

GONDWANA UNIVERSITY, GADCHIROLI



**A DETAILED SYLLABUS
FOR
B.A. LL.B. SEM VIIth &
VIIIth (CBCS COURSE)**

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)
Unique Subject Code:- UL57F01
Professional Ethics

Course Objectives:-

This Clinical courses are structured, mindful of overarching learning objectives for both the classroom and practical component. Each clinic is focused substantively upon a different area of the law. The goals and objectives include:

- Developing Lawyering Skills
- Cultivating Professional Identity
- Fostering Professional Ethics
- Gaining Insight into the Law and Legal System
- Promoting Cultural Competency
- Encouraging Lifelong Learning and Professional Reflection

Learning Outcomes:-

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

- be able to spot ethical problems in everyday legal situations;
- be able to formulate, articulate, and defend solutions to those problems;
- develop their critical and abstract reasoning skills; and
- develop their skills in argument.

The mode of Assessment is as follows:-

- A. Record on Topics from Unit I to III -15 Marks
(Marks to be awarded by the Internal evaluation Committee)
- B. Report on opinions of Disciplinary committee of Bar Council of India & judgments of the Supreme Court -15 Marks
(Marks to be awarded by the Internal evaluation Committee)
- C. Viva –Voce -20 Marks
(Marks to be awarded by the Internal evaluation Committee)

Course Contents:

SECTION –A

UNIT-I

- The legal profession and its responsibilities;
- The equipment of the lawyer;
- Conduct in court;
- Professional conduct in general;

- Privileges of a lawyer;

UNIT-II

- Seven lamps of advocacy
- Advocates duties towards public, clients, court, and other advocates and legal aid
- Bar Council Code of Ethics.
- Accountancy for lawyers
- Need for maintenance of accounts
- Books of accounts that need to be maintained
- Cash Book, journal and ledger
- Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts
- The cash and bulk transaction
- The Cash book
- Journal proper especially with reference to client's accounts
- Ledger, Trial balance and final accounts

UNIT-III

- Disciplinary proceedings
- Professional misconduct
- Disqualifications
- Functions of Bar Council of India/State Bar Councils in dealing with the disciplinary proceedings
- Disciplinary Committees -Powers and functions -Disqualification and removal from rolls.
- Contempt of Court Act, 1972

SECTION –B

Selected major judgments of the Supreme Court:

1.In the matter of D, An Advocate, AIR 1956 SC 102.

2.P.J.Ratnamv.D.Kanikaram, AIR1964 SC 244.

3.N.B.Mirzanzv.The disciplinary committee of Bar Council of Maharastra and Another, AIR 1972 SC 46.

4.Bar Council Of Maharastrav.M.V.Dabholkar, etc., AIR 1976 SC

5. Any other recent judgments of Supreme Court selected and given by concerned teacher

Selected opinions of the Bar council of India

- 1.DC Appeal No. 16/93 1998 (Vol.1) IBR 135
- 2.BCI Tr. Case No.40/91 1998 (Vol.1) IBR139
- 3.DC Appeal No. 8/94 1998 (Vol. 1) IBR 153
- 4.DC Appeal No. 20/94 1997 (Vol. 3 &4) IBR 193
- 5 BCI Tr. Case No. 76/95 1997 (Vol. 3 &4) IBR 201
- 6 DC Appeal No.43/96 1997 (Vol. 3 &4) IBR 207
- 7.Any other recent opinion/decision of Disciplinary committee of BCI, selected and given by concerned teacher

Prescribed Books:

- 1)K.V.Krishnaswamy Iyer-Professional Conduct and Advocacy.
- 2)B.S.Raman-Accountancy.
- 3)N. R. Madhava Menon-Clinical Legal Education
- 4)Dr. B. Malik-Art of Lawyer (New Delhi, Universal Book Agency, 1999) –Relevant articles
- 5)Contempt of Court Act, 1971
- 6)Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, AsiaLaw House, Hyderabad
- 7)Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Allahabad Law Agency.
- 8)Siroh: Professional Ethics, Central Law Publications, Allahabad.
- 9)Ramachandra Jha: Selected Judgements on Professional Ethics published by Bar Council of India Trust, 2002.
- 10)Dr. G.B. Reddy: Practical Advocacy of Law, 2nd Ed. 2005. Gogia Law Agency. Hyderabad

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)
Unique Subject Code:- UL57C02

Transfer of Property

Course Objective:-

The objectives of this course are to:

- Introduce the students with various modes of transfer of property under the Act IV of 1882.
- Discuss the legal principles regulating the different modes of transfer of property.
- Introduce the students with legal process , rights and duties arises while transferring the property

Learning Outcome:-

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

- Identify, explain and apply the basic principles of property law covered in the course
- Analyse and predict how unresolved and/or ambiguous questions of property law could be resolved by the courts through an analysis of case law, underlying policy and the judicial method
- Analyse and critique the values and policy considerations underlying property transactions covered in the course;
- Solve the legal problem regarding the transfer of property

Course Content:-

UNIT-I:

- Meaning and concept of property
- Kinds of property
- Transfer of property
- Transferable and non-transferable property
- Who can transfer
- Operation of transfer
- Mode of transfer
- Conditional transfer
- Vested and contingent interest
- Transfer to unborn person

UNIT -II:

- Doctrine of Election
- Covenants
- Transfer by ostensible owner
- Doctrine of Feeding the Grant by Estoppel
- Doctrine of Lis- Pendens
- Fraudulent Transfer
- Doctrine of Part-performance.

UNIT -III:

- Sale
- Essential features

- Mode of Sale
- Rights and liabilities of parties. Mortgage
- Kinds of Mortgages
- Rights and liabilities of mortgagor and mortgagee
- Marshalling and Contribution
- Charges.

UNIT -IV:

- Lease
- Essential features of agreement of Lease
- Kinds of leases
- Rights and liabilities of Lessor and Lessee
- Termination of lease
- Forfeiture
- Exchange
- Gifts
- Different types of gifts
- Registration of Gifts
- Transfer of Actionable Claims.

UNIT -V:

- Easements
- Definition of easement
- Distinction between Lease and License
- Dominant and Servient Tenements.
- Acquisition of property through testamentary succession
- Will
- Codicil
- Capacity to execute Will
- Nature of bequests
- Executors of Will
- Rights and Obligations of Legatees.

Suggested Readings:

1. Mulla :*Transfer of Property*, Butterworths Publications.
2. SubbaRao GCV: *Commentaries on the Transfer of Property Act*.
3. Krishna Menon: *Law of Property*.
4. Upadhyas*Common Matrix of Transfer of Property*.

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)
Unique Subject Code:- UL57C03

Labour Law-II

Course Objective:-

- In this course, the students are to be acquainted with Social Security Frame-work prevailing in our Country. It is necessary to know the concept of social security, its importance and also constitutional basis for the same in India.
- The main theme underlying the Programme is to critically examine the provisions in the Workmen's Compensation Act, 1923.
- The machinery provided for protecting the interests of workers. Further, the objectives underlying the Payment of Wages Act, 1936, Factories Act, 1948, E.S.I. Act, 1948, the The Payment of Gratuity Act 1972 are to be studied with a view to acquaint the students with various rights and benefits available to the workmen under the legislations.

Learning Outcome:-

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

- Become acquainted to the core principles and structures of Labour Law.
- Apply labour legislation in practical subjects pertaining to their professional life.
- Acquire the ability to understand the legal framework regarding relations within the entrepreneurial environment
- Are in a position to deal with basic subjects pertaining to the structure and application of collective labour relations, and in particular acquire the ability to process collective labour agreements
- They have gained the ability of decision-making in labour matters.

Course Content:-

UNIT-I

- The Remunerative Aspects – Wages – Concepts of wages
- Minimum, Fair, Living Wages
- Wage and Industrial Policies
- Whitley Commission Recommendations
- Provisions of Payment of Wages Act 1936
- Timely payment of wages
- Authorised deductions – Claims

Minimum Wages Act 1948

- Definitions –
- Minimum rates of wages
- Procedure for fixing and revising Minimum Wages
- Claims -Remedy.

UNIT -II

Bonus

- concept
- Right to claim Bonus – Full Bench formula
- Bonus Commission
- Payment of Bonus Act 1965 - Application – Computation of gross profit, available,
- Concept of allocable surplus
- Eligibility of Bonus
- Disqualification of Bonus
- set on – set off of allocable surplus
- Minimum and Maximum Bonus
- Recovery of Bonus.

UNIT -III

Employees Security and Welfare aspect

- Social Security - Concept and meaning
- Social Insurance
- Social Assistance Schemes.
- Law relating to workmen's compensation

The Workmen's Compensation Act 1923 – Definitions

- Employer's liability for compensation
- Nexus between injury and employment
- payment of compensation
- penalty for default

Employees State Insurance Act 1948 – Application

- Benefits under the Act
- Adjudication of disputes and claims
- ESI Corporation.

UNIT -IV

Employees Provident Fund and Miscellaneous Provisions Act 1952

- Contributions
- Schemes under the Act
- Benefits.

The Maternity Benefit Act 1961

- Definitions-Application
- Benefits.

The Payment of Gratuity Act 1972

- Definitions
- application
- Payment of gratuity –
- eligibility
- forfeiture
- Nomination
- Controlling authorities.

UNIT -V

The Factories Act 1948

- Chapters dealing with Health, Safety and Welfare of Labour.

Child Labour

- Rights of child and the Indian Constitution
- Salient features of the Child Labour (Prohibition and Regulation) Act 1986.

Suggested Readings

1. S.N.Misra, *Labour and Industrial Laws*, Central law publication-22nd edition. 2006.
2. N.G. Goswami, *Labour and Industrial Laws*, Central Law Agency.
3. Khan & Kahan, *Labour Law*-Asia Law house, Hyderabad
4. K.D. Srivastava, *Payment of Bonus Act*, Eastern Book Company
5. K.D. Srivastava, *Payment of Wages Act*
6. K.D. Srivastava, *Industrial Employment (Standing Orders) Act 1947*
7. S.C.Srivastava, *Treatise on Social Security*
8. Jidwitesukumar Singh, *Labour Economics*, Deep & Deep, New Delhi
9. V.J.Rao, *Factories Law*

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)

Unique Subject Code:- UL57C04

Public International Law

Course Objective:-

- This course is framed with the objective to develop an ability to understand the relevant norms of International Law - including customary norms, general principles, treaties, judicial decisions and writings.
- Familiarity with the current state of the law and international affairs.
- A capacity to identify and analyze critically the key issues in Public International Law
- An ability to think logically, to assess competing principles impartially and to identify and solve international legal problems.
- An ability to discuss formation and different organs of UN.

Learning Outcome:-

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

- Identify the nature of international law and the structure of the international legal system and explain the basic elements of public international law.
- Apply international law in practical contexts, including the law surrounding the use of force, space law and human rights.
- Construct legal argument, and analyse and communicate issues of international law, both orally and in writing.
- Analyse the impact of international law on diverse peoples, and critique the operation of international law from a range of ethical perspectives.
- Reflect on and justify a legal position in a social context

Course Content:-

UNIT-I

- Definition and nature of International Law
- Basis of International Law
- Sources of International Law
- Relationship between International Law and Municipal Law
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UNIT- II

- Subjects of International Law
- Recognition
- Jurisdiction of the State

UNIT -III

- State Succession
- Responsibility of States for International delinquencies
- State Territory- Modes of acquiring State Territory

UNIT – IV

- State and Individual
- Extradition,
- Asylum
- Nationality

- diplomatic envoys, consuls and other representatives
- Treaties- Formation of Treaties
- Modes of Consent,
- Reservation and termination.

UNIT – V

- The United Nations Organisation
- Principal organs and their functions;
- World Trade Organisation- Main features
- International Labour Organisation.

Recommended Books:

- 1 J. G. Starke- An Introduction to International Law.
- 2 P.W. Bowett- International Institutions.
- 3 J. B. Brierly - The Law of Nations.
- 4 D. H. Harris - International Law (Cases and Materials).
- 5 Oppenheim - International Law(Volume I, Peace)
- 6 S. K. Kapoor - International Law and Human Rights.
- 7 Bhagirathlal Das – World Trade Organization .
- 8 Agrawal H O-International Law & Human Rights, Central Law Publication, Allahabad.
- 9 Starke J G, An Introduction to International Law, Aditya Book, Butterworths.

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)

Unique Subject Code:- UL57C05

Cyber Law

Course Objectives:-

This course is designed to provide fundamental skills needed to understand cyber law concepts such as privacy issues ,Cyber Space, Digital Signature , E-Commerce, computer crimes, and prosecution etc. With the rapid changes in technology, and the corresponding changes in crime and the law, the course will regularly include discussions of current changes in different legislations.The course deals with all the aspects of Cyber law as per Indian Information Technology Act.It also covers overview of Intellectual Property Right and Trademark Related laws with respect to Cyber Space.

Learning Outcomes:-

At the conclusion of the course the successful student will be able to:

- Describe laws governing cyberspace and analyze the role of Internet Governance in framing policies for Internet security
- Discuss different types of cybercrimes and analyze legal frameworks of different countries to deal with these cybercrimes
- Explain the importance of jurisdictional boundaries and identify the measures to overcome cross jurisdictional cyber crimes
- Identify intellectual property right issues in the cyberspace and design strategies to protect your intellectual property

Course Contents :-

UNIT- I: 1.Introduction

- Computers and its Impact in Society
- Overview of Computer and Web Technology
- Need for Cyber Law
- Cyber Jurisprudence

2. Constitutional & Human Rights Issues in Cyberspace

- Freedom of Speech and Expression in Cyberspace
- Right to Access Cyberspace –Access to Internet
- Right to Privacy
- Right to Data Protection

UNIT-II: Cyber Crimes& Legal Framework

- Cyber Crimes against Individuals, Institution and State etc
- Hacking
- Digital Forgery

- Cyber Stalking/Harassment
- Cyber Pornography
- Identity Theft & Fraud
- Cyber terrorism
- Cyber Defamation
- Different offences under IT Act, 2000& punishments

UNIT- III: E Commerce

- Concept
- E-commerce-Salient Features
- Online approaches like B2B, B2C , C2C, etc
- Concept of Cryptography
- Digital Signature- meaning &concept
- Online contracts – essential elements and kinds

UNIT-IV: Intellectual Property Issues in Cyber Space

- Interface with Copyright Law
- Interface with Patent Law
- Trademarks & Domain Names Related issues

UNIT-V: Dispute Resolution in Cyberspace

- Concept of Jurisdiction
- Indian Context of Jurisdiction and IT Act, 2000.
- International Law and Jurisdictional Issues in Cyberspace.
- Dispute Resolutions
- Authorities and Tribunals under IT Act,2000

Suggested Readings:

- 1.Kamlesh N. & Murali D.Tiwari(Ed), IT and Indian Legal System, Macmillan India Ltd, New Delhi
- 2.K.L.James, The Internet: A User's Guide(2003), Prentice Hall of India, New Delhi
- 3.Chris Reed, Internet Law-Text and Materials, 2nd Edition, 2005, Universal Law Publishing Co., New Delhi
- 4.Vakul Sharma, Hand book of Cyber Laws, Macmillan India Ltd, New Delhi
- 5.S.V.Joga Rao, Computer Contract & IT Laws(in 2 Volumes), 2005 Prolific Law Publications, New Delhi
- 6.T.Ramappa, Legal Issues in Electronic Commerce, Macmillan India Ltd, New Delhi
- 7.Indian Law Institute, Legal Dimensions of Cyber Space, New Delhi
- 8.Pankaj Jain & Sangeet Rai Pandey, Copyright and Trademark Laws relating to Computers, Eastern Book Co, New Delhi
- 9.Farouq Ahmed, Cyber Law in India
- 10.S.V.Joga Rao, Law of Cyber Crimes and Information Technology Law, 2007, Wadhwa & Co, Nagpur
- 11 Rodney D. Ryder, Guide to Cyber Laws, 2nd Edit, Wadhwa and Company, Nagpur

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)
Unique Subject Code:- UL57E06
Human Rights

Course Objectives:

Human Rights course is designed to develop fundamental values and respect for human rights and human dignity, freedom, democracy, equality and the rule of law.

- To make students aware of Universal Human Rights and its application in Indian legal system.
- To let them know the various remedies available for protection of Human Rights in India

Learning Outcomes:

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

- Demonstrate commitment for the cause of protecting human rights in India.
- Students will ultimately assessed on their knowledge of the legal system and legal doctrine.
Students will graduate with a broad knowledge of foundational and other core area human rights, specialized knowledge in areas of interest and experience with advanced study.
- Students will ultimately assessed on the development of legal analysis, legal communication and legal research.
- Look at human right problems in India and use his legal expertise inredressing these problems effectively.
- Work as acatalyst to spread Human Rights awareness amongst ignorant sections of society.

Course Contents:-

UNIT I - Basic Concepts

- Concept of Human Rights
- Evolution & Development of Human Rights: International & Indian Perspective
- Classification of Human Rights
- Interrelationship between Rights & Duties.
- Universal Declaration of Human Rights- Significance-Preamble

UNIT II -Deprivation of Human Rights: Core Issues

- Poverty, Overpopulation, illiteracy
- Problems of Unsustainable Development
- Problems of Disadvantaged Groups:
 - a) Women, (b) Children, (c) Scheduled Castes & Scheduled Tribes
 - d) Disabled Persons, (e) Homeless & Slum Dwellers, (f) Refugees & Internally Displaced Persons,
 - (g) Aged Persons

UNIT III-International Redressal Mechanism& Regional Arrangements

- European Convention on Human Rights
- The American Convention on Human Rights
- African Charter on Human & People's Rights
- International Commission on Human Rights
- International Labour Organization
- Non – Governmental Organizations
- Amnesty International
- Media Advocacy
- Legal Aid & Legal Literacy

UNIT IV -Human Rights in Indian Context

- Preamble, Fundamental Rights, Directive Principles &Fundamental Duties
- Enforcement Mechanism:
- Protection of Human Rights Act, 1993
- Judicial Remedies of Violation of Human Rights
- Statutory Commissions

UNIT V - Contemporary Issues & Concerns

- Human Rights & Terrorism
- Threat of Use of Nuclear Weapons
- Climate Change & Natural Disasters & Environmental induced Issues
- Violation of Human Rights in Cyber World
- Sexual Orientation & Gender Identity

Suggested Reading:-

- 1.Meron Theodor, Human Rights and International Law: Legal and Policy Issues, 2 Vols.
- 2.S.K. Kapoor, Human rights Under International Law and Indian Law.
- 3.C. J. Nirmal, Human Rights in India, Oxford
- 4.P. R. Gandhi, International Human Rights Documents, Univrsal, Delhi
- 5.Wallace, International Human Rights: Texts and Materials, Sweet and Maxwell
6. Dr. H.O. Agrawal, International Law and Human Rights, Central Law Publication
7. K. R. Gupta, Global Terrorism, Atlantic Publishers
8. DugmariRao, HIV / AIDS and Law, Ethics and Human Rights, Discovery Publishing House, New Delhi.

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)

Unique Subject Code:- UL57E07

Law Relating to Women

Course Objectives:

- A woman is seen as divine and worshiped as the embodiment of all the virtues on one hand but on other hand she is discriminated against and victimized by the norms created by the male dominated society. She has not been given her dues and legitimate place and status in the society even after all the civilization and cultural revolutions. No religion can boast about the equal rights given to the women on par with the men in all respects. Unfortunately the man made law could not rectify the historical inequality where it is possible. This is the precise reason to study the various laws pertaining to the women.
- Students will develop an understanding of how gender combines with nationality, race and ethnicity, religion, social class, sexual orientation, and physical ability to shape the experiences of men and women, including themselves.
- The course draws the attention to the feeble condition of women and their exploitation. The legal limitation on their capacity and legal rights and protection provided in the Constitution and in various laws are to be studied critically.
- Analyze and examine global women's right issues
- Assess policy approaches to women's rights issues and provide policy recommendations

Learning Outcomes:

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

- demonstrate an understanding of how gender constructs within and outside the legal system affect women interactions with the law;
- demonstrate the skills of socio-legal analysis, research, written, presentation and legal analysis through the completion of set assigned tasks;
- demonstrate a critical analysis of law related problems and existing reform proposals from a socio-legal and holistic perspective for protection of women in India.

Course Contents:-

UNIT-I:

- Historical background and status of women in ancient India
- Constitutional Provisions – Fundamental Rights, Directive Principles of State policy & Fundamental Duties related to women
- Uniform civil Code

UNIT -II:

- Laws relating to marriage, divorce and succession and maintenance under therelevant personallaws with special emphasis on discrimination of women

- Special Marriage Act
- Maintenance under Cr. P.C.

UNIT -III :

- Special provisions relating to women under the Indian Evidence Act, 1872
- Offences against women under Indian Penal Code
- outraging the modesty of women
- sexual harassment-
 - o rape
 - o bigamy
 - o mock and fraudulent marriages
 - o adultery
 - o causing miscarriage
 - o insulting women etc.
 - o Cyber Crimes and Victimization of Women

UNIT -IV:

- Socio-Legal position of women and the law
- Dowry Prohibition Act, 1961,
- Medical Termination of Pregnancy Act
- Law relating to the Pre Natal Diagnostic Techniques(Regulation and Prevention of Misuse) and Sex selection
- Immoral Traffic (Prevention) Act
- Law relating to domestic violence.

UNIT -V :

- Relevant provisions relating to women under Maternity Benefit Act, 1961,
- Factories Act and other Labour & Industrial Laws
- Sexual Harassment of women at workplace.
- Position of Women under International instruments
- Salient features of Convention for Elimination of all forms of Discrimination Against Women(CEDAW)

Suggested Readings :

- 1.S.P. Sathe: Towards Gender Justice.
- 2.Dr. Vijay Sharma: Protection to woman in Matrimonial home
- 3.Dr. SarojiniSaxena: Femijuris(Law relating to Women in India)
- 4.Dr. ArchanaParsher: Women and Social Reform
- 5.Dr. ParasDiwan: Dowry and protection to married women
- 6.Mary Wollstonecraft: A Vindication of the rights of women.
- 7.Dr. G.B.Reddy: Women and Law, 2nd Edn. Gogia Law Agency, Hyderabad, 1998.
- 8 Dr. Anjali Hastak, Empowerment of women through Property Rights in Hindu Law, SPARC publication , Chandrapur

B.A.LL.B. SEM –VII (5 YR CBCS COURSE)

Unique Subject Code:- UL57E08

Law of Trust

Course Objectives:

The function of the course is to develop an understanding of the nature and utility of the trust concept and of equitable remedies in a changing social and commercial environment. The course encourages students to develop their analytical faculties and to think for themselves, so that they have the ability to tackle practical problems and to forecast how the law should develop to fulfil its purposes.

Learning Outcomes:

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

- Demonstrate comprehensive and accurate knowledge and understanding of those aspects of the law of equity and trusts identified in the indicative syllabus above and form a critical judgement on areas of controversy within the topics studied;
- Critically analyse complex problems in the law of trusts, apply the legal principles studied to these problems, evaluate competing arguments or solutions and present well supported conclusions, both orally and in writing;

UNIT-I

- Introduction- The concept of trust: distinction with agency and contract
- Development of law of Trust common law and equity
- Trusts: classification- Definition and Nature of trusts under the Indian law
- Creation of trusts: rules
- Duties of trustees
- Execution- Acquaintance with the nature of property
- Duties in respect of title
- Duty of care
- Conversion
- Impartiality
- Prevention of waste
- Keeping of accounts and giving of information
- Liability for breach of trust.

UNIT-II

- Rights of Trustees
- Powers of trustees
- Property of Minors

UNIT-III

- Power to compound
- compromise and settle
- Exercising authority on death or disclaimer of one of the trustees
- Suspension of trustee's power
- Disabilities of trustees
- Rights of beneficiaries Rents and profits
- Specific execution- Inspection and Information
- Transfer- Suit for execution to have proper trustees
- Right to compel the trustee to do the duties
- Rights on wrongful purchase or acquisition by trustees
- Follow up of trust properties in the hands of third parties
- Blending of property by trustee
- Wrongful application of trust property by partner trustee for partnership purposes.

UNIT-IV

- Liabilities of Beneficiaries
- Discharge of Trustees
- Appointment of New Trustees
- Extinction of Trust
- Constructive trusts: the equitable and fiduciary Relationship
- Transfer without intent dispose beneficial interest
- Trust incapable of execution and trusts executed fully without exhausting property
- Cypress doctrine
- Transfer and request for illegal purpose
- Transfer pursuant to rescindable contract
- Debtor becoming creditor's representative
- Advantage from undue influence
- Advantage by qualified owner
- Property acquired with notice of existing contract
- Purchase by person contracting to by property to be held on trust
- Possession of property without whole beneficial interest

UNIT- V

- Duties of constructive trustees
- Rights of bonafide purchasers
- Special legislation
- Charitable and religious trust
- Registration of public trust
- Budget Accounts and Audit- Public Trust Administration Fund
-
- Offences and penalties

Suggested Readings :

- 1.S. Krishnamurthy Aiyar and Harbans Lal Swin, Principles and Digest of Trusts Laws (1998),
2. University Book Agency, Allahabad. R.H. Mandsley and E.H. Burn,
3. Trust and Trustees: Casea and Materials (1978) Butterworths, London.
4. R.E. Megarry and P.V. Baker, Snell's principles of Equity (1964)ELBS, Sneet and Maxwell.
5. Philip H. Pettit, Equity and Law of Trust (1970)

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58F01

Alternate dispute resolution (ADR)

Course Objectives:-

- The course includes a detailed examination of the theory and practice of ADR methods in the context of an adversarial legal system, to develop an understanding of the operation and implications of various ADR theories and practices and to assess their value.
- It evaluates the experience in India and other common law countries of the development and incorporation of ADR options in dispute resolution, in civil, administrative, family and criminal contexts
- The course explores the application of ADR processes in the National and International environment,

Learning Outcomes:-

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

- Capacity to identify and analyze the complex drivers of dispute behavior in the community,
- Development of basic mediation skills, including communication, analysis, and issue identification
- Capacity to engage in simple dispute resolution systems design
- Ability to adaptively apply ADR theory in varied practical contexts, including international, industrial, and socio political
- understanding of the ethical and legal ethical issues surrounding Dispute Resolution models and practice.

Course Contents:-

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|---|----------|
| A) Record on Topics from Unit I to III – | 15 Marks |
| (Marks to be awarded by the Internal evaluation Committee) | |
| B) Diary on Lok Adalat, Family Court, Tribunals & other ADR Proceedings | 15 Marks |
| (Marks to be awarded by the Internal evaluation Committee) | |
| C) Viva –Voce | 20 Marks |
| (Marks to be awarded by the Internal evaluation Committee) | |

Unit-I:

- Alternate Dispute Resolution
- Characteristics
- Advantages and Disadvantages
- Unilateral, Bilateral ,Triadic (Third Party) Intervention
- Techniques and processes -Negotiation -Conciliation -Arbitration
- Distinction between Arbitration, Conciliation and Negotiation.

Unit-II: The Arbitration and Conciliation Act, 1996

- Historical Background and Objectives of the Act
- Definitions of Arbitration, Arbitrator, Arbitration Agreement
- Appointment of Arbitrator
- Termination of Arbitrator –
- Proceedings in Arbitral Tribunal
- Termination of Proceedings
- Arbitral Award --Setting aside of Arbitral Award
- Finality and Enforcement of Award
- Appeals
- Enforcement of Foreign Awards.
- Conciliation
- Appointment of Conciliators
- Powers and Functions of Conciliator
- Procedure
- Settlement of disputes through conciliation.

Unit-III: Other Alternative Dispute Resolution Systems

- Tribunals
- Lokpal and Lokayukta
- Lok Adalats
- Family Courts. Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.

Suggested Readings:

- 1.O.P. Tiwari : The Arbitration and Conciliation Act(2nd Edition): Allahabad Law Agency.
- 2.Johar's : Commentary on Arbitration and Conciliation Act, 1996: Kamal Law House.
- 3.Acharya N.K.: Law relating to Arbitration and ADR, Asia Law House, Hyderabad
- 4.Tripathi S.C.: Arbitration, Conciliation and ADR, Central Law Agency, Allahabad.
- 5.Avatar Singh: Arbitration and Conciliation, Eastern Law Book House, Lucknow.
- 6.KSR Murthy: An introduction to ADR Mechanism, Gogia Law Agency, Hyderabad
- 7.P.C. Rao : Alternate Dispute Resolution, 2001 Edition, Universal Book Traders, New Delhi.

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58C02

Civil Procedure Code & Limitation Act

Course Objectives:-

Civil Procedure Code is subject of daily use by the courts and lawyers. Students cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. Hence Course is designed with following objectives-

- The course intends to understand the legislative measures in procedural.
- The course also helps in understanding the procedures to be followed by the civil courts from the institution of suits till the final disposal.
- The course tries to understand the computation of limitation period for the institution of suit, appeal and applications along with exclusion.

Learning Outcomes:-

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

demonstrate a sound understanding and knowledge of the progress of civil litigation from initial considerations through trial to appeals. In particular, students should be able to demonstrate a sound understanding and knowledge of the following specific topics:

- Allocation of business between the High Court and County Courts, the overriding
- objective of the Civil Procedure Rules and the duty of the court to manage cases Limitation, pre-action conduct, and commencing proceedings
- Parties and statements of case
- Multiple causes of action, counterclaims and other additional claims● Amendment and further information
- Default judgment and summary judgment
- Case management, sanctions and striking ou
- Disclosure and inspection of documents
- Interim applications, interim payments, security for costs and interim injunctions
- Offers to Settle
- Evidence of fact and expert evidence
- Civil Trial and Evidence
- Judgments, Orders, Enforcement, Costs and Appeals

Course Contents:-

UNIT – I

- Introduction Definitions
- Jurisdiction of Civil Court

- Place of Suing
- Institution of Suits
- Presentation of Plaintiff
- Parties to the suit
- principles of res sub judice and res judicata.

UNIT – II

- Pleadings & Trial Plaintiff
- Written Statement
- Service of Summons
- Appearance and Non-Appearance of Parties
- Discovery, Inspection and Production of Documents
- Admission
- Production, Impounding and Returning of Documents
- transfer of suits-decree and judgment
- Remand – Restitution
- Appeals: first appeal, second appeal,
- appeals from orders and appeals to Supreme Court
- Reference – Review - Revision

UNIT – III

- Suits in particular cases Suits by and against government and public officer
- Suits by indigent person
- suits by or against minors and lunatics,
- aliens and foreign rulers, soldiers, corporation, Firms, trustees, executors and administrators
- suits relating to family matters, mortgages, public nuisance and public charities
- interpleader suits
- summary procedure.

UNIT – IV

- Execution General principles,
- courts by which decree may be executed,
- payment under decree,
- application for execution,
- mode of execution,
- stay of execution,
- questions to be determined by executing court,
- arrest and detention,
- attachment of property sale and delivery of property, distribution of assets.

UNIT – V

- Limitation Act Definitions
- Limitation of Suits

- Appeals
- Computation of Period of Limitation
- Acquisition of ownership by possession.

Suggested Readings:-

1. Mulla,Code of Civil Procedure Code (1999)Universal, Delhi.
2. C.K. Thakkar ,Code of Civil Procedure Code(2000)Universal ,Delhi.
3. M.R.Mallik (ed)B.B. Mitra, On Limitation Act (1998) Eastern ,Lucknow.
4. P.K. Majumdar and R. P. Kataria, Commentry On The Code of Civil Procedure Code-1908,Universal ,Delhi.
5. P.K.Mukharjee,Limitation Act,Allahabad Law Agency.
6. Shailendra Malik, Code Of Civil Procedure ,27 th Edition,2011,Allahabad Law Agency.
7. Dr.Avtar Sing,Code of Civil Procedure,Central Law Publication,Allhabad
8. Sarkars Commentry on The Civil Procedure Code ,Dwivedi ,Allahabad Law Agency.
9. AIR Commentaries on Limitation Act, W.W. Chitaley, AIR Ltd., Nagpur

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58C03

Criminal Procedure Code

Course Objectives:-

- This course examines various topics in criminal procedure and evidence in India. It is designed to explain and critique the legal rules pertaining to the gathering of evidence, the court process, the admissibility of evidence at trial and post-conviction sentencing, appeals, and other remedies
- The course intends to understand the legislative measures in procedural.
- The course also helps in understanding the procedures to be followed by the criminal courts from the institution of suits till the final disposal.
- The course tries to understand the computation of limitation period for the institution of suit, appeal and applications along with exclusion.

Learning Outcomes:-

At the conclusion of the course the successful student will be able to:

- Explain the general rules governing the criminal investigative process in India.
- Discuss the general matters relating to criminal procedure.
- Discuss the evidentiary issues in a Criminal trial.
- Explain the significance and purpose of the laws of procedure and evidence in the search for truth and the protection of civil liberties.
- Critically evaluate components of the investigative, trial and post-conviction process and the procedure govern them.

Course Contents:-

UNIT-I : The Code of Criminal Procedure, 1973 :

- The rationale of Criminal Procedure
- Constitutional Perspectives : Articles 14, 20 & 21
- The organization of Police, Prosecutor and Defence Counsel
- Hierarchy of Criminal Courts and their powers
- Classification of Offences
- Stages of Criminal case
- Investigation—Police Powers--F.I.R-Recording of Statements and Confessions
- Arrest --Arrest with and without Warrant
- Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India.

UNIT II:

- Bail-When bail shall or shall not be granted
- Cancellation of Bails
- Anticipatory Bail
- General Principles concerning Bail Bond

- Search and Seizure
- Search with and without warrant
- General Principles of Search & Seizure
- Constitutional aspects of validity of Search and Seizure proceedings.

UNIT -III :

- Cognizance of Offence
- Form and content of Charge
- Trial Process: Features of Fair Trial
- Jurisdiction of Criminal Courts
- Trial before Court of Sessions and Magistrate
- Pleas of Autrefois Acquit and Autrefois Convict
- Rights of accused --Constitutional Interpretation of Article 21 as a right to speedy trial —Charge

UNIT -IV:

- Judgment: Form and content
- Summary trial
- Post-conviction orders in lieu of punishment
- Transfer of Cases
- appeals, review and revisions
- Reforms in Criminal Procedure Code

UNIT-V

- Preventive Measures
- removal of Public Nuisance
- Security Provisions
- Maintenance of wife, children & parents

Suggested Readings:-

- 1.Ratanlal &Dhirajlal-Criminal procedure Code,Universal, Delhi.
2. Chandrashekaran Pillai,Kelkal Lectures on Criminal Procedure Code,Eastern,Lucknow.
- 3.ShailedraMalik,The Code Of Criminal Procedure Code,Eighteen edition,2011,Allahabad law Agency
- 4.R.N. Choudhari,Juvenile Justice In India,II nd Edition,Orient publishing Compony,Allahabad.
- 5.K.L.Sethi,The Probation of offender Act,1958,3 rd Edition,Unique Law House,Ahemadabad.

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58C04

Law of Evidence

Course Objectives:-

To provide learners with detailed knowledge and skills in the rules of evidence and procedure as they have to follow in civil and criminal trials as might be relevant to a person working in a legal office, an insurance company or associated fields in the public or corporate sectors. Knowledge of the rules of evidence will enable analysis and evaluation of evidence available in connection with the preparation of a case for trial.

Learning Outcomes:-

At the conclusion of the course the successful student will be able to:

- Analyse and define the concept and general nature of evidence, and illustrate the different types of evidence and court procedures relating to evidence.
- Determine and analyse the standard of proof and burden of proof in civil and criminal cases, and specify types of presumptions.
- Analyse the rule relating to relevance of facts.
Assessment criteria
- Analyse and evaluate the rules governing examination in chief, cross examination and re-examination, and understand the procedures in the conduct of a civil or criminal trial.
- Determine the rules relating to competence and compellability of witnesses in relation to case study material.
- Analyse, evaluate and assess the framework of statutory and common law rules which provide the basis for evidence to be excluded.
- Determine and assess the rules of evidence relating to admissions
- Analyse the concept of credibility of a witness
- Determine and evaluate the main considerations to be exercised by a legal practitioner when preparing a case for trial.

Course Contents :-

Unit – I Introduction and Relevancy of Facts

- Definitions – Court, Fact, Fact in Issue, Relevant Facts, Evidence, Document, Proved, Disproved & Not Proved, Oral, Documentary & Hearsay Evidence
- Standard or Degree of Proof in Civil / Criminal Proceeding
- May presume, Shall Presume & Conclusive Proof
- Res Gestae
- Facts which are Occasion, Cause & Effect
- Motive, Preparation & Conduct
- Explanatory or Introductory facts & Test Identification Parade
 - The General Rule
 - Proof of the identity of accused
 - Visual Identification by Identity Parade

- Evidence to Prove Conspiracy
- Inconsistent Facts (Plea of Alibi)

Unit -II Admissions & Confessions

- Definition of Admission
- Persons whose Admissions are Relevant & Against Whom Admission may be Proved
- Admissions how far Relevant & Evidentiary Value of Admissions
- Definition & Evidentiary Value of Confession
- Confessions carrying Inculcatory & Exculpatory Statements
- Extra Judicial Confession, Confession caused by Threat, Confession to Police & Confession of Co-accused

Unit -III Statements by Persons who cannot be called as Witnesses

- Dying Declaration – Essentials & Evidentiary Value
- Relevancy of Evidence in Prior Judicial Proceeding
- Statements made under Special Circumstances
- Judgments of Court when Relevant
- Opinions of third persons when Relevant
- Character when Relevant

Unit -IV Proof

- Facts which need not be proved
- Oral Evidence and Exceptions to the Exclusion of Hearsay Evidence
- Documentary Evidence
- Admissibility of Electronic Record
- Exclusion of Oral by Documentary Evidence

Unit -V Production & Effect of Evidence

- Burden of Proof
- Survivorship & Death
- Presumptions
- Estoppel
- Witnesses & Privileged Communications
- Rules regarding Examination of Witnesses

Suggested Readings:

- 1.Batuk Lal: The Law of Evidence, 13th Edition, Central Law Agency, Allahabad, 1998.
- 2.M. Munir: Principles and Digest of the Law of Evidence, 10th Edition (in 2 vols),Universal Book Agency, Allahabad, 1994.
- 3.Vepa P. Saradhi: Law of Evidence4th Edn. Eastern Book Co., Lucknow, 1989.
- 4.Avtar Singh: Principles of the Law of Evidence, 11th Edn. Central Law Publications.
- 5.V. Krishnamo Chary: The Law of Evidence, 4th Edn. S.Gogia & Company, Hyderabad

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)
Unique Subject Code:- UL58C05

Criminology

Course Objectives:-

- Demonstrate knowledge of the basic structure and functions of the main components of the criminal justice system – law enforcement, courts, and corrections.
- Understand and apply competing sociological and criminological theories to explain the social construction of crime and deviance, the nature and causes of crime, and the social reaction to crime and deviance.
- Understand the historical components of the criminal justice system, including social, economic, and political variables in the creation of laws and institutions to regulate individual and collective deviant and criminal behaviors.
- Formulate theoretical and empirical explanations of various social problems associated with the criminal justice system in India.

Learning Outcome:- At the conclusion of the course the successful student will be able to:

- Analyze and interpret the diversity of social experience associated with criminology and social justice issues, especially as they relate to race, class, gender, age sexual preference, religion and nationality.
- Assess competing theoretical approaches to criminology and social justice issues of publics with differing and multiple interests; specify structural or institutional sources of these criminology and social justice issues; and, propose and assess policies, interventions and/or modes of advocacy that will enact positive change.
- Locate, analyze, assess, and communicate criminology and social justice scholarship.
- Articulate the applicability of and demonstrate ability to employ a range of research strategies.
- Articulate the ethical and social justice implications of criminology and justice studies.

Course Contents:

UNIT-I Dimension of Crime in India

- Nature and extent of Crime in India
- Concept,Nature,Definition and Characteristics of crime
- Theories of Crime
- Crimes of the powerful
- Organised crime - smuggling,traffic in narcotics
- White collar crime -corruption in public life
- Crimes in the professions -medical, legal and engineering
- The situational offenders
- Criminality in woman
- Young offenders
- Criminal gangs

UNIT-II Causes of Criminal behaviour

- Heredity and crime

- Mental disorder and criminality
- Bio-physical factors and criminality, theory by Lombrosso
- Sociological theory of crime with the theory of Different Association by Sutherland
- Economic theory and their relevance
- Multiple factors responsible for crime causation
- Caste and community tensions: caste wars and communal riots- their causes and demoralising effects;
- atrocities against Scheduled cadres.

UNIT-III Punishment of offenders

- Some discarded modes of punishment like whipping, mutilation, branding, public execution, transportation etc.
- Types of punishment
- Concept of Fine
- The Prison System
- Administrative organisation of prisons
- The Jail Manual
- Powers of prison officials
- Classification of prisoners - male, female, juvenile and adults, undertrial and convicted prisoners
- Prison Reforms
- Open Prison
- Prison Labour
- Violation of prison code and it's consequences

UNIT-IV Police and Criminal Justice

- The Police System
- Preparatory Police Training Programme
- The Role of police
- Legal functions of police -patrolling, surveillance, preventive functions, search and seizure etc
- Third Degree Methods and liability of police for custodial violence
- Corruption in police
- Police public relation
- Malimath Committee Report on police functioning
- INTERPOLE

UNIT-V Treatment for correction of offenders

- The need for rehabilitation and reformation of prisoners
- The role of Psychiatrist, Psychoanalysts and social workers in prison
- Vocational and religious education and apprenticeship programmes for the offenders

- Group counselling and resocialisation programmes
- Participation of inmates in community services

UNIT-VI Re-socialization Process

- Parole
- Nature of parole
- Authority for granting parole
- Supervision on Parolees
- Parole and Conditional Release
- Probation
- Difference between Parole and
- Problems of released offenders

UNIT-VII Victimology

- The concept of Victimology
- Rights and Protection to victims under Criminal Law
- Role of victim
- Compensation under various laws
- Sec. 357 of Cr.P.C.
- Motor Vehical Acts
- Sexual harrasment and assault
- Medical negligence
- State liability to pay compensation
- Justice to victims
- Malimath Committee Report on victims

Reference Books :

- 1) Kathering S. Williarns, "Textbook on Criminology" 2002
- 2) Ahmad Siddique, "Criminology problems and porspective" 2005
- 3) K.D.Gaur, "Criminal law- Cases and materials" 2005
- 4) Prof N .V .Paranjape, "Criminology and penology" 2006
- 5) Katherine S. Williams, "Text book on Criminology" (1997), Blackstone,London
- 6) Hall, J. Law, "Social Sciensce and criminal Theory"(1982).
- 7) Manheim,H."Comparative Criminology:A Text book" (1965).
- 8) Ross, H (Lawrnce Ed.) Law and Deviance(1981).
- 9) Sutherland, E. and Cressy, Principles of Criminology
- 10) S. Rao,"Crimes in Our Society" , (1983).
- 11) J. M. Sethna,"Society and the Criminal" (1980).
- 12) S. Kaldate,"Society, Delinquent and Juvenile Courts" (1982).
- 13) D. C. Pandey, "Haditual Offenders and the law" .
- 14) Krishna Iyer Report on Female Prisoners (1986).
- 15) Mulla Committee Report, (1983).

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58E06

Tribal Laws

Course Objective:

The University being located in Tribal Region , study of tribal laws become imperative for the students. The course aims at understanding the fundamental characteristics of tribal population, their rights , problems and solutions thereupon..The course provide students insight into the welfare measures adopted for tribals in the Indian laws and otherwise.

Learning Outcome:- At the conclusion of the course the successful student will be able to:

- Cater the needs of tribal population residing in the region.
- Contribute in alleviation of problems faced by the tribal's in securing their rights
- Undertake studies and projects to suggest reforms in legal system for better protection of tribal's in India

Course Contents:

UNIT-I

- Federalism and Tribal Governance in India
- The Authority of the Centre and the States in Tribal Affairs
- Land Rights to Tribal's under The Fifth and Sixth Schedules of the Constitution
- The Panchayat (Extension to Scheduled Areas) Act 1996
- Problems Related to Scheduled Tribes
 - Cultural Problems
 - Educational Problems
 - Economic Problems
 - Health and Sanitation Problems
- Constitutional Rights to Tribal People

UNIT-II

- Formation of PESA (Panchayats Extension to Scheduled Areas) Act, 1996
- The Impairment of Tribal Rights in a Decentralized Government
- The Anathema of State Legislative Incompetence
- The Fading Tribal Rights in Natural Resources
- The Continuous Erosion of Tribal Land Rights
- Insufficient Protection for Tribal Forest Rights

- Tribal Rights to Water Resources
- The Tribal Struggle to Cope with Imposed Laws

UNIT-III

- Institutionalize Autonomous Tribal Governments
- Concept of "OUR RULE IN OUR VILLAGES"
- Autonomy as a "New Deal" between the State and the Tribes
- Decentralization Becomes an Instrument of Elite Hegemony
- The Recognition of Tribal Autonomy in International Law

UNIT-IV

- Designing an Alternative Legal System for Tribal Governance in India
- Securing Tribal Property Rights
- The Constitutional Scheme for Tribal Autonomy
- The Role of the Centre and the State
- The Contiguity Provided by Civil Society

UNIT-V

- Salient Feature India's Forest Rights Act of 2006
- Increase in the ceiling on land occupation:
- Features of Forest Conservation Act of 1980
- Features of NISTAR Rights

Suggested Readings:

1. VasudhaDhagamwar, *Role and Image of Law in India: The Tribal Experience*, 2006, Sage Publications India Pvt. Ltd, New Delhi
2. Pariyaram M. Chacko (edt.), *Tribal communities and social change*, 2005, Sage Publications India Pvt. Ltd, New Delhi
3. Govind Chandra Rath, *Tribal Development in India: The Contemporary Debate*
4. M.P.Jain, *Indian Constitutional Law*, Wadhwa& Co, Nagpur
5. V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow
6. Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi
7. C. J. Nirmal, Human Rights in India, Oxford

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58E07

Penology , Probation of Offenders Act & Juvenile Justice Act

Course Objectives:-

Penology is the study of punishment, in prison and in the community. Students are encouraged to think critically about the multiple purposes and debatable effectiveness of our contemporary modes of punishment, and to understand why this ‘end product’ of the criminal justice system has become, in recent decades, such a politically contested issue.

The study of Probation of Offenders act is to understand the meaning and significance of

- probation sentencing To develop a clear conception of the statutory
- framework that envisages Probation Sentencing To study the interpretations of the benevolent provisions of law relating to probation sentencing

The study of Juvenile Justice (care & Protection)Act,2015 is necessary to understand the causes & effect of criminal system adopted to deal with juveniles.

Learning Outcomes:-

At the conclusion of the course the successful student will be able to:

- Understand the realities of prison life for different categories of offenders and the challenges of successful resettlement in the community after a term of imprisonment.
- Demonstrate an ability to utilize ideas and research from social sciences and to understand the value of penological approaches.
- The students shall have an understanding about the legislative framework underlying probation sentencing &understand various statutory provisions which guide the courts while exercising their probation sentencing discretion.
- The students would define concept of Juvenile and Measures adopted by law to deal with juvenile in India

Course Contents :-

Unit I Penology :-

- Meaning and concept of Penology
- Nature of Punishment
- Importance of punishment
- Forms of punishment in ancient, medieval and modern times.
- Theories of punishment
- New alternative forms of punishment.

Unit II 1) Prison System

- Definition of prison
- Prisons in ancient, medieval and modern times
- Types of prisoners.

2) Prison reforms

- Role of inquiry committees and commissions.
- Prison administration

Unit III Prison Legislations

- History and evolution of prison legislations in India
- Prisons Act.
- Prisoners Act: Transfer of Prisoners Act
- Jail Manuals

UNIT-IV Probation History and Administration

- Pretrial Releases, Sentencing, and the Presentence Report
- Salient features of Probation of Offenders Act
- Power of court to release certain offenders under Probation of Offenders Act
- Provision for Offenders under 21 years of age
- Conditions of probation
- The Probation Officer – Appointment and duties
- Report of probation officer
- Probation and Parole Supervision
- Parole and Indeterminate Sentence

UNIT-V Juvenile Justice Act

- Definition Nature and forms of juvenile delinquency
- Juvenile Justice System Vs. Criminal Justice System
- Beijing Rules-Riyadh Guidelines
- Salient features of Juvenile Justice (care & Protection)Act,2015
- Juvenile Justice Board
- Procedure in relation to children in conflict with Law
- Child Welfare Committee
- Child in need of care & Protection
- Rehabilitation and social integration of Children
- Adoption under JJ Act, 2015
- Other Offences provided under Chapter X of JJ Act, 2015

Suggested Reading:-

- 1) Dr. Krishna Pal Malik, “Penology , Victomology & correctional administration in India” . Delhi , Allahabad Law Agency, 1st edition,2011
- 2) Prof. N.V. Parajape, “ Criminology, Penology & Victomology” Allahabad, Central Law Publication, 15th Edition 2011, reprint, 2012
- 3) Rabindra K. Mohanty, Satyajeet Mahanty” Criminology, Penology & Victimology’ Himalay Publication House, First Edition 2012
- 4) Juvenile Justice (care & Protection)Act,2015

B.A.LL.B. SEM –VIII (5 YR CBCS COURSE)

Unique Subject Code:- UL58E08

Insurance Law

Course Objective:-

Insurance is a very technical subject. In Many cases, insurance claim are rejected by the Insurance companies on some technical grounds. So, while dealing in insurance matters, finance professional or an investor should understand the basic concepts and principles of insurance. This course has been prepared so as enable the students to understand

- The need of studying principles of insurance
- Meaning of insurable interest in insurance agreements and its importance
- Meaning of various technical terms like indemnity , ‘Uberrimae fidei’ etc
- Subrogation and Contribution’s meaning and importance in Insurance contracts
- Importance of disclosures in Insurance contracts
- Various types of moral hazards in insurance contracts.
- To study various types of Insurances and their applicability in day to day life

Learning Outcome :-

On successful completion of this course student will be able to:

- identify what insurance is, why insurance works and how to determine insurance needs.
- explain insurance operation, including functions of insurance, insurance markets, insurance regulations and the use of insurance as a tool to avoid losses and reduce risk.
- familiarise themselves with major insurance products, such as life insurance, health insurance, Marine Insurance, Fire Insurance .
- In some Insurance companies, the law officer is entrusted with the work of compliance. In order to achieve the same, one should not only have the basic knowledge of regulations, but should also keep himself abreast of the changes happening in the field.
- The student of law need to have a special knowledge of insurance laws and regulations. Young graduate will get job opportunities in insurance market.

Course Content:-

UNIT-I

General Principles

- Essentials of Insurance Contract ,
- Specific Principles of Insurance Contract ,
- Uberrimae fides or Utmost Good Faith ,
- Insurable Interest „Indemnity ,
- Proximate Cause or Causa Proxima ,

- Subrogation ,
- Kinds of Insurance,
- Miscellaneous Principles
- Contribution ,
- Double Insurance
- Re-insurance Assignment ,
- The Insurance Regulatory and Development Act, 1999

UNIT-II

- Definition of Insurance,
- Conditions and Privileges and Life Insurance Policies ,
- The Risk ,
- The Premium ,
- The continuance of policy ,
- Lapsed Policies ,Renewal ,
- Difference between contract of Indemnity and Life Insurance Contract.

UNIT-III

Life Insurance Corporation Act, 1956 ,

- Objectives of Life Insurance Corporation of India ,
- Functions of the LIC of India ,
- The structural Frame work of the LIC ,
- Important Provisions of Life Insurance Corporation Act,
- Group Insurance Scheme

The Insurance Regulatory and Development Act, 1999 –

- Salient features,
- constitution, power & functions of IRDA

UNIT-IV

Definition of Marine Insurance

- Insurable Interest
- Disclosure and Representations
- Classification of Marine Insurance
- Warranties in Marine Insurance
- Voyage
- Warranty of Sea-worthiness of ship
- Implied condition as to commencement of risk
- Assignment of Policy

- Loss and Abandonment
- Included and excluded losses
- Partial and Total Loss
- Actual Total Loss
- Partial Loss
- Insured Perils
- Right of Insurer on Payment

UNIT-V

Fire Insurance-

- Definition,
- Nature of fire insurance
- Characteristics
- Insurable Interest ,
- standard fire policy,
- Kinds of fire policy,
- Excepted perils

Health Insurance-

- Definition,
- Group Mediclaim Policy,

Motor Vehicle Insurance-

- concept,
- need of motor insurance,
- law governing motor insurance,
- types of motor vehicle insurance,
- Liability,
- driver without valid licence and liability of insurer,
- contributory negligence ,
- motor accident claim tribunal,
- registration of claim petition.

Reference Books

- 1) Law of Insurance - Dr.S.R.Myneni
- 2) Principles of Insurance Law - S.V. Joga Rao
- 3) Insurance ,Law and Practice- C.L.Tyagi ,Madhu Tyagi
- 4) Law of Insurance – Prof.M.N.Mishra
- 5) Law of Insurance- Avtar Singh

