

PART XI
Syllabus of Fourth Year B.A. LL.B., Fourth Year B.B.A. LL.B.
and Second Year LL.B.

Fourth Year B.A. LL.B. - Semester VII

Fourth Year B.B.A. LL.B. - Semester VII

Second Year LL.B. - Semester III

LC 0701 Constitutional Law II :

Objective of the Course : The Course is designed with an objective to acquaint the students with the Federal principles of Indian Constitution and the powers, functions and structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates.

Module 01 Nature of Indian Federalism :

1. Forms of Governments
2. Concept of Federalism
3. Essential characteristics of American Federalism
4. Essential characteristics of Indian Federalism
5. Indian Federalism distinguishes from American Federalism

Module 02 Structure Powers and Functions Union and State Executive :

1. Union Executive (Articles 52 to 78)
2. State Executive (Articles 152 to 167)

Module 03 Structure, Powers and Functions of Union and State Legislature :

1. Union Legislature (Articles 79 to 123)
2. State Legislature (Articles 168 to 213)

Module 04 Structure, Powers and Functions of Supreme Court, High Court and Tribunals :

1. Supreme Court (Articles 124 to 147)
2. High Court and Subordinate Courts (Articles 214 to 237)
3. Tribunals (Articles 323A and 323B)

Module 05 Relations between Union and the States :

1. Legislative Relations between Union and the States (Articles 245 to 255)
 2. Administrative Relations between Union and the States (Articles 256 to 263)
 3. Financial Relations between Union and the States (Articles 264 to 290A)
- An Overview of the Constitution (One Hundred First Amendment) Act, 2016

Module 06 Constitutional Position of Jammu and Kashmir:

1. Historical background of Article 370
2. Provisions of Article 370 of the Constitution
3. The Constitutional (Application to Jammu and Kashmir) Order, 1954

Module 07 Other Constitutional Institutions / Authorities :

1. Comptroller and Auditor-General of India (Articles 148 to 151)

2. Administration of Union territories (Articles 239 to 241)
3. Structure Powers and Functions of Panchayats (Articles 243 to 243O)
4. Structure Powers and Functions of Municipalities (Articles 243P to 243ZG)
5. Services and Public Service Commissions (Articles 308 to 323)
6. Elections and Election Commission (Articles 324 to 329)

Module 08 Other Constitutional Provisions :

1. Borrowing (Articles 292 to 293)
2. Property, Contracts, Rights, Liabilities, Obligations and Suits (Articles 294 to 300)
3. Freedom of Trade, Commerce and Intercourse (Articles 301 to 307)
4. Official Language (Articles 343 to 351)

Module 09 Emergency Provisions - Grounds, Approval for Continuation and Effects (Articles 352 to 360) :

1. National Emergency
2. State Emergency
3. Financial Emergency

Module 10 Commissions and Committees on Union-State Relations - Objectives and Recommendations :

1. Administrative Reforms Commission (1966)
2. Rajmanner Committee (1969)
3. Sarkaria Commission (1983)
4. Punchhi Commission (2007)

Recommended Readings:

1. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
2. D.D. Basu, *Constitutional Law of India*, LexisNexis (2013).
3. Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
4. H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
5. Arvind Datar, *Commentary on Constitution of India* (3 Vols), LexisNexis (2010).
6. Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press (2015).
7. M.P. Singh, *V.N. Shukla's Constitution of India*, Eastern Book Company, (2013).
8. Sujit Chaudhry, Madhav Khosla and, Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
9. Granville Austin, *Working of a Democratic Constitution - The Indian Experience*, Oxford University Press.
10. Granville Austin, *The Indian Constitution – Cornerstone of a Nation*, Oxford University Press.
11. A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir*, Oxford University Press.

LC 0702 Property Law and Easement :

Objectives of the Course : The subject covers the study of the Transfer of Property Act, 1882 and the Easement Act, 1882. The subject is fundamental law that covers principles applicable to transfers of all kinds of properties. A sound grasp of this subject is the foundation necessary for a better understanding of all special laws that affect property. The course will enable the student to appreciate the fundamental principles, features, rights and liabilities of parties and the consequences of specific transactions affecting immovable property. The topic of actionable claims is very relevant in the modern business environment and financing models. The course also covers law relating to easements and licenses.

Module 01 Concepts, Meaning and types of Properties (Sections 1 to 4 of the T.P. Act, 1882) :

1. Meaning of property
2. Kinds of property - Movable and immovable, tangible and intangible, existing and future, real and personal
3. Role of property rights in social and economic development
4. Doctrine of notice

Module 02 Transfer of Property by Act of Parties (Sections 5 to 9) :

1. Meaning and Definition Transfer of Property, Properties which may be transferred
2. Essentials of a valid transfer of property
3. Operation and method of transfer property
4. Procedural perspective for transfer of property
5. Effect of non-payment of stamp duty and non-registration

Module 03 General Principles Relating to Transfer of Property (Sections 10 to 37) :

1. Conditions restraining alienation, enjoyment, defeating insolvency or assignability
2. Transfers to unborn persons
3. Rule against perpetuity and accumulation of income
4. Vested and contingent interests
5. Conditions precedent and subsequent, conditional transfers
6. Doctrine of Election and Apportionment

Module 04 General Principles Relating to Transfer of Immovable Property (Sections 38 to 53A) :

1. Doctrine of holding out
2. Feeding the grant by estoppel
3. Doctrine of priority
4. Transfer lis pendens
5. Fraudulent transfer
6. Doctrine of part performance

Module 05 Sales and Exchanges (Sections 54 to 57 and 118 to 121) :

1. Meaning and definition of Sale and Exchange

2. Distinction between sale and Exchange
3. Essentials of a valid sale, Parties to a sale, Formalities
4. Distinction between Sale and contract for sale
5. Registration of a contract for sale and effect of non-registration,
6. Rights and liabilities of a buyer and seller
7. Discharge for encumbrances on sale
8. Exchange, Rights and liabilities of parties to exchange

Module 06 Mortgages (Sections 58 to 98) :

1. Definition of mortgage - Types of mortgages, Mortgagor, Mortgagee, Mortgage money,
2. Essentials of a valid mortgage and Formalities
3. Distinction between charge, mortgage, pledge, hypothecation and other security interests over property
4. Rights and liabilities of a mortgagor and mortgage
5. Doctrine of substituted security
6. Charge of immovable property
7. Marshalling
8. Mortgagee's and charge-holder's rights and remedies under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

Module 07 Leases (Sections 105 to 117) :

1. Definition of lease, Lessor, lessee, Kinds of leases, premium and rent
2. Essentials of a valid lease and Formalities
3. Rights and liabilities of the lessee and Lessor
4. Term and determination of lease
5. Forfeiture and relief against forfeiture
6. Leases for agricultural purposes
7. Distinction between lease under the Transfer of Property Act, 1982 and the Maharashtra Rent Control Act, 1999

Module 08 Gift and Transfers of Actionable Claims (Sections 122 to 129 and 3, 130 to 137) :

1. Definitions of Gift, Donor and Donee
2. Essentials of a valid gift, Revocation of gifts
3. Distinction between property and *donatio mortis causa* and gifts under Mohammedan law
4. Actionable claims :
 - a) Definition, Formalities, and their importance in commercial transactions
 - b) Requirement of notice to debtor, and effect of notice
 - c) Rights and liabilities of transferor and transferee

Module 09 Law of Easements (Sections 1 to 51 of the Easement Act, 1882) :

1. Definitions and Types of easements
2. Formalities for creating an easement

3. Creation and acquisition of Easements, Dominant and servient owners and Heritages, Grant, Custom, Necessity, Quasi-necessity, Prescription
4. Rights, duties and liabilities of dominant and servant owners
5. Remedies for disturbance of easements
6. Extinction of easements, Suspension and revival of easements

Module 10 Law of Licenses (Sections 52 to 64 of the Easement Act, 1882) :

1. Definition of License, Essentials of a license, kind and Formalities
2. Transfer of license, Transfer of grantor's interest
3. Death of licensor or licensee
4. Rights and liabilities of licensee, Revocable and Irrevocable license
5. Rights of licensee on revocation and eviction
6. Distinction between leases and licenses
7. Distinction between licenses under Easement Act, 1882 with that of the Maharashtra Rent Control Act, 1999

Recommended Readings :

1. V P Sarathi's *Law of Transfer of Property - Including Easements, Trusts and Wills*, Malika Taly (ed), Eastern Book Company, 2017.
2. Poonam Pradhan Saxena, *Property Law*, LexisNexis, 2017.
3. Avatar Singh, *Textbook on the Transfer of Property Act*, Universal Law Publishing, 2016.
4. Shriniwas Gupta, *A Text Book on Transfer of Property Law*, Thomson Reuters, 2016.
5. A P Singh and Ashish Srivastava, *Property Laws*, LexisNexis, 2015.
6. G P Tripathi, *The Transfer of Property Act*, 19th ed., Central Law Publications, 2016.
7. AP Singh and Ashish Kumar Srivastava, *Property Laws*, LexisNexis, 2015.
8. Sanjiva Row, *Transfer of Property Act* (in 2 volumes), Universal Law Publishing, 2016.
9. Shriniwas Gupta, *Law Relating to Transfer of Property*, Thomson Reuters, 2016.
10. Darashaw Vakil, *Commentaries on the Transfer of Property Act*, LexisNexis, 2017.
11. Mulla, *The Transfer of Property Act*, 12th ed, M R Hariharan (ed), LexisNexis, 2014.
12. H S Gour, *Commentary on Transfer of Property Act*, Delhi Law House, 2014.
13. B B Katiyar, *Law of Easements and Licences*, Universal Law Publishing, 2010.

LC 0703 Public International Law :

Objective of the Course : This course provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. In view of the vastness of the subject, only important chapters have been covered here. An Introductory perspective to International Law is aimed to provoke the inquisitiveness of the students. A grasp on the key features and subtle perspective of the law and its relevance will help the students in the preparation of various competitive examinations.

Module 01 Nature and Development of International Law :

1. Meaning and Definition of International Law
2. Theoretical Basis of International Law - Natural law Theory, Positive Law Theory, Grotius Theory and Consent theory
3. Historical perspective of International Law - Codification of International Law, Work of International Law Commission

Module 02 Sources of International Law :

1. Statute of the International Court of Justice, 1945 (Article 38) - International Treaties and Conventions, International Custom, General Principles of Law Recognized by Civilized Nations, Judicial Decisions of International and National Courts, and Juristic Opinion
2. Other Sources of International Law - Resolutions of General Assembly, Resolutions of Security Council

Module 03 Relationship between International Law and Municipal Law :

1. Theoretical Perspectives - Monistic Theory, Dualistic Theory, Transformation theory, Delegation Theory, and Specific Adoption theory
2. Practice of States - United Kingdom, United States of America and India

Module 04 Subjects of International Law :

1. Meaning and Definition of State
2. Kinds of Different States in International Law – Sovereign States, Semi-Sovereign States, Protectorate, Vassal, Trust Territories, Special type of States - Holy State and Neutralized States
3. Individuals as subjects and object of Public International Law
4. Role and Status of Multi National Companies

Module 05 Recognition of States :

1. Meaning and Significance of Recognition
2. Theories of Recognition - Constitutive Theory, Declarative Theory, Stimson Doctrine and Estrada Doctrine
3. Types of Recognition - De-facto, and De-jure
1. Recognition of Insurgency and Belligerency

Module 06 State Territory and State Succession :

1. Meaning and Definition of State Territory
2. Types of Acquiring and Loss of State Territory – Occupation, Prescription, Accretion, Cession, Dismemberment, Retrocession (The Case of Hong Kong)
3. Meaning and Concept of State Succession - Difference between State Succession and Succession of Governments
4. States Succession to Treaties – Membership of International Organizations Recent Developments, State succession to Public Property, Torts, Debts, and Archives
5. Theories of State Succession to Treaties - Theory of Universal Succession, Theory of Negativism, Contemporary Theories (Neo-Universalism and

Neo-Negativism), and Theory of Gestation (Nyerere Doctrine)

Module 07 State Jurisdiction :

1. Territorial Jurisdiction - Civil and Criminal jurisdiction, Universal Jurisdiction, Extra territorial Jurisdiction of State
2. State Jurisdiction and State Territory-Land Territory -National Waters-Territorial sea-Contiguous zone-Exclusive Economic Zone—Air and Outer Space – obligations of states under outer space Treaty 1966
3. Jurisdiction based on Nationality - Modes of Acquiring and Losing Nationality, Double Nationality, and Nationality of Married Women - Indian position
4. Meaning and Significance of Statelessness - Role of UNHCR
5. Meaning and Definition of Extradition - Types of offenders and Process of Extradition
6. Definition and Significance of Asylum - Territorial and Extra-Territorial Asylum

Module 08 State Immunities and Privileges :

1. State Immunity - Absolute theory and Restrictive Theory of Immunity, Views of the International Law Commission, and Waiver of Immunity
2. Significance and Functions of Diplomatic Agents and Classification of Diplomatic Agents
3. Immunities and Privileges of Diplomatic Agents - Inviolability of Diplomatic Agents
4. Inviolability of Premises - Immunity from local, Civil, Administrative and Criminal Jurisdiction, Immunity from Taxes and Custom Duties, Freedom of Movement, Travel, Communication and Worship

Module 09 Law of State Responsibility :

1. Nature and Basis of State Responsibility - Elements of State Responsibility, State Responsibility in different fields
2. Theories of State Responsibility - Fault or Subjective Theory, Risk or Objective theory, Eclectic Theories of Responsibility, Absolute Liability
3. Significance of Doctrine of Culpa
4. Defences precluding State Responsibility

Module 10 Law of Treaties :

1. Meaning and Definition of a Treaty, Types of Treaties
2. Parties to a treaty - Formation of a Treaty, Significance of Pact Sunt Servanda
3. Significance of Jus Cogens, Role of Rebus Sic Stantibus (Changed Circumstances) in Treaties
4. Procedure for Termination of Treaties

Module 11 Settlement of Disputes :

1. Legal and Political Disputes
2. Pacific Means
3. Extra-judicial Pacific Means- Negotiation- Good Offices- Mediation-

Conciliation- Inquiry- Arbitration

4. Coercive and Compulsive Measures - Retortion - Reprisals - Embargo - Pacific Blockade - Intervention.

Module 12 International Institutions :

1. Historical Origin of International Institutions - League of Nations - An Overview, United Nations - Purposes and Principles
2. Structure, Powers and functions of (a) Security Council, (b) General Assembly, (c) Economic and Social Council, (d) Trusteeship Council, (e) Secretary General - Appointment, Powers and Functions
3. International Court of Justice - Historical Evolution and Composition, Types of Jurisdiction of the Court - Contentious and Advisory, Law Applied by the Court and Binding Nature of Judgment
4. Legal Status of International Organisations

Recommended Readings:

1. Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* (Vol. I – Peace) Oxford University (2008).
2. I. Brownlie, *Principles of Public International Law*, 7th ed., Oxford University (2008).
3. I.A. Shearer, *Starke's International Law*, 1st Indian ed., Butterworths (2007).
4. D.J. Harris, *Cases and Materials on International Law*, Sweet & Maxwell Ltd., 7th ed., (2010).
5. H.O. Agarwal, *International Law and Human Rights*, Central Law Publications, 21st ed., (2016).
6. Malcolm N. Shaw, *International Law*, Cambridge University Press, 7th ed., (2015).
7. J.G. Strake, *Introduction to International Law*, 10th Edition, Butterworth-Heinemann; (1989).
8. D.W. Bowetts, *Law of International Institutions* (6th edn), Sweet and Maxwell, (2011).
9. S.K. Verma, *An introduction to Public International Law*, Prentice Hall (1998).
10. Gurdip Singh, *International Law*, Eastern Book Company, (2015).
11. V.K. Ahuja, *Public International Law*, Lexis Nexus (2016).
12. S.K. Kapoor, *International Law and Human Rights*, Central Law Agency.
13. Shilpa Jain, *Introduction to International Law*, Eastern Book Company (2016).

LP 0704 Practical Training Paper I - Professional Ethics and Contempt of Court Law :

Objectives of the Course : The professional ethics encompasses an ethical code governing the conduct of persons engaged in the practice of law as well as persons engaged in the legal sector. The objective of this course is to acquaint the students as to (a) legal profession in India during - ancient, medieval and modern period, (b) professional ethics or duties, (c) the provisions of the Advocate Act, 1961, and (d) the provisions of the Contempt of Courts Act, 1971. The purpose of the course shall also be to provide or to enhance the practical knowledge of the students and to acquaint them with the link between theory and practice.

Scheme of Marking :

Part A	: University Written Examination	: 80 Marks
Part B	: Written Submissions (10 Marks) & Viva voce Examination (10 Marks)	: 20 Marks

Part A : Syllabus for University Written Examination :**Module 01 History of Legal Profession in India :**

1. Legal profession in India in ancient and medieval period
2. Changes underwent in Legal profession during British rule
3. Development of Legal Profession in India after Independence
4. Impact of globalization on legal profession in India

Module 02 Norms of Professional Ethics and Duties :

1. Need and necessity of Professional ethics in the legal profession
2. Professional ethics and duties of advocates towards his clients, Court, public, his fellow advocates, self, society, duty in imparting training, duty to render legal aid, etc.
3. Restrictions on other Employments
4. Restrictions on advertising
5. Form of Dresses or Robes to be worn by Advocate
6. Rules as to Vakalatnama

Module 03 Introduction and Authorities (the Advocates Act, 1961) :

1. Objects of and definitions under the Act
2. Bar Council of State :
 - a) Establishment of Bar Councils for Each States and Union Territories
 - b) Composition of State Bar Council
 - c) System of Election
 - d) Term of office of Members of State Bar Council and Establishment of Special Committee
 - e) Disqualification of Member of Bar Council of State
 - f) Powers and Functions of Bar Council of State
3. Bar Council of India :
 - a) Composition of Bar Council of India
 - b) Term of office of Members of Bar Council of India
 - c) Disqualification of Member of Bar Council of India
 - d) Powers and Functions of Bar Council of India
 - e) Membership in International Bodies
4. Provisions Common to Bar Council of India and Bar Council of State :
 - a) Bar Council to be Body Corporate
 - b) Constitution of Committees of Bar Council
 - c) Transaction of Business, Staff and Audit of Accounts of Bar Council
 - d) Power of Bar Council to make Rules

Module 04 Admission and Enrolment of Advocates (the Advocates Act, 1961) :

1. Senior and other Advocates

2. Preparation of Roll of Advocates
3. Order of Seniority amongst the Advocates
4. Transfer of Name from one State Roll to another
5. Right of Pre-audience
6. Qualification for Admission of Person as Advocate on State Roll
7. Disqualification for Admission of Person as Advocate on State Roll
8. Disposal of Applications for Admission as Advocate
9. Power of State Bar Council to make rules

Module 05 Enrolment and Right to Practice and Limitations of such Right (the Advocates Act, 1961) :

1. Right of Advocates to Practice
2. Power of Court to Permit Appearances in Particular Cases
3. Advocates alone entitled to Practice
4. Power of High Court to make rules
5. Skills essential for a lawyer to have a good practice and profession – qualities to succeed in legal profession - honesty, courage, industry, wit, eloquence, judgment, fellowship, etc.
6. Decisions of Courts on Advocate's right to strike
7. Role of advocate in the administration of justice and duty towards legal reforms

Module 06 Conduct of Advocates (the Advocates Act, 1961) :

1. Complaint of Professional or other Misconduct
2. Punishments for Professional or other Misconduct
3. Disciplinary Powers of Bar Council of India and State Bar Council
4. Disposal of Disciplinary Proceedings
5. Review of Orders by Disciplinary Committee
6. Appeal to Bar Council of India
7. Appeal to Supreme Court
8. Stay of Order
9. Alteration in Roll of Advocates

Module 07 Cases Prescribed for Study on Professional Ethics :

1. Vishram Singh Raghubanshi v. State of UP, AIR 2011 SC 2275
2. Vijay Singh v. Murarilal, AIR 1979 SC 1719
3. SJ Chaudhary v. State of Delhi, AIR 1984 SC 618
4. Chandra Shekhar Soni v. Bar Council of Rajasthan, AIR 1983 SC 1012
5. Ex-Capt Harish Uppal v. Union Of India, AIR 2003 SC 739
6. John D'Souza v. Edward Ani, AIR 1994 SC 975
7. Himalayan Cooperative Group Housing Society v. Balwan Singh, AIR 2015 SC 2867
8. Brajendra Nath Bhargava v. Ramchandra Kasliwal, AIR 1999 SC 2866
9. A S Mohammed Rafi v. State of Tamil Nadu, AIR 2011 SC 308
10. D Saibaba v. Bar Council of India, AIR 2003 SC 2502

Module 08 The Contempt of Courts Act, 1971 :

1. Historical development of law of contempt of court in India
2. Freedom of speech, Law of defamation and contempt of Court - Constitutional perspectives
3. Meaning of contempt - Civil contempt and Criminal contempt
4. Defenses for contempt - Civil and Criminal contempt
5. Punishments for contempt
6. Procedure for initiating contempt proceeding
7. Contempt by Judges, Magistrate, Lawyers, Companies and others
8. Contempt of Supreme Court, High Court and Subordinate Court
9. Remedies, Apology, Appeal and Review
10. Comparison with Order 39 Rule 2A of Civil Procedure Code

Module 09 Cases Prescribed for Study on Contempt of Court :

1. In Re Arundhati Roy, AIR 2002 SC 1375
2. Pushpaben v. Narandas V Badiani, AIR 1979 SC 1536
3. LD Jaikwal v. State of UP, AIR 1984 SC 1734
4. Charan Lal Sahu v. Union of India, AIR 1988 SC 107
5. PN Duda v. V P Shiv Shankar, AIR 1988 SC 1202
6. Noorali Babul Thanewala v. KMM Shetty, AIR 1990 SC 464
7. Bal Kishan Giri v. State of UP, AIR 2014 SC (Supp) 469
8. High Court of Judicature of Bombay v. Manisha Koirala, 2003 CriLJ 1634 (Bom HC)
9. Dr. Subramanian Swamy v. Arun Shourie, AIR 2014 SC 3020
10. In Re S Mulgaokar, AIR 1978 SC 717

Note :

1. The college shall organise Interaction Session(s) of experts in the area of professional ethics, contempt of courts, etc. with the students.
2. The purpose of the interaction session(s) should be to provide or to enhance the practical knowledge of the students with respect to the course.
3. The concerned teacher is advised to orient the students, before organisation of interaction session, as to purpose of interaction, concerned legal provisions, etc.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following :

1. Essay on the topic from law relating to Legal Profession in India, assigned by concerned teacher.
2. Essay on the topic from Law relating to Contempt of Court, assigned by concerned teacher.
3. Report on an Interaction Session(s) of experts with the students.
4. Case Comments on 2 cases on Professional Ethics, assigned by concerned teacher.
5. Case Comments on 2 cases on Contempt of Court, assigned by concerned teacher.

Note :

1. A Report on interaction session shall consists of : (a) Purpose of the Interaction, (b) Observations / Information Collected by the student, (c) Relevant Provisions of Law, (d)

Comments on Linkage between Law and Practice. The concerned teacher may add in or modify the specified contents of report.

2. The case comment shall consists of : (a) Citation of the case, (b) Facts of the case, (c) Issues of facts and of laws, (d) Arguments advanced, (e) Decision of the Court, (f) Ratio of the case, and (g) Comments on the decision.

Recommended Readings :

1. K.V. Krishnaswamy Iyer, *Professional Conduct and Advocacy*, Oxford University Press.
2. Dr. Kailash Rai, *Legal Ethics – Accountancy for Lawyers and Bench - Bar Relations* Central Law Publications, Allahabad, 2015.
3. B.R. Aggarwala, *Supreme Court Practice and Procedure*, Eastern Book Co.
4. P. Ramanath Iyer, *Advocate his Mind and Art*, Wadhwa Nagpur, 2003.
5. Dr. S.P.Gupta, *Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations*, Central Law Agency, Allahabad, 2004.
6. M.P. Jain, *Outline of Indian Legal History, Chapter : Development of Legal Profession*, LexisNexis, 2014.
7. M.R. Mallick, *The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship*. Kamal Law House, Calcutta, 2000.
8. Dr B Malik, *The Art of a Lawyer* The University Book Agency, Allahabad, 1999.
9. Raju Ramachandran : *Professional Ethics for Lawyers, Changing Profession, Changing Ethics*, LexisNexis, 2004.
10. Saadiya Suleman, *Professional Ethics & Advertising by Lawyers*, Universal Law Publishing, New Delhi, 2014.
11. M.K. Gandhi, *The Law and the Lawyers*, Navjeevan Publication, Ahemadabad.
12. Law Commission of India, Report No.274 on Review of the Contempt of Courts Act, 1971, April 2018.

Optional Subject 3 (Any one from the following) :

LO 0705 Comparative Constitutions :

Objectives of the Course : This course aims to acquaint the students with scope and significance of comparative study of the constitutional law from the point of view of its making and it's contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in its fold the basic principles of interpretation of Constitution. It will enhance the comprehension of Constitutional law as a branch of public law.

Module 01 Scope and Significance of Comparative Study of Constitutional Law :

1. Forms of Government - Parliamentary-Presidential-Monarchial
2. Types of Constitutions
3. Scope and significance of comparative study of Constitution in Constitution making

4. Significance of comparative study of Constitution in interpretation
5. Common law of England
6. American Constitution
7. The Common law heritage
8. Indian position

Module 02 History of Constitution Making and its Development in India :

1. Applicability of foreign precedents in interpretation of the Constitution of India
2. Fundamental Rights : Bill of Rights
3. Instances of application of foreign precedents
4. Instances of departures from foreign precedents
5. Forms of Government : Article 74 and 75

Module 03 Federalism- Comparative Study :

1. Principles of federalism
2. Legal features of federalism
3. Co-operative federalism
4. Transition from comparative federalism to co-operative federalism
5. Distribution of legislative and financial power in a federal system
6. Federalism - Indo-U.S. comparative perspectives
7. Separation of power : Checks and balance mechanism
8. Amending power in India, U.S. and Australia: comparative perspective

Module 04 Judicial Review :

1. Evolution and concept of judicial review
2. Meaning of judicial review
3. Characteristics of modern Constitutions and their impact on Judicial Review
4. Constitutional growth in India under judicial review and its impact

Module 05 Justification and Limitation of Written Constitution :

1. Incidents of written Constitution - a legal instrument
2. Justiciability of written Constitution
3. Written Constitutions which are not justiciable : France, U.S.S.R., China
4. Indian Constitution : Justiciability and non-justiciability

Module 06 Interpretation of Constitution :

1. Interpretation as a legal instrument
2. Limitations of liberal interpretation
3. Spirit of Constitution
4. Indian Constitution and instances of interpretation

Module 07 Constitution as Higher Law :

1. Higher law distinguished from 'Rule of Law'
2. Elements of Rule of Law
3. Parliamentary supremacy under the Indian Constitution
4. Distinction between Constitutional Law and Ordinary law

Module 08 Role of Judiciary and Doctrine of State Action :

1. Court as guardian of the Constitution
2. Exceptions to judicial review
3. Special functions of judiciary in federation
4. Constitutional Law as a branch of public law

Recommended Readings :

1. D.D. Basu, *Comparative Constitutional Law*, LexisNexis Butterworths Wadhwa, Nagpur.
2. D.D. Basu, *Comparative Federalism*, Wadhwa and Company, Nagpur.
3. Dr. Chakradhar Jha, *Judicial Review of Legislative Acts*, LexisNexis Butterworths Wadhwa, Nagpur.
4. M. V. Paylee, *Constitutions of The World*, Universal Law Publishing, Delhi, Vol.1&2.
5. M.P. Jain, *Indian Constitutional Law*, Wadhwa and Company, Nagpur.
6. H.R. Khanna, *Making of India's Constitution*, Eastern Book Co., Lucknow.

LO 0706 Investment and Securities Law :

Objectives of the Course : The securities market plays a very important role in the growth and development of Indian market economies. Mature and well-regulated securities market supports corporate initiatives and also facilitate the management of financial risks. Also, retail investors are investing an increasing proportion of their money in mutual funds and other collective investments which places the securities markets at the central of individual wealth. This course aims to introduce students to the various laws and regulations enacted by the competent legislative and regulating bodies governing the operation and movement of security market.

Module 01 Historical evolution of Investment and Securities Laws :

1. Meaning and Definition of Investment and Securities
2. Historical origins of Investment and Securities law - International and National Perspective
3. History of Capital Markets in India
4. Need for securities legislation and investor protection

Module 02 Regulatory Framework to Govern Securities in India :

1. Concept of Securities
2. Kinds of Securities - Ownership instruments, Shares, Stocks
3. Debt instruments - Debentures and Bonds
4. Offered Documents - Prospectus
5. Norms of disclosure under different laws - the Companies Act, 2013, the Securities Contracts (Regulation) Act, 1956 and the Securities Exchange Board of India Act, 1992 (only relevant provisions)

Module 03 Concept of Securities Market and Securities Market Intermediaries :

1. Primary Market : Scheme of Primary Market, Advantages - Disadvantages to Companies and investors.

2. Provisions relating to IPO, FPO, Private placement, bonus issue, Qualified Institutional Placement under the SEBI (Issue of Capital and Disclosure Requirement) Regulations, 2018
3. Primary Market intermediaries - Merchant Banker, Managers to issue, Registrar and Share Transfer Agent, Bankers to the issue, Brokers, Syndicate Members
4. Secondary Market intermediaries - Registrar and Share Transfer Agent, Brokers / sub-brokers, Portfolio Managers, Investment Advisers, Research Analyst, Credit Rating Intermediaries, Clearing Corporations

Module 04 Securities and Exchange Board of India and the Depositories Act, 1996 :

1. Background and Introduction, Constitution of SEBI
2. SEBI - Power and Functions, Role of SEBI in securities market.
3. SEBI - Power to issue Informal Guidance
4. SEBI - Power to issue Regulations, Rules under Securities Market
5. Constitution of Securities Appellate Tribunal (SAT), SAT - Power and Functions
6. The Depositories Act, 1996 - Rights and Obligations of depositories, Depository Participants, Issuers and beneficial owners, Penalties. Dematerialisation and Rematerialisation of securities (Procedure, Advantages and Disadvantages)
7. Relevant provisions of the Companies Act, 2013

Module 05 Stock Exchange and Investor Protection :

1. The Securities Contracts (Regulation) Act, 1956 - Recognized stock exchanges, listing of securities, penalties and procedure
2. Procedure for a stock exchange to be a recognized Stock Exchange, Power of Government, procedure for de-recognition of a stock exchange
3. Concept of Demutualization of stock exchanges and its impact on the Indian economy and the Regional stock exchanges
4. Minimum public shareholding and its advantages to shareholders and stakeholders
5. Trading, Spot delivery contract, Badla Contract, Future contracts, Options,
6. Derivatives, Listing of Shares
7. Investors Protection mechanism under various statutes - Role and functions of SEBI Tribunal, the Companies Act, 2013 - Acceptance of deposits, Misstatement in prospectus, fraudulently inducing person to invest money, non-payment of dividend, Right to demand financial statement, Investor Education and Protection Fund, class action suits

Module 06 Insider Trading and Takeover Code :

Insider Trading :

1. Insider Trading : Meaning and Definition of Insider Trading. Insider, Connected person, deemed to be connected, trading, Unpublished price sensitive information, generally available information, Chinese wall, Compliance Officer, Trading Window, Pre-clearance, Code of Conduct

2. Penalty for Insider Trading
3. Position in UK and USA

Takeover Code :

1. Meaning and definition of control, voting rights, shares, acquirer, target company, Person acting in concert, Deemed to be connected person, acquisition of shares, open offer, public announcement, offer letter, offer price
2. Shareholding thresholds / Triggers under Takeover Code
3. Procedure of public announcement and open offer
4. Exemptions (general and specific exemptions)

Module 07 SEBI (Listing Obligations and Disclosure Requirement Regulations) :

1. Meaning and purpose of listing and delisting, advantages and disadvantages
2. Principles governing disclosures and obligations of listed entity
3. Listing Agreement
4. Compliance Officer
5. Grievance Redressal Mechanism
6. Corporate Governance Norms - directors, women directors, independent directors, audit committee, risk management committee, remuneration committee, stakeholder relationship committee, maximum number of directorships, related party transactions, obligations of independent directors
7. Disclosure of event or information under SEBI Regulations
8. Re-classification of promoters into non-promoters
9. Annual report

Module 08 Foreign Investment Laws :

1. The Foreign Exchange Management Act, 1999 -
 - a) Regulation and management of Foreign Exchange
 - b) Contravention and Penalties
 - c) Adjudication and Appeal
 - d) Directorate of enforcement
 - e) Inbound and outbound investment in India (Foreign Direct Investment and Overseas Direct Investment)
 - f) Setting up of Joint Ventures and Wholly owned subsidiaries in India and outside India
2. Regulation of Foreign Institutional Investors (FII) / Foreign Portfolio Investor (FPI) in India
3. Participatory Note

Recommended Readings :

1. Sanjeev Agarwal, *Guide to Indian Capital Market*, Bharat Law House, 2009.
2. Imaad A Moosa, *Foreign Direct Investment: Theory Evidence and Practice*, Palgrave MacMillan, 2010.
3. Niti Bhasin, *FDI In India*, New Century Publication, 2008.

4. V.A. Avdhani, *Investment and Securities Market in India*, Himalaya Publishing House, 2011.
5. Vishal Saraogi : *Capital Markets and Securities Laws Simplified*, Lawpoint Publication.
6. E. Gordon & K. Natarajan: *Capital Market in India*; Himalaya Publishing House.
7. V.L. Iyer : *SEBI Practice Manual*; Taxmann Allied Service (P) Ltd.

LO 0707 Criminal Minor Acts :

Objectives of the Course : The Indian Penal Code, 1860 is not the only criminal law in India, though it is one of the major criminal law. Apart from Indian Penal Code there are many other criminal legislations. In a post-independence period many legislations were enacted by the Centre and State to control crime and criminal behavior. These special legislations redefined crime and the criminal procedure to be followed. These legislations are rampantly been used by police and courts in day to day life. The course is designed to acquaint the students with few important criminal laws, which are essential for all criminal law lawyers.

Module 01 The Maharashtra Police Act, 1951 :

1. Historical background, Objects, Scope and Definitions under the Act
2. Superintendence, control and organization of the Police Force
3. Regulation, Control and Discipline of the Police Force
4. Police Regulations
5. Special measures for Maintenance of Public Order and Safety of State
6. Executive Powers and Duties of the Police
7. Offences and Punishments

Module 02 The Prevention of Corruption Act, 1988 :

1. Legislative History, Object and Scope of the Act, Definitions of Public Servant and Public Duty
2. Appointment of Special Judges
3. Offences and Punishments
4. Investigation into cases
5. Sanction for Prosecution Special Procedure : Change in Rules of Evidence and Criminal Procedure (Sections 20-24)

Module 03 The Maharashtra Control of Organized Crime Act, 1999 :

1. Legislative History, Object and Scope of the Act
2. Organized Crime : Definition and Scope, Punishments
3. Courts and Public Prosecutor (Sections 6-12)
4. Interception of Wire, Electronic or Oral Communication (Sections 13-16)
5. Special Procedure : Change in Rules of Evidence and Criminal Procedure (Sections 17- 23)

Module 04 The Narcotic Drugs and Psychotropic Substances Act, 1985 :

1. Legislative History, Object and Definitions
2. Authorities and Officers
3. Prohibition, Control and Regulation of Narcotic Drugs and Psychotropic Substances
4. Offences and Punishments
5. Procedure under Act

Module 05 The Juvenile Justice (Care and Protection of Children) Act, 2015 :

1. Object, Application and definitions under the Act
2. General Principles of Care and Protection of Children
3. Juvenile Justice Board
4. Procedure in Relation to Children in Conflict with Law
5. Child Welfare Committee
6. Procedure in Relation to Children in Need of Care and Protection
7. Rehabilitation and Social Re-integration
8. Adoption
9. Other Offences Against Children

Module 06 Introduction to Cyber Crimes - Relevant provisions under the Information Technology Act, 2000 :

1. Object, Application and Relevant Definitions under the Act
2. Salient Features of the Act
3. Offences, Punishment and Procedure of Investigation and Trial (Chapter XI - Sections 65 to 78)
4. Exemption from Liability of Intermediary in Certain Cases (Section 79)

Recommended Readings:

1. Sunil Dighe, *The Maharashtra Police Act 1951*, Snow White Publication, 2016.
2. D.R. Chaudhary & A.N. Choudhary, *The Maharashtra Control of Organized Crime Act 1999*, CTJ Publications.
3. A.S. Ramachandra Rao, *Commentary on the Prevention of Corruption Act*, Universal Publication Co., New Delhi.
4. R.P Kataria, *Law Relating to Narcotic Drugs and Psychotropic Substances in India*, Oriental Publication.
5. Taxmann on *Juvenile Justice (Care and Protection of Children) Act, 2015*.
6. Dr. R.K. Chaubey, '*An Introduction to Cyber Crime and Cyber Law*', Kamal Law House.
7. Dr. J.P. Mishra, *An Introduction to Cyber Laws*, Central Law Publications, 1st edn. 2012.
8. Rohatgi and Karkare, '*Guide to Cyber Law & Crimes*', 3rd edn. Whytes & Co. 2018.

LO 0708 Cooperative Law :

Objectives of the Course : This course enables a student a study of the form of organisation set up for mutual benefit. The first part of the course is about principles of cooperation, its history, growth and development and the characteristics of a cooperative society. The other

part of the course is a detailed study of the Maharashtra Co-operative Societies Act 1960 (the MCS Act, 1960) which will enable a student to know about the process of formation, management and control of cooperative societies, their relations with third parties and its members, and settlement of disputes between the society and its members. This study will equip a student to understand this special law, and to specialize in this branch of law.

Module 01 Theory and Principles of Co-operation :

1. Capitalist, socialist and co-operative forms of organisation
2. Definition of co-operation
3. Fundamental principles of co-operation
4. Importance, advantages and limitations of co-operation
5. Advantages of co-operative organization in the society and the economy
6. Social, economic and moral benefits of co-operation

Module 02 History, Growth and Development of Co-operation :

1. History, growth and development of co-operative movement in India
2. Growth and development through Five-Year Plans
3. Role of the State in development of co-operation, State aid to societies
4. Role of National Co-operative Development Corporation, NABARD
5. Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra
6. Constitutional Provisions – Freedom to form Co-operative Societies and Restrictions (Article 19) and Provisions relating to Co-operative Societies (Articles 243ZH to 243 ZT)

Module 03 Nature of Co-operative Societies:

1. Characteristics of a co-operative society
2. Comparison with other forms of organization, viz., company, trust and partnership firms
3. Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing
4. Salient features of the Multi-State Cooperative Societies Act, 2002

Module 04 Preliminary and Registration of Societies :

1. Objects and Definitions under the MCS Act, 1960
2. Societies that can be registered, limited liability or unlimited liability, Classification of societies, Conditions of registration, Name of society, Procedure for registration
3. Bye-laws, important features of Model Bye-laws
4. Cancellation of registration, De-registration
5. Amalgamation, Transfer, Division or Conversion Societies

Module 05 Members of Society :

1. Who can become a member, types of members, open membership
2. Procedure for admission, continuation and cessation of membership, Removal and expulsion of a member

3. Rights, privileges, duties, disabilities and liabilities of members, voting power of a member, expulsion of members

Module 06 Incorporation, Duties and Privileges of Society :

1. Effect of incorporation
2. Register of members, and its inspection and copies
3. Rights, privileges and immunities of a Society
4. Duties, disabilities, liabilities of, and restrictions on a Society

Module 07 Elections and Management of a Society :

1. Final authority of General Body
2. Election of the Managing Committee, Procedure, Supervision over elections, Elections to specified and notified societies, No-confidence against officers of societies
3. Managing Committee, Constitution, Who can be its member, Reservation of seats, its powers and functions, Liability of members of the managing committee
4. Appointment and nomination of members of committee, Disqualification of membership of the committee
5. Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings
6. Registrar's powers of supervision, inquiry, investigation and administration

Module 08 Dispute Settlement and Liquidation :

1. Types of disputes, and forums for redressal, Cooperative Court, Registrar
2. Exclusive jurisdiction of the Cooperative Court, Jurisdiction, Limitation period
3. Procedure for settlement of disputes and Powers of the Co-operative Court, its decision, Appeals against decisions,
4. Contempt of Co-operative Court and Cooperative Appellate Court
5. Constitution and powers of the Maharashtra State Co-operative Appellate Court
6. Appeal, Review and Revision
7. Disputes for recovery of money, Recovery certificate and its effect,
8. Liquidation of Cooperative Societies, Appointment of and Powers of Liquidator, Procedure for liquidation and winding up.
9. Offences and Penalties, Cognizance of offences

Module 09 Finance, Accounts and Audit :

1. State aid to societies, Role of apex societies.
2. Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds
3. Maintenance of account books and registers
4. Audit of cooperative societies, need for audit
5. Rectification of defects in accounts
6. Registrar's powers of inspection and supervision

Recommended Readings:

1. B B Goel, *Cooperative Legislation – Trends and Dimensions*, Deep and Deep Publications.
2. Rish Pal Nainta, *Laws Relating to Cooperative Societies – A Commentary*, 2004.
3. Sunil Dighe: *Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961*, Snow White.
4. S Desai, *Commentary on Co-operative Housing Societies*, Snow White Publications, 2009.
5. V V Ghanekar, *Co-Operative Movement in India*, Institute of Rural Development & Education, 2004.
6. A K Gupte and S D Dighe, *Maharashtra Co-operative Societies Act 1960 with Rules 1961*. Hind Law House, 2008.
7. M C Jain and H M Bhatt, *Maharashtra Co-Operative Societies Act, 1960*, Law Times.
8. A E Karmali, *Maharashtra Co-operative Societies Act, 1960 and Rules, 1961*, Snow White Publications, 1997.
9. H A Mehta, *Guide to Co-Operative Housing Societies*, 7th ed Reprint, Snow White Publications, 2012.
10. R K Pillai, *Maharashtra Co-Operative Societies Act, 1960*, Current Publications, 2014.
11. A M Shah, *Maharashtra Co-Operative Societies Act, 1960*, Snow White Publications, 2004.
12. *Guide to Co-Operative Housing Societies*, Snow White Publications, 2017.

LO 0709 Private International Law :

Objectives of the Course : Private International Law, also known as conflict of laws, is a national law, consisting of rules that enable finding that law of that country which will govern disputes among private parties that involve a foreign element.

This course is important for every student interested in developing civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce, and adoption. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law.

Module 01 Introduction :

1. Meaning and definition of Private International Law
2. Historical development of Private International Law and Indian Private International Law
3. Nature, scope, theories and sources of Private International Law
4. Relationship between Public International Law and Private International Law

Module 02 Characterization :

1. Meaning, and nature of problem requiring characterization
2. Concept and theories of characterization - based on *lex fori*, *lex causae*; Two-fold characterization (primary and secondary), Comparative Law
3. Process and stages of characterization -
 - a) Characterization of factual situation
 - b) Characterization of connecting factor

- c) Characterization of proper law
- 4. Doctrine of *renvoi* : Meaning, process and theories of *renvoi*
 - a) The mutual disclaimer theory
 - b) The theory of *renvoi* proper
 - c) The foreign court theory

Module 03 Domicile as a Connecting Factor :

- 1. Meaning and definitions
- 2. Acquisition of domicile -
 - a) Domicile of independent persons : Domicile of origin; Domicile of choice: residence and intention, abandonment of domicile of choice, comparison between domicile of origin and choice; Domicile of refugees, fugitives
 - b) Domicile of dependents : married women, minor children, lunatics
 - c) Domicile of legal persons

Module 04 Law of Property :

- 1. Characterization - movable and immovable property
- 2. Transfer of immovable property, concept of *lex situs*, capacity and formal validity of transfer, the Mozambique rule and exceptions
- 3. Transfer of tangible and intangible movable property, meaning, Theories - *lex domicile*, *lex actus*, *lex situs* and proper law; Issues in transfer of tangible movables, Assignment of intangibles - debts and documents, voluntary and involuntary assignment

Module 05 Law of Contractual Obligations :

- 1. Proper law of contract - meaning and nature, freedom of choice, implied choice of law, Real and substantial connection theories
- 2. Validity and formation of contract - creation of contract, formal and material validity, capacity, contracts contrary to public policy and procedural law
- 3. Interpretation of contract
- 4. Discharge of contract - performance and impossibility of performance, *lex loci contractus* and *lex loci solutionis*

Module 06 Law of Non-Contractual Obligations :

- 1. Tortious act, and *lex loci delicti*
- 2. Theories - *lex fori*, *lex loci commissi* and proper law or social environment
- 3. Jurisdictional issues - cause of action and *locus delicti*, Choice of law - the English approach
- 4. Defences

Module 07 Marriage and Dissolution of Marriage :

- 1. Marriage - the nature of marriage and polygamous marriages, Characterization of marriage, Validity of marriage - material and formal validity; English and Indian law
- 2. Dissolution of marriage, grounds for divorce, jurisdiction - residence, choice of law, recognition of foreign divorce in India

Module 08 Legitimacy, Legitimation and Adoption :

1. Legitimacy and legitimation - meaning, English law and Indian law, Choice of law
2. Adoption - position in Indian and English law, Hague Conference on Private International Law

Module 09 Foreign Judgments :

1. Recognition and enforcement of foreign judgments - Theories - comity, obligation, judicial reason, harmony, Indian Law
2. Recognition of foreign judgments - Conclusive and final judgment, Defences against enforcement of foreign judgments, Rule of *res judicata*, Reciprocity
3. Execution of foreign judgments by Indian courts

Recommended Readings :

1. Dicey, Morris & Collins, *Conflict of Laws*, Sweet and Max well 15th ed., 2016.
2. James Fawcett and Janeen M Carruthers, *Cheshire and North's Private International Law* Oxford University Press, 14th ed., 2008.
3. Setalvad, Atul M., *Conflict of Laws*, Lexis Nexis, 2014.
4. Paras Diwan, *Private International Law : Indian and English*; Deep & Deep, 2008.
5. K.B. Agraawal & Vandana Singh, *Private International Law in India*, Wolters Kulwer International, 2010.
6. Universal Law Series, *Private International Law*, Universal Law Publishing, 2016.
7. V. C. Govindraj, *The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict* Oxford University Press, 2011.

Conventions and Indian Statutes to be Referred :

1. Hague Codification Convention on Private International Law.
2. Convention of 15 June 1955 relating to the settlement of the conflicts between the law of nationality and the law of domicile.
3. Convention of 1 June 1956 concerning the recognition of the legal personality of foreign companies, associations and institutions.
4. Convention of 24 October 1956 on the law applicable to maintenance obligations towards children.
5. Convention of 15 November 1965 on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions.
6. Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations.
7. Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages.
8. Principles on Choice of Law in International Commercial Contracts 2015.
9. Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.
10. Relevant Indian Legislative provisions under Law of Contract, Civil Procedure Code, Family Law and Law of Property.