail. This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the factors leading to criminal behaviour and modern approach of courts in awarding punishments. A general idea of criminal justice system is to be put forth through this course. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

COURSE OUTCOMES:

After completing this course, students will be able to:

1. Understand various forms of crimes and criminals;
2. Grasp knowledge of different schools explaining criminal behaviour and crime causation;
3. Comprehend the reformatory approach in dealing with criminals;
4. Understand different theories and kinds of punishments and their applicability;
5. Fathom the concept of victimology in Indian context.
6. Identify and understand the actual working of criminal justice system in India.

MODULE 1:

1. Nature and scope- Crime and Criminology

Concept of Crime- 18, 19 and 20 Century

Classification of Crime

Definitions of Criminology

History of criminology

Inter –Relation between Criminology, Penology and Criminal Law

Is criminology a science?

1.2 The Schools of Criminology

Pre-classical School of Criminology

The Classical School

Neo-classical school

Positive School

Cartographic School

Clinical School of Criminology

Sociological School of Criminology

Socialist School of Criminology

New Criminology Trends for research

MODULE-2:

2.1 Causes of Criminal Behaviors

Heredity and Crime

Bio-physical factors and criminality

Freud's Theory of Criminal Behaviour

Group and class conflict

Emotional and psychological factors

Certain modern and technological developments

Atrocities

Theory of Differential Association (Sutherland)

Multiple factors approach to crime causation: - Mobility, Cultural conflicts, Family background, Political ideology, Religion and crime, Economic condition, Ecology of crime.

2.2 Classification of Criminals:

Ordinary & First-time offenders

Habitual offenders,

Women offenders

Juveniles in conflict with law

White Collar Criminals

Cyber Criminals

Terrorists

MODULE 3:

3.1 Police and Criminal Justice

The police system

Structural organization of police at the centre and states

Mode of recruitment and training

Powers and duties of police under Police Act, Criminal Procedure Code and other laws

Method of police investigation

Third degree method

Corruption in police

Relationship between police and prosecution

Liability of police for custodial violence

Police public relations

Police Reforms

3.2 Meaning of penology

3.3 Theories of punishment

3.4 Kinds of punishment

3.5 Capital punishment

MODULE 4:

4.1 Treatment or Correction of Offenders

The need for reformation and rehabilitation of offenders undergoing punishment/ imprisonment

The role of psycho-analysts and social workers in the prison

Vocational and religious education and apprenticeship programmes for the offenders

Group counseling and re-socialization programmes

Prisoner's organizations for self-government

Participation of inmates in community services

An appraisal of reformatory techniques

Efficacy of imprisonment as a measure to combat criminality and the search for substitutes

The Prisons Act, 1894

Kinds of Prison

4.2 Probation of offenders

Probation and suspended sentence – Distinction

The Probation of Offenders Act, 1958

4.3 Parole and Furlough

Parole and indeterminate sentence- Distinction

Parole and Probation comparison

Parole distinguished from furlough

The object of Parole

Parole in India

Condition of Parole

Parole violation

Supervision of parolees

Problems of the released offender

Attitudes of the community towards released offender

4.4 Victimology

Definition, nature and development of victimology

Victim and criminal justice system in India

UN Declaration on Justice for Victims of Crimes, 1985

Rehabilitation and reconciliation of victims

SUGGESTED READINGS:

1. Ahmad Siddique, Criminology Problems & Perspective (5th ed., 2007) 4.
2. N.V. Paranjape, Criminology and Penology (13th ed., 2008) Salmond and Heuston – On the Law of Torts, Universal, Delhi
3. Gaur. K.D. (3-Edn. 2015); Criminal Law, Criminology and Administration of Criminal Justice Universal Law Publishing
4. S. S. Srivastava, Criminology, Penology & Victimology (6th ed., 2012) Criminology, Penology & Victimology, (2-Edn. 2019) Bright Law House
5. Allen, Friday, Roebuck and Sagarin, Crime and Punishment: An introduction to Criminology, The Free press. New York.
6. National Police Commission Report

7. Law Commission's Report on Capital punishment

PROGRAM: 3 Yr/5 yr Law

Second year LLB / Fourth Year B.L.S.

Semester: IV/VIII

Course Title:- BANKRUPTCY LAWS (Optional paper)

Course Code:

Credits: 4

COURSE OBJECTIVES:

Insolvency is a financial malaise that afflicts the economy and society. Law has to effectively deal with this malaise. Indian Parliament has repealed the laws dealing with insolvency and bankruptcy and passed the Insolvency and Bankruptcy Code, 2016(IBC) to consolidate the laws relating to insolvency and bankruptcy of corporate persons, individuals and corporate firms and to expedite resolutions with maximization of the value of assets.

The objective of this course is to teach and learn IBC in depth. This course will include the study of the historical background of IBC, aims and objectives of IBC, the role, powers and functions of Insolvency Bankruptcy Board of India, provisions of IBC as to corporate persons, Limited Liability Partnership firms, individuals and partnership firms.

COURSE OUTCOME:

After completing this course, students will be able to :

1. Understand the role of Insolvency and Bankruptcy Board of India (IBBI) in professionalizing insolvency services through regulation and development of service providers, namely, insolvency professionals, insolvency professional agencies, insolvency professional entities, information utilities, registered valuers, and registered valuers' organizations
2. Understand in respect of corporate persons the corporate insolvency resolution process(CIRP), fast track CIRP, voluntary liquidation process, liquidation process and in respect of Micro, Small and Medium Enterprises the Prepackaged Insolvency Resolution Process
3. Understand in respect of individuals and partnership firms the fresh start process, the insolvency resolution process and the liquidation process
4. Understand the role of insolvency professionals, insolvency professional agencies and information utilities
5. Understand the importance, powers and functions of the Adjudicatory Authorities under IBC
6. Appreciate the relationship between the government and IBBI and to understand Board's Fund , Insolvency and Bankruptcy Fund , relevant regulations framed by IBBI and rules framed by the government

MODULE 1:

1.1 Historical background and constitutional allocation of the subject of insolvency and bankruptcy

1.2 Preliminary under IBC

1.2.1 Short title, extent and commencement of IBC

1.2.2 Application of IBC

1.2.3 Definitions under IBC

1.3 MISCELLANEOUS

1.3.1 Insolvency and Bankruptcy Fund

1.3.2 Power of Central Government

1.3.3 Bar of jurisdiction

1.3.4 Protection of action taken in good faith

1.3.5 Appeal and revision

1.3.6 IBC to override other laws

1.3.7 Limitation

MODULE 2:

2.1 CIRP

2.2 Fast track CIRP

2.3 Voluntary Liquidation Process

2.3 Liquidation Process

2.4 Prepackaged Insolvency Resolution Process

2.5 Adjudicating Authorities and Appellate Authorities

2.6 Offences and Penalties

MODULE 3:

3.1 Fresh Start process for individuals and partnership firms

3.2 Insolvency resolution process for individuals and partnership firms

3.3 Bankruptcy order in respect of individuals and partnership firms

3.4 Administration and Distribution of assets of the Bankrupt

3.5 Adjudicating authorities and appellate authorities

3.6 Offences and Penalties under Part III of IBC

MODULE 4:**4.1 IBBI****4.2 Insolvency Professional Agencies****4.3 Insolvency Professionals****1. Information Utilities****1. Insolvency Professional Entities****4.5 Registered Valuers, and Registered Valuers' Organizations****Suggested Readings:**

1. <https://ipaicmai.in/>
2. <https://www.ibbi.gov.in/>
3. <https://www.mca.gov.in/Ministry/pdf/TheInsolvencyandBankruptcyofIndia.pdf>
4. <https://www.ibbi.gov.in/uploads/publication/a30d234862670f06b5a128a1bf208083.pdf>
5. <https://www.ibbi.gov.in/uploads/publication/e42fddce80e99d28b683a7e21c81110e.pdf>
6. Law of Insolvency in India By: Mulla, D. F
7. Law of Insolvency By: Singh Avtar.
8. Insolvency and Bankruptcy Code, 2016 Bare Act (Print/eBook) by EBC, Edition: 8th, 2021
9. Insolvency and Bankruptcy Code: Law and Practice by Akaant Kumar Mittal, Edition: 2021
10. Taxmann's Insolvency and Bankruptcy Code 2016 (latest edition)
11. Vivek Sood, Emergence of Commercial Justice, Bloomsbury, 2021

Drafting Pleading and Conveyancing II**LL B Semester IV/ B.L.S LL.B Semester VI****Course Outline****Course Objectives**

The primary objective of the course is to train the students in putting the thoughts into words with respect to the Legal Drafts. The students will be trained in drafting of conveyances and other essential documents. The course aims at equipping the students with drafting skills to give more exposure to the nature of legal language and the issues related to drafting legal documents. This course intends to cover the traditional conveyances, pleadings in matrimonial and family matters, partnership and corporate drafts which are particularly listed in the modules.

Course Outcomes:

By the end of the course the students will be able to

1. Draft conveyances included in the syllabus
2. Draft wills and codicils

3. Understand registration of documents
4. Draft partnership and limited liability partnership deeds
5. Draft pleadings in matrimonial and family matters included in the syllabus
6. Draft RTI, application for CIRP, winding up petitions, notice for AGM and defective goods
7. Have the practical exposure to drafting deeds, conveyances and matrimonial petitions
8. Independently draft the deeds and the petitions after thorough legal research
9. Have the ability to defend the case undertaken by identifying the issues and providing solutions to resolve considering the facts in issue.
- 4 10. Identify different stages in matrimonial case and prepare for court trial and proceedings like cross examinations and arguments

Module I

- 1.1 Sale Deed
- 1.2 Mortgage Deed- Simple, English, Mortgage by Conditional sale, Usufructuary, mortgage
- 1.3 Lease deed, Leave and License Agreement
- 1.4 Exchange Deed
- 1.5 Gift Deed
- 1.6 Trust Deed
- 1.7 Registration of Documents- S 17, 18 Indian Registration Act, 1908
- 1.8 Partnership Deed

Module II

- 2.1 Matrimonial Petitions- Divorce Petitions, Mutual Consent Divorce Petitions
- 2.2 Application for Maintenance
- 2.3 Application for Custody
- 2.4 Pleadings for restitution of conjugal rights
- 2.5 Nullity of marriage

Module III

- 3.1. Limited Liability Partnership Deed
- 3.2 Petitions for winding up a company under Companies Act 2013
- 3.3 Draft Notice for Annual General Meeting and Special General Meeting
- 3.4 Legal Notice for Defective Goods
- 3.5 Application for Corporate insolvency resolution under IBC 2016

Module IV

- 4.6 Will and Codicil
- 4.7 Application for heirship certificate

4.8 Testamentary Petition for Succession Certificate (Probate)

4.9 Application for Certified Guardian

4.10 Adoption Deed under Juvenile Justice Act, 2015

4.11 RTI applications, reply, appeal

SUGGESTED READINGS

1. Shiva Gopal, Conveyancing, Precedents and Forms, EBC, 2016
2. Hargopal, Hargopal's Legal Draftsman - A Comprehensive Guide to Deeds and Documents in 2 Vols.

PROGRAM: 3Yr/5 Yr Professional Law

Third Year LLB/ Fifth Year B.L.S LL B

Semester: V/IX

Course Title-: CIVIL PROCEDURE CODE 1908 AND LIMITATION ACT 1963

Course Code:

Credits: 4

Teaching Scheme:

COURSE OUTLINE

COURSE OBJECTIVES:

Study of procedural law is enormously pertinent for law students. This course is designed to acquaint the students with the various stages through which a civil case passes through in the courts of law. The course also includes law of limitation. The course aims to assist the students to understand the practice and procedure in the conduct of suits in and out of the court. It will also analyse this consolidated code with the substantive laws with regard to the procedure to be followed by the civil courts and thereby help in facilitating justice. The course thus explains in detail the role of civil court and the procedures to be followed in the administration of civil justice. Overall, this course makes an endeavour to familiarize the students with the complaints, written statements, Interlocutory applications, issuance of commissions, trial and other aspects of civil court proceedings which prepares the students adequately for practice in courts.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the Civil Court procedures to be followed in India.
2. Recall and apply the standard and uniform procedure to deal with the civil matters in issue.