

**DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY,
ALIGARH**

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SYLLABUS

OF

B.A.L.L.B. (HONS)

I SEMESTER

TO

X SEMESTER

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.L.L.B. (HONS) I SEMESTER
HISTORY OF INDIA-I

Course Outcome/Objectives:

The objective is to teach student about the Socio-Economic and Political history of India from Ancient to Sultanate period with the emphasis on the evolution and development of Political, Economic and Social institutions and ideas.

UNIT-I: INDUS VALLEY CIVILISATION, VEDIC AND POST –VEDIC PERIOD

Sources of History.

- a) What is history, History and Law.
- b) Indus Valley civilization, Vedic Age: Political System, Religion and Culture.
- c) The Rise of the Caste System.
- d) The emergence of heterodox sects. Jainism and Buddhism.

UNIT-II: THE MAURYAN AND THE GUPTA PERIOD.

- a) State and administration under the Mauryas.
- b) Asokan Dhamma.
- c) State and Administration under the Guptas.
- d) The Rise of 'Indian Feudalism'.

UNIT-III: THE SLAVE DYNASTY

- a) Factors behind the success of the Ghorian invasion.
- b) Social Consequences of the Turkish invasion.
- c) Consolidation under Iltutmish and Balban
- d) State and sovereignty under the early sultans.

UNIT-IV: THE KHALJIS AND THE TUGHLUQS

- a) The state under the khaljis and Tughluqs.
- b) Alauddin Khalji's Agrarian measures and price control policy.
- c) Muhammad bin Tughluq's major projects.
- d) Religious policy under the Tughluqs.

UNIT-V: STATE, ECONOMY AND SOCIETY IN THE SULTANATE.

- a) Trade and urbanization.
- b) Caste and Slavery.
- c) Sufism and Bhakti Movements in India.
- d) Evolution of Indo-Islamic Culture.

Suggested Readings:

1. Sunil Kumar, *The Emergence of the Delhi Sultanate*, Permanent Black 2010.
2. Habib & Nizami, *A Comprehensive History of India Vol V*, Bombay 1940.
3. M Athar Ali, *The Mughal Nobility Under Aurangzeb*, Oxford University Press 2001.
4. D.N. Jha, *Ancient India: Introductory Outline*, New Delhi 2005.
5. *Ancient India*, R.S. Sharma NCERT
6. Romila Thapar, *Asoka and The Decline of Mauryan Empire*, Oxford India Perennials, New Delhi 2012.
7. D.D. Kaushambi, *Culture and Civilization of Ancient India in Historical Outline*, Vikas Publications 1972.
8. M. Athar Ali, , 'Elements of Social Justice in Medieval Islamic Thought': Indian History Congress 1997.
9. R.S. Sharma, 'How Feudal was Indian Feudalism?', *The Journal of Peasant Studies*, 12:2-3, 19-43, 1985.
10. Iqtidar Alam Khan, 'Medieval Indian Notions of Secular State Craft in Retrospect', *Social Scientist*, Vol. 14, No. 1, 1986.
11. Mohammad Habib, 'Politics and Society During the Early Medieval Period', *Edited Works*, ed. K.A. Nizami, New Delhi 1974.
12. Mohammad Habib, 'Politics and Society During the Early Medieval Period': *Edited Works*, ed. K.A. Nizami, New Delhi 1974.
13. Mohammad Habib, *Essay on Medieval Indian History*, Satish Chandra, Oxford University Press, New Delhi 2003.
14. Ramula Thapar, *History of India Vol. I*, Penguin Books, New delhi 1990.
15. Tara Chand, *Influence of Islam on Indian Culture*, Indian Press 1936.
16. Satish Chandra, *Medieval India From Sultanat to the Mughals (1206-1526) Vol. I*: New Delhi 2016.
17. R.S. Sharma, *Political Ideas and Institutions in Ancient India*, Delhi 1968.
18. K.A. Nizami, *Some Aspects of Religion and Politics in India during the 13th Century*, New Delhi 1961.
19. Peter Jackson, *The Delhi Sultanate: A Political and Military History of India*, Cambridge University Press 1999.
20. A.L. Basham, *The Wonder That was India I*, New Delhi 2004.
21. S A A Rizvi, *The Wonder that was India II*, New Delhi 2005.
22. Infan Habib, Vijay Kumar Thakur, *A People's History of India: A Vedic Age*, Tulika 2003.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
BA.LL.B. (HONS) I SEMESTER
POLITICAL SCIENCE-I
PRINCIPLES OF POLITICAL SCIENCE (BLLS-102)

COURSE OUTCOME / OBJECTIVES:

This subject will help the undergraduate law students to acquire the knowledge of classical as well as contemporary political ideas and theories. By optimum utilization of information technology and application of tools and techniques of active learning in an interdisciplinary fashion the horizon of their learning and experience will be broadened that will be helpful in pursuits of their career and their engagement in the democratic process as citizen.

UNIT-I
INTRODUCTION TO THE DISCIPLINE

1. Nature, Scope and Methods of Political Science
2. Law and the 'Science' of Politics
3. Relationship of Political Science with other Social

UNIT-II
CONCEPT OF POLITICAL POWER

1. The Mechanical/Empiricist and Realist Theories of Power; Their Strength & Limitations
2. The Situated Notion of Power: Socio-Political Dyad
3. Foucauldian Theory of Power Relations; Habermasian Critique of Foucault's Micro-Physics of Power

UNIT-III
THEORY AND PRACTICE OF STATE

- a. Legal notion of state: Strength and limitations
- b. Theories of the Origin of State: Divine Origin Theory, Social Contract Theory & Evolutionary Theory
- c. State and Globalization: Impact of the Globalized Forces on the State

UNIT-IV
MODERN FORMS OF GOVERNMENTS

1. Differences between Democracy and Dictatorship; Political Socialization Between the Two Forms of Government
2. Federal and Unitary Forms of Government: Comparison & Contrast
3. Difference between Parliamentary & Presidential Forms of Government

UNIT-V POLITICAL OBLIGATION

1. Theories of Political Obligation
2. Unjust Laws and Political Resistance
3. Corrective Justice and Punishment

Suggested Readings:

1. Anderson, Benedict R. O’G, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Verso, London, 1991.
2. Asirvathan & Misra, *Political Theory*, S.Chand Co. Ltd., New Delhi. pp. 10-12.
3. B.C. Smith, *Decentralization*, Allen & Unwin Publication, London, pp. 39-88.
4. B.N.M. Tripathi, *An Introduction to Jurisprudence*, Allahabad Law Agency, pp. 326-345.
5. Badie & Brindan, *The Sociology of the State*, Chicago University Press, Chicago, pp. 16-70.
6. Barker, *Political Thought in England*, Thornton Butterworth Ltd. London, pp. 161-183.
7. Baxer, *Theories of Democracy: From Pre-modern to Post modern*, Edinburgh University press, pp. 15-79.
8. Brown, D., *Contemporary Nation: Civic, Ethnocultural and Multicultural Politics*, Routledge, London, 2000.
9. Budge, ‘Direct Democracy’ in Rhodes, Binder & Rockman (ed.) *Oxford Handbook on Political Institutions*, Oxford, pp. 595-610.
10. C.E.M. Joad, *Introduction to Modern Philosophy*, Oxford, pp. 3-20, 66-85.
11. C.H. Dillan, C. Leden & P.P. Stewart, *Introduction to Political Science*, D. Van, Nostrand Company, London, New York, pp. 18-26.
12. Canovan, M., *Nationhood and Political Theory*, Elgar, Cheltenham, 1996.
13. Edgar, *Habermas: The Key Concepts*. Routledge Publication, New York, pp. 112-121.
14. Stilz, Anna, 2013: “Why Does the State Matter Morally? Political Obligation and Particularity”, in *Varieties of Sovereignty and Citizenship*, S.R. Ben-Porath and R.M. Smith (eds.), Philadelphia, PA: University of Pennsylvania Press.
15. Knowles, Dudley, 2010. *Political Obligation: A Critical Introduction*, London and New York, Routledge.

Recommended Readings:

1. Galligan, ‘Comparative Federalism’ in Rhodes, Buinder & Rockman (ed.) *The Oxford Handbook of Political Institutions*, Oxford , pp. 261-280.
2. Hacker & Razz, *Law, Morality & Society*, Oxford Clarendon Press, pp. 81-113.
3. Hay, Stephen ed., ‘Sources of Indian Tradition’, Vol. 2, *Modern India and Pakistan*, Penguin, New Delhi, 1991.
4. Held, *Globalising World? Culture, Economy, Politics*, Routledge Publication, London, New Yark, pp. 135-178.
5. Heller, ‘The Concept of the Political Revisited’ in D. Held (ed.) *Political Theory Today*, Polity Press, pp. 330-343.
6. Inden, Ronald, *Imaging India*, Oxford, London, 1990.
7. Isaac, Power & Marxian Theory: A Realist View, Cornel University Press, pp. 28-67.
8. J.C. Johari, *Principles of Modern Political Science*, Sterling Publications Pvt. Ltd. Delhi, pp. 42-52.
9. J.Isaac, ‘Conceptions of Power’ in M. Hawkesworth & M. Kogan (ed.) *Encyclopedia of Government & Politics* (Vol.I), pp. 56-69.

10. J.R. Strayer, *On the Medieval Origins of the Modern State*, Princeton University Press, pp. 91-129.
11. J.T. Rourke, *International Politics on the World Stage*, Mc. Graw Hill Publication, pp. 180-189.
12. M. Hawkesworth, 'The Science of Politics and the Politics of Science' in M. Hawkesworth & M.Kogan (ed.) *The Encyclopedia of Government & Politics* (Vol.I), Routledge, London, N.Y., pp. 5-37.
13. M.P. Jain, *Political Theory (Liberal & Marxian)* Authors' Guild Publisher, Delhi, pp. 27-48, 67-85.
14. M.S. Shugart, 'Forms of Constitutional Structure: Defining Presidential, Parliamentary and Hybrid Systems.' In Rhodes, Binder & Rockman (ed.) *The Oxford Handbook of Political Institutions*, Oxford, pp. 348-365.
15. Miller, D., *On Nationality*, Oxford, London 1995.
16. N. Linda, *Political Sociology: Social post-modernism, Beyond Identity Politics*, Cambridge University Press, pp. 126-174.
17. N. Poulantzas, *Fascism & Dictatorship*, Verso Edition, London, pp. 65-67.
18. N. Poulantzas, *Political Power and Social Classes*, New Left Books, London. pp. 89-116.
19. Nandy, Ashis, *The Intimate Enemy: Loss and Recovery of Self under Colonialism*, Oxford University Press, Delhi, 1983.
20. O.P. Gauba, *An Introduction to Political Theory*, Macmillan Publications, NDL, pp. 46-54.
21. Q. Skinner, *The Return of Grand Theory in the Human Sciences*, Cambridge University Press, pp. 65-82, 121-140.
22. R. Dahl, *Who Governs?* Yale University Press, pp. 16-59.
23. R. Jessop, 'The State and State-building' in Rhodes, Binder & Rockman (ed.) *The Oxford Handbook of Political Institutions*, Oxford, pp. 111-128.
24. R.A.W. Rhodes, 'Intergovernmental Relations: Unitary Systems' in M. Hawkesworth & M. Kogan(ed.) *Encyclopedia of Government and Politics* (Vol. I) Routledge Publication, pp. 316-335.
25. R.J. Mokken, 'Political Aspects of Economics Power : A Critique of the Market Concept' in L.Lewin & E Veding, (ed.) *Politics as Rational Action* Reidel Publishing Company, Boston, London, pp. 61-82.
26. R.L. Thomas, *Reconfigured Sovereignty: Multilayered Governance in the Global Age*, Ashgate Publication Ltd. pp. 1-53.
27. R.S. Gottlics, *Political Socialisation: History and Subjectivity* Humanistic Press, New Jersey, pp. 153-165.
28. Rathore & Haqqi, *Political Theory*, Eastern Book Company Lucknow, pp. 1-27, 307-323.
29. Russell, *History of Western Philosophy*, Routledge Publication, London, New York, pp. 501-510, 551-588, 623-636.
30. S. Bhattacharya, *Introduction to Political Theory & Institutions*, IGNOU, School of Social Sciences, Gowarsons Publication, pp. 27-38.
31. S. Lukes, *Power: A Radial View*, Macmillan, London, pp. 89-113.
32. S.K. White, *The Cambridge Companion to Habermas*, Cambridge University Press, pp. 3-18.
33. S.L. Witman & JJ. Wuest, *Visual Outline of Comparative Governments*, Littlefield, Adams & Company, New Jersey, pp. 5-14.
34. S.M. Cahn, *Political Philosophy: The Essential Texts*, Oxford University Press, pp. 503-541.
35. Smith, A.D., *Theories of Nationalism*, Duckworth, London, 1991.

36. Spencer P. Wallman, H., *Nationalism: A Critical Introduction*, Sage, London, 2002.
37. Subrata Mitra, 'The Rational Politics of Cultural Nationalism: Subnational Movements of South Asia in Comparative Perspective', *British Journal of Political Science*, 1995.
38. Tanvir Musharraf, 'The Parliamentary System in India: Issues and Suggestions T.A. Nizami (ed.) *Indian Journal of Politics*', A.M.U. Aligarh, Vol. XXXIII, No. 3-4, 1999, pp. 128-134.
39. Veltmeyer, *Globalization & Antiglobalization: Dynamics of Change in the New World Order*, Ashgate Publication Ltd. pp. 11-64.
40. Whittington, R.D. Kelemer & G.A. Calberia, *Law & Politics*, Oxford University Press, pp. 111-163.
41. Y. Brazel, *Theory of the State: Economic Rights, Legal Rights and the Scope of the State*, Cambridge University Press, pp. 17-68.
42. Y.M. Lipset, *Politics and Other Social Sciences*, Wiley Eastern Pvt. Ltd. NDL PP.vii-xii, 1-28, 49-99,137-162.
43. Besson, Samantha, 2005, *The Morality of Conflict: Reasonable Disagreement and Law*, Oxford: Hart Publishing.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) I SEMESTER
LEGAL METHOD

Course Outcome:

The Objective of Legal Method Syllabus is to inform students that legal method consists of what and estimates the value of Law and what changes in the Law are desirable. What is the perspective of Law from multi angle?

UNIT-I: CONCEPTUAL & THEORETICAL FRAMEWORK OF LAW

- A. Meaning, Concept & Nature of Law
- B. Legitimacy & Utility of Law
- C. Classification & Kinds of Law

UNIT-II: IDEOLOGICAL & STRUCTURAL BASIS OF LAW

- A. Form & Structure of Legal System
- B. Social & Economic Perspective
- C. Common Law System & Equity Administration

UNIT-III: LEGAL SYSTEM, JUDICIAL STRATEGY AND HIERARCHY

- A. Principles & Parameters of Justice
- B. Judicial Decisions Making & Judicial Strategy
- C. Hierarchy of English & Indian Courts

UNIT-IV: MECHANISM & METHODS OF LEGAL REASONING

- A. Studying Methodology of Legal Materials, Law Reports, Case Book preparation Lectures & Classes.
- B. Retrieval & Access to Legal Literature, Dictionaries, Glossaries, Maxims.
- C. Case-Law Method: Analysis of Ratio Decendi & obiter dicta.

UNIT-V: LEGAL PROFESSION & LAWYERING SKILLS

- A. Nature and Trends of Legal Profession
- B. Lawyering Skills, Moot Court and Mock Trials
- C. Social Action, lawyering & Participative Advocacy

Suggested Readings:

1. Dias: Jurisprudence: Aditya, New Delhi, 1994.
2. Loyd: Jurisprudence, ELBS, London, 1995.
3. Salmond: Jurisprudence; Tripathi, Bombay, 1992
4. Wolfgang Freedman, Law In Changing Society; Penguin Books.
5. Edger Bodemheimer, Jurisprudence: The Philosophy & Methods of Law.

DEPARTMENT OF LAW
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B.A.LL.B. (HONS) I SEMESTER
LAW OF TORTS-I

Course Specific Outcome: The objective behind teaching the 'Law of Torts' is to set out the law of private rights and duties. This branch of law governs actions for remedies against violation of private rights. It aims for to maintain and vindicate private rights of an individual. This module will facilitate the students to have comprehensive understanding on Law of Tort. The module is designed in order to have detail learning on introduction to the Law of Tort, general principles governing tortious liability and its exception and some important specific torts like nuisance, negligence, defamation, assault, battery, false imprisonment, trespass to land etc.

UNIT-I: EVOLUTION, DEFINITION AND NATURE OF TORT

- A. Origin and Development of Law of Torts (England and India)
- B. Nature, Definitions and Essentials of a Tort
- C. Foundation of Tortious Liability: Pigeon-hole Theory and General Principle of Liability
- D. Mental element in Tortious Liability

Important Cases:

Ashby v. White (1ER 417)

Bhim Singh v. State of Jammu and Kashmir (AIR 1986 SC 494)

Dhadphale v. Gurav (1881)8 Bom 122

Ushaben v. Bhagyalaxshmi Chitra Mandir (AIR 1978 Guj. 13)

Gloucester v. Grammar School (1441 YB 11 Henry, 47,p.21)

Mogul Steamship Co. v. McGregor, Gow & Co. (1892 AC 25)

UNIT-II: REMOTENESS OF DAMAGES, CAPACITY AND GENERAL DEFENCES

- A. Capacity
 - i)Minor
 - ii)Lunatic
 - iii)Drunkard
 - iv)Corporation
 - v)Husband and Wife
- B. Remoteness of Damages

C. General Defences:

- i) Volenti-Non-Fit Injuria
- ii) Act of God
- iii) Inevitable Accident
- iv) Necessity
- v) Statutory Authority
- vi) Private Defence

Important Cases:

- Smith v. Moss (1940) 1 KB 424
- Broom v. Morgan (1953) 1 All ER 849
- Burnard v. Haggis (1863) 14 CBNS 45
- Liesbosch Dredger v. S.S Edison (1939) AC 449
- Haynes v. Harwood (1935) 1 KB 146
- Re Polemis and Furness, Wilthy & Co. Ltd. (1921) 3 KB 560
- Overseas Tankship (U.K) Ltd. V. Morts Dock and Engg. Co. Ltd. (1961) AC 388
- Hall v. Brooklands Auto Racing Club (1932) 1 KB 205
- Stanley v. Powell (1891) 11 QB 86
- Nichols v. Marsland (1876) 2 Ex D 1
- Kirk v. Gregory (1876) 1 Ex D 55

UNIT-III: LIABILITY FOR WRONG COMMITTED BY OTHERS

- A. Composite Tortfeasors
- B. Vicarious Liability
 - i) Liability by Ratification
 - ii) Liability for Abetment
 - iii) Liability by Special Relationships

C. Doctrine of Sovereign Immunity

Important Cases:

- The Koursk (Law Report (1924) Probate Div 140)
- Arneil v. Peterson (1913 AC 560)
- Brinsmead v. Harrison (1871) 2 R 7 CP 547
- Merryweather v. Nixon (1799) TR 88
- State Bank of India v. Shyama Devi (AIR 1978 SC 1263)
- Lloyd v. Grace Smith & Co. (1912 AC 716)
- Peninsular and Oriental Steam Navigation Company v. Secretary of State for India-in-Council (1861 Bom HCR App A-1(3))

Kasturi Lal v. State of UP (AIR 1965 SC 1039)

UNIT-IV: NUISANCE, NEGLIGENCE AND LIABILITY FOR DANGEROUS PREMISES

A. Nuisance

- i) Meaning and Kinds
- ii) Essentials of Nuisance
- iii) Remedies and Defences

B. Negligence

- i) Meaning and Essentials
- ii) Proof of Negligence: Maxim of Res- Ipsa Loquitur
- iii) Contributory Negligence & Composite Negligence

C. Liability for Dangerous Premises

- i) Obligation towards lawful visitors
- ii) Obligation towards trespassers
- iii) Obligation towards children

Important Cases:

Dr. Ram Raj Singh v. Babulal (AIR 1982 All 285)

Robinson v. Kilvert (1889) 41 Ch. D 88

Jacob Mathew v. State of Punjab (AIR 2005 SC 3180)

Donoghue v. Stevenson (1932) AC 562

Glasgow Corporation v. Muir (1943) AC 448

Municipal Corporation of Greater Bombay v. Laxman Iyer (AIR 2003 SC 4182)

UNIT-V: TRESPASS TO PERSON, LAND AND REPUTATION

A. Trespass to Person

- i) Assault, Battery, Mayhem (Maim) and False Imprisonment
- ii) Defences and Remedies

B. Trespass to Land

- i) Meaning and Essentials
- ii) Trespass on highway, airspace, trespass ab initio, continuing trespass and

entry with licence

iii)Defences and Remedies

C. Trespass to Reputation

i)Meaning and Essentials

ii)Defences and Remedies

Important Cases:

Innes v. Wylie (1844)1 C&K 257

Stephen v. Myers (172 ER 735)

Bird v. Jones (1845)7 QB 742

Meering v. Grahame-white Aviation Co. (1920)121 LT 44

Yousoupoff v. MGM Pictures Ltd. (1934) 50 TLR 581

Tolley v. JS Fry & Sons Ltd. (1931) AC 333

Six Carpenters' Case (1610)8 Co.rep 146

Prescribed Reading:

- Avtar Singh, *P.S.A. Pillai's Law of Tort with Law of Statutory Compensation and Consumer Protection* (Eastern book Company, Lucknow, 9thedn., 2004).
- Avtar Singh and Harpreet Kaur, *Introduction to Law of Torts and Consumer Protection* (Lexis Nexis Butterworths Wadhwa, Nagpur, 3rdedn., 2012).
- Edwin Peel and James Goudkamp, *Winfield and Jolowicz on Tort* (Thomas Reuters, London, 19thedn., 2014).
- Guru Prasanna Singh, *Ratanlal and Dhirajlal's The Law of Torts* (Lexis Nexis Butterworths Wadhwa, Nagpur, 26thedn., 2010).
- JN Pandey, *The Law of Torts with Consumer Protection Act and Motor Vehicles Act* (Central Law Publications, Allahabad, 9thedn., 2014).
- M.N. Shukla, *The Law of Torts with Consumer Protection Act and Motor Vehicles Act* (Central Law agency, Allahabad, 21stedn., 2016).
- N.V Paranjape, *Law of Torts Consumer Protection Law Compensation Under Other Statutory Laws* (Central Law Agency, Allahabad, 4th edn., 2019).
- Narender Kumar, R.K. *Bangia's The Law of Torts including Motor Vehicles Act and Consumer Protection Act* (Allahabad law agency, Faridabad, 23rdedn., 2013).
- RFV Heuston, *Salmond on the Law of Torts* (Sweet & Maxwell, London, 17thedn., 1977).
- S.K. Kapoor, *Law of Torts Consumer Protection Act* (Central Law Agency, Allahabad, 10thedn., 2016).

- S.P Singh, *Law of Tort including Compensation under the Consumer Protection Act* (Universal Law Publishing, Gurgaon, 7thedn., 2015).

Learning Outcome: From this module, the students would be able to know that Tort is a civil wrong for which remedy lies in civil action for unliquidated damages (in particular) along with other remedies. In what manner Law of tort has originated and developed and how it helps in vindicating and maintaining private rights. Tort differs from other civil wrongs like breach of contract, breach of trust etc. Various Principles are there for imposing tortious liability. Further, students would come to know about various general defences available to the defendant. Further, they would have thorough understanding of various specific torts, their essentials and also various remedies and defences available to the parties.

DEPARTMENT OF LAW
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B.A.L.L.B. (HONS) I SEMESTER
SOCIOLOGY-I

Objective/Outcome:

The purpose behind teaching sociology is just to aware the law students about the issues of the societies in general and their problems and remedies in particular. Sociology is the scientific study of society in which we live and its study makes a man perfect. In this paper, the students are made familiar with some basic concepts and theories of sociology.

UNIT-I: INTRODUCTION TO SOCIOLOGY AND THEORY:

1. Classical Thoughts:

Origin and Development of Sociology, Definition, Subject Matter (Scope and nature of Sociology); Approaches to study Sociology; Historical approach, Analytical Approach and Empirical Approach Relationships between Sociology and Law.

2. Classical Thinkers:

- a. Emile Durkheim : Social Fact
- b. Karl Marx : Historical Materialism
- c. Max Weber : Ideal Types

UNIT-II: SOCIETY, CULTURE & SOCIAL GROUPS:

- 1. Society : Meaning, Definition and Types of Society,
- Community : Meaning, Definition and Types of Community Robert Robert Redfield's classification of Community.
- Institution : Meaning, Definition and importance of Institutions & Nature of Institutions.
- Association : Meaning and Definition of Association Distinction Between Association and Community.
- 2. Culture : Meaning, Definition and Characteristics of culture, Types of Culture: Material and non-Material Culture.
- Norms : Meaning of Norms, Importance of Norms
- Values : Meaning and Definition of Values.
- Mores : Meaning, types of Mores
- Folkways : Meaning of folkways, and Custom and Law.
- 3. Social Groups : Meaning and Definition of Social Groups, Cooley's Classification of Social Groups.
- Primary Group : Meaning, Definition , Types and Important.
- Secondary Group : Meaning, Definition, Types and Importance.
- Reference Group : Meaning, Definition, of Reference Groups,

UNIT – III: SOCIAL INSTITUTIONS:

1. Kinship : Types of Kinship, Degree of kinship, kinship Terms, Kinship Usages.
- Marriage : Meaning of Marriage, forms of Marriage, Marriage In India
- Family : Meaning of family, Definition of family, The Origin of family, forms of family, functions of family, importance of family

2. Economic Institution : Meaning & Definition of Economic Institution
Characteristics of Economic Institution.
- Political Institution : Meaning & Definition of Political Institution
Characteristics of Political Institution
3. Religion : Meaning & Definition of Religion, forms of Religion, Social Role of Religion and functions of Religion.
4. Education : Meaning and Definition of Education, Importance and Function of Education

UNIT-IV: MAJOR SOCIAL PROCESS:

1. Socialization : Meaning and Definition of Socialization
Process of Socialization, Factors, and Agencies of Socialization.
2. Social Conflict : Meaning and Definition of Conflict, Causes and Types of Conflict.
3. Social Control : Meaning and Definition of Social Control, and Agencies of Social Control

UNIT-V: SOCIOLOGICAL APPROACHES:

1. Functional Functionalism: Meaning and Definition, Durkheim concept of function and functionalism
2. Structural Functionalism : R. Brown Theory of Structural functionalism.
3. Structuralism : Levis Strauss Concept of Structuralism Nadel Concept of Structuralism
4. Conflict Theory : Karl Marx theory of conflict, Ralf Dahrendr of concept of conflict theory

Suggested Readings:

1. Max Weber, Basic Concept in Sociology pp. 1-17.
2. Herbert Spencer, Principles of Sociology pp. 1-6.
3. Alex Inkles, What is Sociology? Pp. 2-17.
4. Temasheff, An Introduction to Sociological Theory, pp. 56-64, 105-118.
5. Andre Beteille, Sociology: Concepts and Institutions pp. 41-60
6. MacIver and Page, Society, pp. 5-22, 213-237
7. Johnson, Sociology, pp. 82-87.
8. Johnson, Sociology, pp. 146-175, 223-264, 392-418.
9. T.B. Bottp, are Sociology, pp. 168-188, 151-167, 237-249, 150-262.
10. Herbert Spencer, The Evolution of Society, pp. 181-192.
11. T.N. Madan, Religions of India. Pp. 203-222
12. H.M. Johnson, Sociology, pp. 110-144, 581-587.
13. MacIver and Page, Sociology, 62-70.
14. Alex Inkeles, what in Sociology? Pp. 37-39.
15. T.B. Bottomore, Sociology, pp. 48-64
16. Alex Inkles, What is Sociology/ pp. 28-45.
17. M. Kaleemullah, Study Materials on Sociology Part-I
18. L.A. Coser: Master of Sociological Theory.
19. David G. Mandelbaum. Society in India.
20. Kingsley Davis, Human Society.
21. Ogbrun & Nimkoff – A hand book of Sociology.
22. Pascual Gisbert, Fundamental of Sociology.
23. Francis Abraham, Contemporary Sociology an Introduction to Concepts and Theories.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
LEGAL LANGUAGE-I (BLLB 106)
BALLB (HONS.) I- SEMESTER

Course Specific Outcomes:

At the end of the course, the students would be able to apply comprehension monitoring strategies for informational and technical legal materials; make use of contextual clues to infer and predict meanings of unfamiliar words from legal context, and would be able to summarize and paraphrase information given in the legal discourse supplied to them by distinguishing main ideas from specific details.

The students would be able to demonstrate improvement in their basic knowledge of Legal English, including an understanding of legal vocabulary and concepts and their appropriate usage; and will enhance their awareness of correct usage of legal English grammar in writing and speaking. produce a well-organized, coherent and unified written discourse; and would be able to produce various types of texts, as per to the prescribed format and language to meet particular need and purpose, and would also be able to translate different legislative text showing command on the vocabulary and basic conventions of two languages.

The students would be able to speak publicly, in both formal and informal contexts, demonstrating skills such as appropriate selection of topic and material, clear organization, effective presentation; the ability to adapt to audience, setting, and occasion; and the ability to listen effectively, using critical and reflective thinking when responding to communication events.

UNIT 1: Reading Comprehension

- 1.1 Unseen Reading Comprehension Passages (of legal and non- legal nature)
- 1.2 Skimming
- 1.3 Scanning
- 1.4 Predicting

UNIT II: Grammar and Usage of Legalese

- 2.1 Basics of English: Parts of Speech
- 2.2 Punctuation Marks used in Legal Writing
- 2.3 Common Errors in English (related to Subject-Verb-Agreement, Nouns, Pronouns, Adjectives, Verbs, and Adverbs)
- 2.4 Corpus Based Analysis of grammatical features (above given) of legalese

UNIT III: Grammar and Vocabulary

- 1.1 Phrase and its types
- 1.2 Clauses and its types
- 1.3 Transformation of Sentences
- 1.4** Synthesis of Sentences

(*Emphasis should be given on Law oriented words and sentences)

UNIT IV: Writing Skill

- 4.1 Note Making
- 4.2 Summarizing
- 4.3 Letter Writing (Letters of Job Application and Internship)
- 4.4 Translation of legal documents from L1 to L2 and Vice- Versa

UNIT V: Oral Communication

- 5.1 Oral communication: Means, Modes and Types
- 5.2 Writing Dialogue Conversation (On different situations of legal and non- legal nature)
- 5.3 Expressing Point of View (Free Speech)
- 5.4 Debate: Theory and Application

Prescribed Readings:

1. Wren and Martin (2011) *High School English Grammar and Composition*, S. Chand and Company Ltd. New Delhi.
2. Tickoo and Subramaniam (2008) *A Functional Grammar with Usage and Composition: A practical Course*, Frank Brothers and Company
3. Raymond, M. (2012) *English Grammar in Use: A Self-Study Reference and Practice Book* 4th Edition. Cambridge University Press. Cambridge.
4. Mckay, W.R., & Charlton H.E (2005) *Legal English- How to Understand and Master the Language of Law* Pearson Education Ltd. England.
5. Haigh. R (2009) *Legal English* 2nd Edition. Routledge.Cavendish, Taylor and Francis Group,London and New york
6. Sasikumar,V.,& Dhamija, P.V (2013,): *Spoken English- A Self-Learning Guide to Conversation Practice* 2nd Edition. PHI Learning Pvt. Ltd., Delhi.
7. Bassnett,S. (2002) *Translation Studies*, Routledge, Taylor and Francis Group,London and New york

Recommended Readings:

1. Ingels Mia, B (2006) *Legal English Communication Skills*. ACCO.
2. Bhatia, K. L (2016) *Textbook on Legal Language and Legal Writing*, 3rd Edition.Universal Law Publishing, New Delhi
3. Mishra, S.K (2017) *Legal language legal writing & general English*

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.L.L.B. (HONS) II SEMESTER
HISTORY -II

Course Outcome/Objectives:

The objective is to teach student about the socio-economic and political history of India from Mughal to Colonial period with the emphasis on the evolution and development of political, economic and social institutions and ideas

UNIT-I: THE MUGHAL EMPIRE IN INDIA

- (a) Establishment of Mughal rule in India.
- (b) Administration under Sher Shah Suri
- (c) Consolidation of Mughal Empire under Akbar.
- (d) Religion and state under the Mughals.

UNIT-II: INDIA IN THE EIGHTEENTH CENTURY

- (a) Theories of the decline of the Mughal Empire.
- (b) The emergence of the Succession States in the 18th Century.
- (c) Mysore Under Haider Ali and Tipu Sultan
- (d) Maratha ascendancy under the Peshwas.
- (e) Factors behind the British success in India.

UNIT-III: THE COLONIAL STATE IN INDIA

- (a) British expansion, from the mid-18th to 19th Century.
- (b) Economic consequences of British rule in India.
- (c) Socio-religious reform movements during 19th century.
- (d) Resistance to Colonial rule: The Revolt of 1857.

UNIT-IV: THE INDIAN NATIONAL MOVEMENT

- (a) Early Indian nationalism, 1885-1909.
- (b) Emergence of Gandhi.
- (c) Khilafat and Non-Cooperation Movement, 1919-24, Civil Disobedience movement, 1930-34
- (d) National Movement from Quit India (1942) to Independence.

UNIT-V: POPULAR AND SOCIAL REFORM MOVEMENTS IN COLONIAL INDIA

- (a) Peasant's and Worker's Movements.
- (b) Movements for Social Equality.
- (c) Women's Movements.
- (d) Dalit Movements.

Suggested Readings:

- (1) Satish Chandra, *Medieval India From Sultanat to the Mughals (1206-1526)* Vol. II: New Delhi 2016.
- (2) Irfan Habib, *The Agrarian System of Mughal India 1556-17-7*, Oxford University Press 1999.
- (3) Irfan Habib, *Medieval India: The Study of Civilization*, National Book Trust 2007.
- (4) Irfan Habib, *Essays in Indian History: Towards Marxist Perception*, Tulika Books, 2017.
- (5) Bipan Chandra, *India's Struggle for Independence*, Penguin Books 2017.
- (6) Sumit Sarkar, *Modern India*, NCERT.
- (7) Sekhar Bandyopadhyay, *From Plassy to Partition: A History of Modern India*, Orient Blackswan 2004.
- (8) J.F.Richards, *The Mughal Empire*, Cambridge University Press 1996.
- (9) Burton Stein, *History of India*, Wiley 2010.
- (10) Judith Brown, *Modern India the Origin of an Asian democracy*, Oxford University Press 1994.
- (11) Bipan Chandra- *The Indian Left: A Critical Appraisal*, Vikas 1983.
- (12) Geraldine Forbes, *Women in Modern India*, Cambridge University Press 2018.
- (13) D N Dhanagre- *Peasant Movement in Colonial India*.
- (14) Radha Kumar- *History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India 1800-1990*, Kali for Women 1997.
- (15) Majid Hayat Siddiqui- *Agrarian Unrest in North India: The United Provinces 1918-22*, Vikas 1978.
- (16) *Subaltern Studies- Vol. I, II, III*, Oxford University Press 1999.
- (17) Kumkum Sangri: *Recasting Women: Essays in Indian Colonial History*, Rutgers University Press 1990.
- (18) *Dalit Visions: The Anti-caste movement and Indian Cultural Identity*, Orient Longman, 1995.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH.
B.A. LL.B. (HONS.) II SEMESTER
LAW OF CONTRACT-I

Programme Outcomes: The recommended course structure is basically meant for B.A.LL.B five year students to get knowledge and better understanding of legal principles .

Programme Specific Outcomes/ Course Outcomes : The Indian Contract Act, 1872 determines the circumstances in which promises made by the parties to a contract shall be legally binding on them. Each contract creates some rights and duties on the contracting parties. Hence the objectives of the Indian Contract Act, 1872 is to deal with the enforcement of these rights and duties on the parties of India. To develop the foundation of commercial law and its enforceability in the country. To prepare students for becoming effective commercial lawyer. Students learn to frame different forms of legal and specific contracts. Students become well-versed with different principles of contract formation. After completion of this course the students may get benefitted for their jobs in different perspectives like Advocacy, legal Advisor, legal Officer in Defense Forces, legal Consultants in MNCs and different competitive exams. It is very pertinent to inculcate the modern tools of contracts especially e-commerce (Contract) to the students of law for better understanding of commercial transactions.

UNIT-I: FORMATION OF CONTRACT

- a. Historical background
- b. Agreement & Contract
- c. Offer/Proposal
Definition, Knowledge of offer, offer and Invitation to treat, Specific and General offer, Standing offer, Cross offer, counter offer
- d. Acceptance of contract
Definition and Essentials of valid acceptance, Communication of acceptance
- e. Revocation of Contract

UNIT-II: CONSIDERATION AND CAPACITY

- a. General principles of consideration
- b. Intention to create legal relationship: A separate contractual element
- c. Consideration: Definition and essentials (S. 2(d)), Exceptions to doctrine of consideration (Sec. 25).
- d. Capacity: Minor's Agreement
- e. Doctrine of Restitution in case of minor

UNIT-III: FACTORS VITIATING CONSENT

- a. Coercion
- b. Undue Influence
- c. Fraud
- d. Misrepresentation
- e) Mistake

UNIT-IV: UNLAWFUL AND VOID AGREEMENTS

- a. Unlawful Consideration and Object (S. 23)
- b. Agreement in restraint of marriage (S. 26)
- c. Agreements in Restraint of Trade (S. 27)
- d. Agreement in restraint of legal proceedings (S.28)
- e. Agreements by way of wager (S. 30)

UNIT-V: PERFORMANCE AND QUASI – CONTRACTS

- a. Obligation of the parties (S. 37)
- b. Tender of Performance (S. 38)
- c. Anticipatory breach of contract (S. 39)
- d. Performance of reciprocal promises (S. 51-54)
- e. Quasi Contractual obligations (Ss. 68-72)

Recommended Readings:

- | | | |
|----------------------|---|------------------------------------------------------------------------|
| 1. Pollock & Mulla | : | Indian Contract and Specific Relief Acts, (13 th Ed. 2010). |
| 2. Cheshire & Fifoot | : | Cases of the Law of Contract |
| 3. Atiyah & P.S. | : | An Introduction to the Law of Contract |
| 4. Avtar Singh | : | Law of Contract |
| 5. R.K. Bangia | : | Indian Contract Act, |
| 6. Desai | : | Indian Contract Act, sale of Goods and Partnership Act. |
| 7. Punnu Swami | : | Cases and materials on Contract. |
| 8. G.H. Treital | : | The Law of Contract. |
| 9. Beatsen (Ed.) | : | Arson's Law of Contract |

Statutory Material:

1. Indian Contract Act, 1872
2. Specific Relief Act, 1963

Suggested Case Laws:

1. **Pharmaceutical Society of Great Britain v. Boots Cash Chemists Ltd.**
2. **Harvey v. Facey**
3. **Balfour v. Balfour**
4. **Lalman Shukla v. Gauri Dutt**
5. **Carlill v. Carbolic Smoke Ball Co.**
6. **Felthouse v. Bindley**
7. **Dunlop Pneumatic Tyre Co. Ltd. v. Selfridge & Co. Ltd.**
8. **Mohori Bibee v. Dharmodas Ghose**

And other related cases

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
LEGAL LANGUAGE-II (BLLB 206)
BALLB (HONS.) II-SEMESTER

Course Specific Outcomes:

At the end of the course the students would be able to demonstrate their knowledge of word families and would be able to use their knowledge of morphemes to decipher the meaning of unfamiliar words in legal context. They will be aware of the notion of ESP and history of legalese which is the reason for its specific linguistic and stylistic features, and its roots in the history of the development of English as a legal language.

The Students would be able to identify and differentiate between the specific language and format used in a particular legal document, and be able to draft legal documents keeping in mind the essentials and norms of pleading and drafting. They will practice all vowel and consonant sounds in English language with the help of IPA (International Phonetic Alphabet) symbols, and be able to articulate English words with accurate pronunciation and stress. They will use communication strategies to participate in group discussions in diverse communication settings and be able to deliver an effective oral presentation using digital tools.

UNIT I: Legal Language: An English for Specific Purposes (ESP)

- 2.1 Legal Language: Origin and Expansion (A Brief Survey)
- 2.2 Characteristics of Legal Language
- 2.3 Analysis of Style and Language of Legal Discourse
- 2.4 Word List drawn from Legal Discourse

UNIT II: Phonetics

- 4.1 IPA Symbols
- 4.2 Phonetic Transcription
- 4.3 Syllable Division and its Rules
- 4.4 Word Stress and its Rules

(* Prescribed: Language Lab. , Practice of Sound Pattern of English Language)

UNIT III: Morphology: Formation of Words

- 1.1 Morphology: Definition and Scope
- 1.2 Morphemes, Morphs and Allomorphs
- 1.3 Morphemes and Types of Morphemes: Free and bound, Lexical and Functional, Derivational and Inflectional.
- 1.4 Word Formation Processes- Affixation Coinage, Borrowing, Compounding, Blending, Clipping, Backformation, Conversion, Acronyms etc.

UNIT IV: Drafting Legal Documents: Language and Structure

- 3.1 Skills & Techniques of Pleading and Drafting
- 3.2 Complaint
- 3.3 Written Statement
- 3.4 Case Diary

UNIT V: Oral Communication

- 5.1 Group Discussion and Group Dynamics
- 5.2 Skill, Strategies, and Stages of Group Discussion
- 5.3 Presentation: Basic Theoretical Aspects and Application
- 5.4 Making and Doing Presentation (on various topics and situations of academic and professional nature)

Prescribed Readings

1. Balasubramanian, T (2012) *A Textbook of English Phonetics for Indian Students* 2nd Edition. Macmillan Publication.
2. Yule, G (2006) *The Study of Language* 3rd Edition. Cambridge University Press, Cambridge.
3. Chaturvedi, R.N () *Pleadings, Drafting and Conveyancing*
4. Haigh, R. (2009) *Legal English* 2nd Edition. Routledge. Cavendish, Taylor and Francis Group, London and New York.
5. Dhamija, P.V & J. Sethi (1999) *A Course in Phonetics and Spoken English* 2nd Edition. Prentice Hall India Learning Private Limited
6. Peter M, Tiersma (1999) *Legal Language*. Chicago University Press. Chicago
7. Sasikumar, V., & Dhamija, P.V (2013) *Spoken English- A Self-Learning Guide to Conversation Practice* 2nd Edition. PHI Learning Pvt. Ltd., Delhi.

Recommended Readings:

1. Ingels Mia, B (2006) *Legal English Communication Skills*. ACCO.
2. Bhatia, K. L (2016) *Textbook on Legal Language and Legal Writing*, 3rd Edition. Universal Law Publishing, New Delhi
3. Mishra, S.K (2017) *Legal language legal writing & general English*

**DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
BA.LL.B. (HONS) II SEMESTER
POLITICAL SCIENCE-II
POLITICAL THOUGHT (BLLB-202)**

COURSE OUTCOME/OBJECTIVES:

The course is supposed to develop an extensive knowledge of pre-modern, modern and post-modern western and Indian political thought. The students will be able to demonstrate critical self-consciousness about their ethical position vis-à-vis politico-legal settings. Upon the completion of the five years integrated programme of BALLB the students will be able to apply the wide knowledge that they gain through interdisciplinary approach in pursuit of their career in more mature manner as they are already exposed to various perspectives that they may or may not agree with.

**UNIT – I
POLITICAL THOUGHT IN THE PRE-MODERN WORLD**

1. **Plato** : Concept of Ideal State; Notion of Justice
2. **Aristotle**: Classification of Government; Law and Justice
3. **Thomas Aquinas**: Church-State Relations

**UNIT – II
MODERN POLITICAL THOUGHT BEFORE MARX**

1. **Machiavelli** : Political Morality; Statecraft
2. **Hobbes, Locke & Rousseau**: Social Contract; Individual Rights
3. **Bentham & Mill**: Utilitarian Thought; Legal Reforms

**UNIT- III
MARX, WEBER AND TRENDS IN CONTEMPORARY POL.THUGHT**

1. **Karl Marx** : Dialectical Materialism; Economic Determinism; Politics and Law as parts of super structure.
2. **Max Weber**: Religion; Rationality; Nature of Modern State
3. **Foucault & Habermas** : Modern and Postmodern Discourse

**UNIT – IV
INDIAN POLITICAL THOUGHT BEFORE COLONIALISM**

1. **Kautilya** : Justice; Law; Statecraft
2. **Abul Fazl** : Theory of Sovereignty; Sulh-i-Kul
3. **Shah Waliullah**: Rights and Duties of Kingship; Moral Economy of the State.

UNIT – V
INDIAN POLITICAL THOUGHT IN THE COLONIAL PERIOD

1. **Sir Syed & Iqbal:** Community; Nation-State
2. **Gokhale & Tilak:** Perceptions of Nationalism
3. **Gandhi & Nehru:** Critique of Colonialism

Suggested Readings:

1. George H. Sabine : A History of Political Theory
2. William A Dunning : A History of Political Theories – Ancient & Medieval
3. Andrew Harker : Political Theory
4. Earnest Barker : Political Thought
5. Fredrick Mayor : A History of Modern Philosophy
6. C.L. Wayper : Political Thought
7. Willaim Ebenestain : Great Political Thinkers
8. Goerge Catlin : The Story of Political Philosophers
9. Janathan Wolff : An Introduction to Political Philosophy
10. R.G. Gettle : History of Political Thought
11. Bertrand Russel : History of Western Philosophy

Recommended Readings:

1. J.P. Suda : History of Political Thought (1st to 3rd vols.)
2. J.C. Johari : Political Thought
3. D.R. Bhandari : History of European Political Philosophy
4. J. Bernard : Hindu Philosophy
5. Prasad & Prasad : Indian Political Thinkers
6. A Appadorai : Political Thoughts in India
7. H.R. Zimmer : Philosophy of India
8. S. Chatterjee : An Introduction to Indian Philosophy
9. R. Frazer : Indian Thought : Past and Present
10. A. Schweetzer : Indian Thought and its Development
11. V.R. Mehta : Foundations of Indian Political Thought.
12. Iqbal : Reconstruction of Islamic Ideas
13. Ishrat Hasan : The Metaphysics of Iqbal
14. Bashir A. Dar : A study in Iqbal's Philosophy
15. Sachinanda : Iqbal: The Poet and his message

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B (HONS) II SEMESTER
SOCIOLOGY – II

Objective/Outcome:

This course offers an interdisciplinary introduction to sociology. Taking off from a common – sense understanding, the course encapsulates a brief history of the discipline, its historical context, and its relevance to the study of Indian society, focusing specifically on the interface between sociology and law. Students are introduced to cross cultural, critical texts on caste, tribe, race, religion and gender, foregrounding the socio political, and historical contexts within which stratification systems have evolved, enabling in the process, a more complex understanding of the social underpinnings of statutes.

UNIT – I: RELIGION COMMUNITY AND THE LAW

- A. Unity in diversity
- B. Meaning of Secularism
- C. Indian Secularism: Constitutional Provisions and Judicial Responses
- D. Constitutional Protections to Religious and Linguistic Minorities
- E. Communalism and Law

UNIT – II: SOCIAL STRATIFICATION:

- A. Theories of social stratification
- B. Class
- C. Power and Authority
- D. Caste
- E. Affirmative Action (Reservation)
- F. Gender Justice and its various forms.
- G. Empowerment of Women : Constitutional and Statutory Provisions; Women’s Commission

UNIT – III: SOCIAL STRATIFICATION IN INDIA

- A. Caste : Definition, Characteristics and Function
- B. Theories on the origin of caste
- C. Approaches to caste

- D. Constitutional Provisions
- E. Non-discriminatory on the ground of caste

UNIT – IV: SOCIAL CHANGE IN INDIAN SOCIETY

- A. Social change : concept, factors and trends.
- B. Sanskritization, Westernization, Modernization and Urbanization.
- C. Harmonic and Disharmonic System and Planned Social Change.
- D. Law and Social Change, Law as an instrument of Social Change.

UNIT – V: METHODOLOGY OF SOCIOLOGY

- A. Durkheimian Approach
- B. Weberian Approach
- C. Marxian Approach
- D. Research Designs

Suggested Readings:

1. S.P. Sathe. : Secularism and the Constitution
2. K. K. Wadhawa : Secularism and the Constitution in India
- M. M. Shankhdas : (ed) Secularism in India
3. P. P. GajendraGadhker : Secularism : Its implications for Law and Life in India, in G.S. Sharma (ed) Secularism
4. M. MusheerAlam : Secularism : The Basic Feature of Indian constitution, KULR 1994
5. Bipin Chandra : Communalism in Modern India
6. Asghar Ali Engineer : communal Riots in Post Independence India
7. Mushirul Hasan : Nationalism and Communal Politics in India
8. P.C. Joshi : Secularism and Development : The Indian Experiment
9. M.M. Harlambos : Sociology: Themes and perspectives
10. Hottom : Caste in India,
11. J. H. Ghurya : Caste and race in India, pp; 1-30, 114 – 140
12. M. N. Srinivas : Caste in Modern India and other essay
13. Johnson : Sociology pp. 624 – 649

14. Srinivas : Social change in Modern India, pp. 1-94
15. Andre Baitteille : Studies in Agrarian structure, pp.194- 200
16. B. Kuppuswamy : Social change in India
17. Yogendra Singh : Modernization of India Tradition
18. Goode &Hatt. : Methods in social research
19. Durheim : Rules of sociological Methods
20. M. Weber : Methodology of social sciences
21. Timansheff : An Introduction to sociological theory
22. Wilkinson &Vandarkar : Methodology and Technique of Social Research
23. R.P. Mishra : Research Methodology, A hand Book.
24. Bttomore, selected Texts from Mark, PP. 166 – 209
25. Max Weber; Class, Status and Party (Articles).
26. Louis Dument, Hierarchy, Status and Power (Articles).
27. Hutton, caste in India pp. 133 – 299
28. YogendraSingh : Social Stratification and change in India

DEPARTMENT OF LAW
ALIGARHMUSLIMUNIVERSITY, ALIGARH
B.A.L.L.B (HONS) II SEMESTER
LAW OF TORTS AND CONSUMER PROTECTION ACT-II

Course Specific Outcome: In this module the students will be able to comprehend about further specific torts, namely, trespass to goods and conversion, deceit and malicious prosecution. They will also be able to explore remedies, in general, available in Law of Tort. Further two codified laws are also covered, namely, the Motor Vehicles Act, 1988 and the Consumer Protection Act, 2019. These laws will help students in knowing how Law of Tort deals with the issues relating to motor vehicles and consumer goods and services, particularly in India. Important Amendments are also covered in order to equip the students with current developments.

UNIT-I: TRESPASS TO GOODS, DECEIT, MALICIOUS PROSECUTION AND STRICT LIABILITY

A. Trespass to Goods and Conversion

- i) Trespass to Goods, Defences and Remedies
- ii) Conversion, Defences and Remedies
- iii) Difference between trespass and Conversion

B. Deceit

- i) Meaning and Essentials
- ii) Defences and Remedies

C. Malicious Prosecution

- i) Meaning and Essentials
- ii) Difference between False Imprisonment and Malicious Prosecution

D. Strict Liability and Absolute Liability

- i) Meaning of Strict Liability, Essentials and Defences
- ii) Absolute Liability in India

Important Cases:

Kirk v. Gregory (1876) 1 Ex D 55

National Coal Board v. Evans (1951)2 KB 861
Armory v. Delamirie (1721)1 Stir 505
Roop Lal v. Union of India (AIR 1972 J&K 22)
Edington v. Fitzmaurice (1885)29 Ch D 459

UNIT-II: REMEDIES AND EXTINCTION OF LIABILITY AND MOTOR VEHICLES ACT, 1988

- A. Remedies in Law of Tort
 - i)Judicial Remedies
 - ii)Extra Judicial Remedies
- B. Extinction of Liability in Tort
- C. Compulsory Insurance and Extent of Insurer's liability for Third Party risk under Motor Vehicles Act, 1988
- D. Liability in Hit and Run Cases under Motor Vehicles Act, 1988
- E. Claims Tribunal under Motor Vehicles Act, 1988

Important Cases:

Rylands v. Fletcher (1868)LR 3 HL 330
MC Mehta v. Union of India (AIR 187 SC 1086)
Union Carbide Corporation v. Union of India (AIR 1992 SC 248)
Oriental Insurance Co. Ltd v. Sudhakaran, KV (AIR 2008 SC 2729)
Oriental Insurance Co. Ltdv. Jhuma saha (AIR 2007 SC 1054)
National Insurance Co. Ltd. V. Sinitha (2012)2 SCC 356

UNIT-III: THE CONSUMER PROTECTION ACT, 2019

- A. Brief History, Salient features and Scope
- B. Who is a Consumer
- C. Consumer Protection Councils
- D. Central Consumer Protection Authority

Important Cases:

Lucknow Development Authority v. MK Gupta (1993) III CPJ 7
State of Karnataka v. vishwabharathi House Bldg. Co-op Society (2003) 1 CPJ
1 (SC)

UNIT-IV: DISPUTE REDRESSAL AGENCIES

- A. District Consumer Disputes Redressal Commission (District Commission)
 - i)Composition
 - ii)Manner in which Complaint shall be made.
 - iii)Procedure on admission of complaint.
 - iv)Finding
 - v)Review and Appeal
- B. State Consumer Disputes Redressal Commission (The State Commission)
 - i)Composition
 - ii)Jurisdiction
 - iii)Procedure
 - iv)Review and Appeal
- C. National Consumer Disputes Redressal Commission. (The National Commission)
 - i)Composition
 - ii) Jurisdiction
 - iii) Procedure
 - iv)Review and Appeal

UNIT-V: MEDIATION, PRODUCT LIABILITY AND OFFENCES AND PENALTIES

- A. Mediation
- B. Product Liability
- C. Offences and Penalties
- D. Miscellaneous

Prescribed Readings:

- Avtar Singh, *P.S.A. Pillai's Law of Tort with Law of Statutory Compensation and Consumer Protection* (Eastern book Company, Lucknow, 9thedn., 2004).
- Avtar Singh and Harpreet Kaur, *Introduction to Law of Torts and Consumer Protection* (Lexis NexisButterworthsWadhwa, Nagpur, 3rdedn., 2012).
- Consumer Protection Act (Act 68 of 1986).
- Edwin Peel and James Goudkamp, *Winfield and Jolowicz on Tort* (Thomas Reuters, London,

19thedn., 2014).

- Guru Prasanna Singh, *Ratanlal and Dhirajlal's The Law of Torts* (Lexis NexisButterworthsWadhwa, Nagpur, 26thedn., 2010).
- JN Pandey, *The Law of Torts with Consumer Protection Act and Motor Vehicles Act* (Central Law Publications, Allahabad, 9thedn., 2014).
- M.N. Shukla, *The Law of Torts with Consumer Protection Act and Motor Vehicles Act* (Central Law agency, Allahabad, 21stedn., 2016).
- Motor Vehicles Act, 1988 (Act 59 of 1988).

- Narender Kumar, R.K. *Bangia's The Law of Torts including Motor Vehicles Act and Consumer Protection Act* (Allahabad law agency, Faridabad, 23rdedn., 2013).
- RFV Heuston, *Salmond on the Law of Torts* (Sweet & Maxwell, London, 17thedn., 1977).
- S. K. Kapoor, *Law of Torts Consumer Protection Act* (Central Law agency, Allahabad, 10thedn., 2016).
- S.P Singh, *Law of Tort including Compensation under the Consumer Protection Act*(Universal Law Publishing, Gurgaon, 7thedn., 2015).
- V.K. Agrawal, *Law of Consumer Protection* (Bharat Law House Pvt. Ltd., New Delhi, 2ndedn., 2013).

Learning Outcome: From this module, the students would be able to know that the purpose of Law of Tort is to maintain and vindicate private rights of individual. It recognizes judicial and extra judicial remedies. There are circumstances where tortious liability comes to an end. Some areas of law of tort are codified like consumer law and motor vehicles law. The students will be able to comprehend the law provided in the Consumer Protection Act, 2019 and the Motor Vehicles Act, 1988.

DEPARTMENT OF LAW
B.A.LL.B. (HONS) III SEMESTER
LAW OF CONTRACT-II (Advance form of Contract)

Programme Outcomes: The recommended course structure is basically meant for B.A.LL.B five year students to get knowledge and better understanding of legal principles .

Programme Specific Outcomes/ Course Outcomes: The objective of the law of contract here is to deal with discharge of contractual liabilities between parties either through the acts of the parties or by the operation of the law along with various remedies, measures of damages of breach of contract and penalties thereof available under the Act. Here also the objective to deal with the specific contracts of Guarantee, Indemnity, Pledge, and Agency is to know the related laws with the scope, nature and creation of these contracts under the perspective of this Act. To develop the foundation of commercial law and its enforceability in the country. To prepare students for becoming effective commercial lawyer. Students learn to frame different forms of legal and specific contracts. Students become well-versed with different principles of contract formation. After completion of this course the students may get benefitted for their jobs in different perspectives like Advocacy, legal Advisor, legal Officer in Defense Forces, legal Consultants in MNCs and different competitive exams. It is very pertinent to inculcate the modern tools of contracts especially e-commerce (Contract) to the students of law for better understanding of commercial transactions.

Unit-I: DISCHARGE OF CONTRACT & REMEDIES

- a) Anticipatory Breach of Contract
- b) Discharge by frustration
- c) Damages: Meaning and concept
- d) Remoteness of damages
- e) Measure of Damages

Unit-II: SPECIFIC CONTRACTS

- a) Contract of Indemnity- Concept, Definition and Method
- b) Commencement of liability of the indemnifier and Nature of indemnity clauses
- c) Right/Duties of Indemnifier, Indemnified and Surety
- d) Contract of Guarantee- Concepts, Definition and Kinds of Guarantee
- e) Discharge of Surety's liability and Distinction between indemnity and Guarantee

Unit-III: SPECIFIC CONTRACTS

- a) Contract of Bailment and Contract of pledge- Meaning and concept
- b) Rights and Duties of Bailor/Bailee, Pawnor/Pawnee
- c) Lien
- d) Termination of Bailment
- e) Commercial utility of pledge transactions

Unit-IV: AGENCY

- a) Nature of Agency- Definitions of Agent, Principal and Essentials of relationship of agency
- b) Creation of Agency- By agreement, Ratification and by Operation of law
- c) Duties and Obligations of Agent
- d) Relation of principal/agent, subagent and substituted agent
- e) Termination of Agency

Unit-V: International Law of Contract

- a) Concept and historical development
- b) Essentials of e-Contract
- c) Duties of the parties
- d) Discharge of contract
- e) Provisions for damages

Recommended Readings:

1. Pollock & Mulla: Indian Contract and specific relief Acts
2. Avtar Singh: Law of contract
3. Atiyah & P.S: An Introduction to the Law of Contract
4. Cheshire & Fifoot: Cases on the Law of Contract
5. R.K. Bangia: Indian Contract Act
6. Desai: Indian Contract Act, Sale of Goods and Partnership Act

Statutory Material:

1. Indian Contract Act, 1872
2. Specific Relief Act, 1963
3. The Indian Partnership Act, 1932
4. United Nations Convention on Contracts for the International Sale of Goods (CISG), 1980
5. Other Conventions on International Law of Contract

Suggested Case Laws:

1. Hadley v. Baxendale (1854) 9 exch 341
2. Adamson v. Jarvis (1827) 4 BING 66
3. Osman Jamal & SONS Ltd. v. Gopal Purshottam (1928) ILR 56 Cal 262
4. Pannalal Janakidas v. Mohanlal AIR 1951 SC 144
5. Leading Cases on International Law of Contract

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
LEGAL LANGUAGE-III (BLLB 306)
BALLB (HONS.) III- SEMESTER

Course Specific Outcomes:

At the end of the course, the students would be able to apply their analytical and critical skills and abilities to analyse and appreciate different genres of legal literature and would be able to talk about the application of law in real society. They will use, apply, demonstrate and enhanced upon the specialised vocabulary of law used in various areas of law. The students would be able to identify and differentiate between the specific language and format used in a particular legal document, and be able to draft legal documents keeping in mind the conventions of pleading and drafting

The course will make them to participate in various communicative situations like moot court, seminars, debate, extempore etc. and would be able to demonstrate their advocacy skills and effective communicative skills using digital tools. The Students would be able to analyse the language of eminent jurist and lawyers at lexical semantic, syntactic, and graph logical level

The students would be able to produce coherent and accurate written text with appropriate vocabulary, and graphic organizers; and would also be able to translate different legislative text showing command on the vocabulary and basic conventions of two languages.

UNIT 1: Law and Literature

- 1.1 Legal Fiction: Need And Relevance for Law Scholars
 - 1.2 Mr. Havlena’s Verdictby Karel Capek
 - 1.3 In the Courtby Anton Chekhov
 - 1.4 Advice to a Young Person Interested in a Career in the Law.....by Justice Felix FrankFurter
- (Reading and Comprehension of texts for their detailed analysis. Passages for reference to context)

UNIT II: Legal Terminology and Maxims

- 2.1 Phrasal Verbs used in Legal English
- 2.2 Foreign Maxims of Law
 - Actus Non Facit Reum, Nisi Men Sit Rea
 - Actio Personalis Moritur Cum Persona
 - De Minimis Non Curat Lex
 - Audi Alteram Partem
 - Delegatus Non-Potest Delegare

- Ex Nudo Pacto Non- Oritur Actio
- Ubi Jus Ibi Remedium
- Damnum Sine Injuria
- Injuria Sine Damno
- Ignorantia Facti Excusat, Ignorantia Juris Non-Excusat

2.3 Legal Terminology

2.4 Homonyms & Homophones

UNIT III: Drafting Legal Documents: Language and Structure

3.1 Affidavit

3.2 Complaints

3.3 Bail Application

3.4 Deed (Sale deed)

UNIT IV: Litigation Skills

4.1 Court Advocacy: Basic Structure of Civil Trail and its Linguistic Aspects (Teacher may give any legal problem for role play)

4.2 Negotiation: Theory and Approaches

4.3 Semantics: Definition and Scope in Legalese

4.4 Semantic Analysis of Juridical Diction

UNIT V: Writing Skill

5.1 Essay Writing.

5.2 Paragraph writing

5.3 Précis Writing.

5.4 Translation of Legal Texts from L1 to L2 and Vice Versa

Suggested Readings

1. Tickoo and Subramaniam (2008) *A Functional Grammar with Usage and Composition: A practical Course*, Frank Brothers and Company
2. Raymond, M (2012) *English Grammar in Use: A Self-Study Reference and Practice Book* 4th Edition. Cambridge University Press. Cambridge.

3. McKay, W.R. & Charlton H.E. (2005) *Legal English- How to Understand and Master the Language of Law*. Pearson Education Ltd. England.
4. Haigh. R (2009) *Legal English* 2nd Edition. Routledge. Cavendish, Taylor and Francis Group, London and New York
5. Chaturvedi, R.N. : *Pleading, Drafting and Conveyancing*.
6. Mohan and Raman (2009) *Advanced Communicative English: A Comprehensive Course for Undergraduate Learners*. Tata McGraw Hill Education Private Limited., New Delhi
7. Yule, G (2006) *The Study of Language* 3rd Edition. Cambridge University Press, Cambridge
8. Broom, H () *Legal Maxims*.
9. Alfredson, T. and Azeta Cungu (2008) *Negotiation Theory and Practice A Review of the Literature* . EASYPol Module 179

Recommended Readings:

1. Ingels Mia, B (2006) *Legal English Communication Skills*. ACCO.
2. Bhatia, K. L (2016) *Textbook on Legal Language and Legal Writing*, 3rd Edition. Universal Law Publishing, New Delhi
3. Mishra, S.K (2017) *Legal language, legal writing & general English*

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) III SEMESTER
CONSTITUTIONAL LAW-I

Course Outcome:

The Constitution of India is recognized as the supreme law of the land. It is federal in character and declares her as a democratic state. It enshrines the fundamental principles of such state. The Constitution not only provides for the creation of organs of the state but also their powers, functions, responsibilities and the obligations. The students should know the genesis and special features along with the factors influencing the Constitution. Therefore, a good understanding of the constitution as developed through different modes is necessary for students of law. The following syllabus covers the aforesaid aspects.

UNIT-I: CONSTITUTIONAL DEVELOPMENT AND KEY CONCEPT

1. Constitution & Constitutionalism – Meaning, Need, Content
2. Salient Features of Indian Constitution
3. Preamble

UNIT-II: THE EXECUTIVE

1. Position of President
2. Powers of President - Emergency Powers
3. Position & Powers of Prime Minister
4. Appointment, Functions, & removal of Governor

UNIT-III: PARLIAMENT

1. Parliamentary Privileges, concept, Origin, & Development
2. Parliamentary Privileges - Relationship with Fundamental Rights,
3. Codification of Parliamentary Privileges
4. Powers & Procedure for amendment
5. Doctrine of Basic Structure

UNIT-IV: THE JUDICIARY

1. Appointment and Removal of Judges
2. Jurisdiction of The Supreme Court
3. Original Jurisdiction
 - i. Advisory Jurisdiction
 - ii. Independence of Judiciary

UNIT-V: THE FEDERALISM

1. Concept and Development of Federalism
2. Essentials
3. Indian Federalism
4. Doctrine of
 - I. Pith & Substance
 - II. Repugnancy
 - III. Colourable Legislation

Recommended Readings:

1. H.M. Seervai : Constitutional Law of India, 3rd edition. pp. 133-44
 2. M. Hidayatullah : Constitutional Law of India, Vol. I, pp. 13-14
 3. M. Ghose : Society and Law in India (1973)
 4. P.K. Tripathi : Secularism: Constitutional Review and Judicial Review, 8 JILI (1966) I
 5. M.P. Jain : Constitution of India, pp. 340-42
 6. A.V. Dicey : Introduction to the Study of Constitutional Law, Xth edition, pp. 325-27
 7. Faizan Mustafa : Constitution & Article 356 (Chapter 1, II, V)
 8. Badar Ahmad : Secularism and Religious Freedom under the Constitution of India-A Critique 1992 SCJ(I) at p. 9
 9. D.D. Basu : Constitution of India
 10. V.N. Shukla : Constitution of India
 11. J.N. Pandey : Constitution of India
 12. Narendra Kumar: Constitutional Law of India
 13. B.K. Sharma : Introduction to the Constitution of India
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DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.L.L.B. (HONS) III SEMESTER
HISTORY - III
LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

Course Outcome/Objectives:

The objective is to teach students about the evolution and development of legal institutions and ideas and constitutional development in pre-colonial India.

UNIT-I: JUSTICE AND LAW IN ANCIENT INDIA.

- (a) Sources- Vedas, Arthashastra, Manusmriti.
- (b) Perception of Justice: Caste, Gender and Nayaya.
- (c) Judicial Organization: Judicial Procedure, Courts and Judges

UNIT-II: JUSTICE AND LAW IN MEDIEVAL INDIA.

- (a) Sources of Islamic Law- *Shariat*, *Zawabit*, Dharmashastras and Custom.
- (b) Judicial Organization under the Sultanate: Barani on Justice, role of the *qazi* and other officials, Civil Suits and Criminal Justice.
- (c) Changes under the Mughals: Abul Fazal's concept of Justice, Judicial officials, Punitive System and Crime control.

UNIT-III: JUSTICE AND LAW IN COLONIAL INDIA.

- (a) Early developments- Charters of East India Company, Regulating Act, Pitts India Act.
- (b) Development of Personal law
- (c) Development of Criminal laws

UNIT-IV: SOCIAL HISTORY OF LAW IN COLONIAL PERIOD.

- (a) Social construction of crime and criminality.
- (b) Criminal tribe, Caste, and Class.
- (c) Women and law.

UNIT-V: NATIONAL MOVEMENT AND INDIAN CONSTITUTION.

- (a) Indian Council Act 1861, 1892 and. 1909.
- (b) Government of India Act 1919 and 1935.

(c) Rights of citizens in the Constitution of India.

Suggested Readings:

1. A.L. Basham, *The Wonder That was India I*, New Delhi 2004.
2. R.S. Sharma, *Political Ideas and Institutions in Ancient India*, Delhi 1968.
3. R Shamasastri, *Kautilya's Arthashastra* (Tr.) 1917.
4. A C Banerji and D K Chosh: *Comprehensive History of India*.
5. Janaki Nair, *Women and Law in Colonial India*, Kali for Women, 1996.
6. Bijay Kisor Acharyya: *Codification in India* (Tagore Law Lectures 1912).
7. Radhika Singha, *A Dispotism of Law Crime and Justice in Early Colonial India*, Oxford University Press 1998.
8. A.B. Keith, *Constitutional History of India, 1600-1935*, Pacific Publication 2010.
9. Bernard S Cohn: *Colonialism and Its Forms of Knowledge: The British in India*, Princeton University Press 1996.
10. Nicholas B Dirks: *Castes of Mind: Colonialism and the Making of Modern India*, Princeton University Press 2001.
11. Ranjit Guha, *A Subaltern Studies Reader, 1986-1995*, University of Minnesota Press, 1997.
12. R S Sharma, *Political Ideas and Institution during Ancient India*, Motilal Banarsidass 2015.
13. D D Basu: *An Introduction to the Constitution of India*, Lexix Nexix 2015.
14. M Basheir Ahmad, *Judicial Administration during Medieval India*, Cosmo Publication 2015.
15. Asad A A Fayzee, *Outlines of Mohammadan Law*, Oxford University Press 2018.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
ECONOMICS- I (BLLB-303)
B.A.LL.B. (HONS) IIIrd SEMESTER

Course Objective:

The study of economics involves analytical analysis how scarce resources are allocated to various areas of production and distribution.. It emphasizes the importance of making choices between desirable alternatives. The study of economics provides tools to make these choices in such areas as employment, economic growth, price stability and trade. Presently, economic analysis of law is an important area of application of microeconomic theories in legal studies. Economic tools are used to analyze the effects of laws.

Course Outcome:

The study of this course impart the knowledge to the students to learn economic theories or framework done by economist that have application in the economic analysis of law. The students may use the economic tools efficiently to analyze the effects of laws, to asses economically efficient legal rules and predicts legal rules to be promulgated. The course is valuable not for the topics it studies, but also for its methods of analysis.

UNIT - I

1. Economic Analysis of Law
2. Positive v Normative Economics
3. Classification of Economics: Micro and Macro Economics
4. Concept of Equilibrium; Short Period, Long Period, Partial and General

UNIT - II

1. Utility Analysis : Marshallian Utility Analysis
2. Indifference Curve Analysis
3. Consumer's Surplus
4. Application of Consumer's surplus

UNIT - III

1. Law of Demand : Concept & Determinants of demand
2. Elasticity of Demand : Price, Income & Cross Concept, Degree & Measurement
3. Concept of Cost : Total Cost, Fixed Cost, Variable Cost, Average Cost, Marginal Cost, Relationship between Average Cost and Marginal Cost.
4. Concept of Revenue : Total Revenue, Average Revenue, Marginal Revenue, Relation between Average and Marginal Revenue.

UNIT - IV

1. Classification of Market Structure
2. Equilibrium of the firms
3. Perfect Competition
4. Monopoly
6. Monopolistic Competition
7. Oligopoly (only characteristics)

UNIT - V

1. Welfare Economics: Individual Welfare and Social welfare, Concepts of Social Welfare
2. Role of Value Judgment in Welfare Economics
3. Pareto Criterion of Social welfare: Equilibrium Approach
4. Welfare Economics: Impact on Law and Development

Recommended Readings:

1. H.L. Ahuja, Advanced Economic Theory: Microeconomic Analysis , 1998..
2. K.K. Dewett, Modern Economic Theory, 1997.
3. Robert Cooter & Thomas Ulen, Law & Economics, Fourth Ed.
4. Richard A. Posner, Economics Analysis of Law, Sixth Ed.
5. K.C. Gopalakrishanan & Ramdass, Economics for Law students, 1996.
6. Edward Shapiro, Microeconomic Analysis, 1992.
7. M.C. Vaish, Microeconomic Theory, 2000..
8. A.W. Stonier & D.C. Hague, A text book of Economic Theory, Fifth Ed.
9. R.R. Barthwal, Microeconomic Analysis, 1992
10. A.Koutsoyiannis, Modern Microeconomics, 1985
11. Paul A Samuelson & William D. Nordhous, Economics, ,1998.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A. LL.B. (Hons.) III Semester
CRIMINAL LAW -I

Course Outcome:

Criminal Law is a body of law that relates to crime. It regulates social conduct and proscribes threatening, harming or otherwise endangering the health, safety and moral welfare of the people. It includes the punishment of people who violates these laws. The Indian society has changed very rapidly since Independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skill to build a just and humane society. The curriculum outlined here attempt to bring in these perspectives.

UNIT-I:

1. Nature of Crime and Criminal Law
2. Elements of Crime
3. Principle of Legality
4. Territorial jurisdiction of the Indian Penal Code

Cases

1. Fowler v. Padget (1798) 7 T.R. 509
2. Harding v. Price (1948) 1KB. 695
3. R v. Allday (1837) 8 C & P, 136 at 139
4. R v. Prince (1875) L.R. 2 C.C.R. 154
5. Queen v. Tolson (1889) 23 Q.B.D. 168
6. Sherras v. De Rutzen (1895) 1 Q.B. 918
7. Cundy v. Le Cocq (1884) 13 QBD.207
8. Hobbs v. Winchester Corporation (1910) 2 K.B. 471
9. State of Maharastra v. M. H. George A.I.R. 1965 S.C. 722
10. Nathu Lal v. State of M.P. A.I.R. 1966 S.C. 43
11. Mubarak Ali Ahmad v. State of Bombay, A.I.R. 1957 S.C. 857
12. R v. Francis Cassidy (1867) 4 B.H.C. (Cr. C.) 17
13. Queen v. Nidha (1891) I.L.R. 14 All 38
14. Abhayanand Mishra v. State of Bihar A.I.R. 1961 S.C. 1698
15. State of Maharashtra v. Mohd. Yakub 1980 Cr. L.J. 793

UNIT-II:

1. Constructive Liability SS-34-38 and 149 IPC
2. Nature of Punishment
3. Kinds of Punishment
 - i) Capital Punishment

- ii) Commutation of sentence
- iii) Imprisonment for non-payment of fine
- iv) Enhanced punishment for certain offences

4. Criminal Attempt S-511 I.P.C.

Cases:

1. Barendra Kumar Ghose v. Emperor, 52 I.A. 40 (P.C.)
2. Mahboob Shah v. Emperor, 72 I.A. 148 (P.C.): A.I.R. 1945 P.C. 118
3. Kripal Singh v. State of U.P. A.I.R. 1954 S.C. 706
4. Ram Nath v. State of M.P. A.I.R. 1953 S.C. 420
5. Pandurang v. State of Hyderabad A.I.R. 1955 S.C. 216
6. Rishi Deo Pandey v. State of U.P. A.I.R. 1955 S.C. 331
7. Shree Kantiah v. State of Bombay A.I.R. 1955 S.C. 287
8. J.M. Desai v. State of Bombay A.I.R. 1960 S.C. 889
9. Krishna v. Maharashtra A.I.R. 1963 S.C. 1413
10. Hira Lal Malik v. State of Bihar A.I.R. 1977 S.C. 2236
11. State of Punjab v. Mann Singh 1983 Cr. L. J. 229 (S.C.)
12. Kishori v. State of Delhi 1999 Cr. L. J. 584 (S.C.)
13. Jagmohan Singh v. State of U.P. 1973 Cr. L.J. 370
14. Rajendra Prasad v. State of U.P. 1979 Cr. L.J. 792
15. Bachan Singh v. State of Punjab 1980 Cr. L.J. 636 (S.C.)
16. Machhi Singh v. State of Punjab 1983 Cr. L. J. 1457 (S.C.)
17. Javed Ahmad v. State of Maharashtra 1984 Cri. L.J. 1909 (S.C.)
18. Triveni Ben v. State of Gujrat 1989 Cri, L. J. 870 (S.C.)
19. T. V. Vatheeswaran v. State of Tamil Nadu 1983 Cri. L. J. 481 (S.C.)

UNIT-III:

1. General Exceptions – Excuseable & Justifiable ... S.S. 76-106
2. Defence of Mistake of Fact and Law S.S. 76 & 79
3. Protection of Judges acting Judicially and of persons acting in pursuance judgment of order of Court of justice S.S. 77 & 78
4. Defence of AccidentS. 80
5. Defence of Necessity ... 81

Cases:

1. K. M. Nanavati v. State of Maharashtra A.I.R. 1962 S.C. 605
2. Shivaji v. State of Maharashtra 1973 Cr. L. J. 1783 (S.C.)
3. Barrow v. Issacs (1891) 1 Q.B. 417
4. R. v. Tolson (1889) 23 Q.B.D. 168
5. R. v. Prince (1875) L.R. 2 C.C.R. 154
6. Sheras v. De Rutzen (1895) 1 Q.B. 918
7. Cundy v. Le Cocq (1884) 13 Q.B.D. 207
8. Bhawoojivaji v. Mulli Dayal (1888) 12 Bon 377
9. State of W.B. v. Shew Mangal Singh and others 1884 Cr. L.J. 1683 (S.C.)
10. Jageshwar v. Emperor A.I.R. 1924, 24 Cr. L.J. 789
11. Shakir Khan v. Crown A.I.R. 1931 Lah. 54
12. Bhupendra Singh A. Chaudasama v. State of Gujrat 1998 Cr. L. J. 57 (S.C.)
13. Reniger v. Fogossa (1779) 21 How
14. Cope v. Sharpe (1912) 1 K.B. 496
15. Maleverger v. Spinke (1537) Dyer at 36
16. R. v. Dudley and Stephen (1884) 14 Q.B.D. 273

UNIT-IV:

1. Defence of Minority ... S.S. 82-83
2. Defence of Insanity ... S. 84
3. Defence of Intoxication ... S.S. 85 & 86
4. Defence of Consent ... S.S. 87-89
5. Defence of Duress ... S.94

Cases:

1. Queen v. Lukhri Agradanini (1874) 22 W.R. (Cr.) 237
2. Marsh v. Loader (1863) 14 C.B.N.S. 535
3. Hiralal v. State of Bihar 1977 Cr. L. J. 1921 (S.C.)
4. Mussammat Aimona (1864) 1 W.R. (Cr.) 43
5. R v. Arnold (1724) 16 St. Tr. 695
6. Lord Ferrer's case (1760) 19 St. Tr. 885
7. Hadfield's case (1800) 27 St. Tr. 128
8. Bowler's Case (1821) Collinson Lumey 673
9. M'Naghten's Case
10. A. G. for Northern Ireland v. Gallagher (1963) A.C. 349
11. Durham v. United State 214 F 2d 862
12. Sodeman v. R. (1936) 2 All E.R. 1138
13. D.P.P. v. Beard 1920 (A.C.) 479
14. Regina v. Doherty 16 Cox C.C. 306 at 308
15. Basudeo v. State of Pepsu A.I.R. 1956S.C. 488
16. R. v. Meade (1909) 1 K.B. 865

17. R. v. Lipman (1970) 1 Q.B. 152
18. Mawji v. R. (1957) A.C. 126
19. R. v. Lord Mayor of London, (1886) 16 Q.B.D. 772
20. Bachan Lal v. State A.I.R. 1957 All 184.

UNIT-V:

Right of Private Defence as a Ground for Exemption from Criminal Liability

1. Right of Private Defence ...SS 96-97
 - i) Against persons of unsound mind etc ...S.98
 - ii) Acts against which there is no right of Private Defence ...S.99
2. Right of Private Defence of Body ... SS 100-102
3. Right of Private Defence of Property ...SS 103-105
4. Right of Private Defence against deadly assault or harm to innocent person..... S.106
5. Abetment of a thing S.107
 - Abetment in India of offence outside India ... S-108.A
6. Criminal Conspiracy
 - i) Definition of Criminal conspiracy ...S-120
 - ii) Distinction between SS. 120B and 107 IPC
 - iii) Punishment for Criminal Conspiracy -120 B

Cases:

1. Rajesh Kumar v. Dharamvir 1997 Cr. L.J. 2242 (S.C.)
2. Buta Singh v. State of Punjab 1991 Cri L.J. 1464 (S.C.)
3. Jai Dev v. State of Punjab AIR 1963 SC 612
4. Onkarnath Singh v. State of U.P. AIR 1974 SC 1550
5. Ram Ratan v. State of Bihar AIR 1965 SC 926
6. Kesho Ram v. Delhi Administration AIR 1974 SC 1158
7. Baljit Singh v. State of U.P. AIR 1976 SC 2273
8. Dominic Varkey v. State of Kerala AIR 1971 SC 1208
9. DeoNarain v. State of U.P. AIR 1973 SC 473
10. Amjad Khan v. State AIR 1952 SC. 165
11. Yashwant Rao v. Stat of M.P. AIR 1992 SC 1683
12. Vishwanath v. State of U.P. AIR 1960 SC 67
13. MunshiRam v. Delhi Administration AIR 1968 SC 702
14. Lakshmi Tiwari v. State of Bihar AIR 1972 SC 1058
15. Nathan v. State of Madras AIR 1973 SC 665
16. Mohd. Hussain Umer Kochra v. K.S. Dalipsinghji AIR 1970 SC 45
17. Fakhruddin v. State of M.P. AIR 1967SC1326
18. Kehar Singh v. State (Delhi Administration) AIR 1988 SC 1883
19. State of Tamil Nadu v. Nalini AIR 1999 SC 2640
20. Ajay Agarwal v. Union of India AIR 1993 SC 1637

21. B. H. Narsimha Rao v. Govt. of A.P. AIR 1996 SC 64
22. Central Bureau of Investigation v. V.C. Shukla AIR 1998 SC
23. P.V. Narasimha Rao v. State (CBI/SPE) AIR 1998 SC 2120
24. Kartar Singh v. State of Punjab 1994 Cri L.J. 3139
25. State of Maharastra v. Abdul Aziz AIR 1962 Bom 243
26. State of Punjab v. Iqbal Singh AIR 1991 SC1532
27. Pawan Kumar v. State of Haryana AIR 1998 SC 958
28. Ram Kumar v. State of M.P. 1998 Cr. L.J. 952

Suggested Readings:

1. G. Williams : Criminal Law (Relevant Parts)
2. Jerome Hall : General Principle of Criminal Law (Relevant Parts)
3. S. Huda : Principles of Law of Crimes in British India (Relevant Parts)
4. H. L. A. Hart: Punishment and Responsibility (Relevant Parts)
5. Stephen : History of the English Criminal Law (Relevant Parts)
6. Hari Singh Gaur : Indian Penal Code
7. Cressey Sutherland: Principles of Criminology (Relevant Parts)
8. S. N. Misra : The Indian Penal Code
9. Pillai P.S.A. : Criminal Law
10. Ratan Lal & Dhiraj Lal : Indian Penal Code
11. K. D. Gaur : Criminal Law Cases
12. Essays on the Indian Penal Code by Indian Law Institute (Published on the occasion of
“The Centenary of the Indian Penal Code

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
MUSLIM LAW-I
B.A.LL.B. (HONS) IVth SEMESTER

Course Specific Outcome:

Muslim Law is one of the most important subjects for budding Law Students in India. The course provides a brief introduction of the historical development of Islamic laws. The course aims to provide in depth knowledge about the Islamic system and covers areas like sources of Islamic law, concept of Shariat, Fiqh, Caliphate, etc. Further aim of the course is to make the students aware about the different school of thoughts in Muslims, their system of marriage, divorce, dower, maintenance, legitimacy and guardianship. The students undergoing this course will be capacitated to understand the various provisions pinned under various Acts like, *The Muslim Personal Law (Shariat) Application Act, 1937*, *The Dissolution of Muslim Marriages Act, 1939*, *The Muslim Women (Protection of Rights on Divorce) Act, 1986* and *The Muslim Women (Protection of Rights on Marriage) Act, 2019*. The activist role played by the Indian judiciary in the field of Muslim law will also be discussed.

Unit-I: Sources and Development of Muslim Law

A. Pre-Islamic Arabia

- (a) Advent of Prophet Muhammad (PBUH)
- (b) Meccan Period
- (c) Madinise Period
- (d) Changes introduced by Prophet Muhammad (PBUG) in Pre-Islamic Customs.

B. Basic Concepts-Islam, Muslim, Shariat, Fiqh, Caliphate, etc.

C. Sources of Islamic Law

- (a) Basic Wisdom
- (b) Necessity of revelation
- (c) Conflict between revelation and secular reason
 - (i) The Holy Quran
 - (a) Compilation
 - (b) Style of the Quran
 - (c) Legislative functions of the Quran
 - (d) Rules of the Quran

- (e) Doctrine of repeal
- (ii) The Sunnah (Tradition)
 - (a) Wisdom of splitting the revelation
 - (b) Two revelations
 - (c) Compilation of Sunnah
 - (d) Classification of Hadith
 - (e) Legislative functions of the Sunnah

Dependent Sources

- (i) Ijma (Consensus of Opinion)
- (ii) Qiyas (Analogy)
- (iii) Ijtehand
- (iv) Urf (Custom)

Unit-II: Schools of Islamic Jurisprudence

A. Sunni Schools

- (i) Hanafi School
- (ii) Maliki School
- (iii) Shafi'i School
- (iv) Hanbali School

B. Shia Schools

- (i) Imamia/Ithna Ashari School
- (ii) Ismailia School
- (iii) Zaidiya School

C. Development of Muslim Law through Legislative Enactments.

Unit-III

A. Marriage (*Nikah*)

1. Pre Islamic Arabia
2. Definition and Nature of Marriage
3. Essentials of Marriage
4. Objects of Marriage
5. Legal aspects of Marriage
6. Prohibitions in Marriage
7. Kinds in Marriage
8. Muta Marriage
9. Restitution of Conjugal Rights

10. Polygamy

B. Dissolution of Marriage/Divorce (*Talaq*)

1. Pre Islamic Arabia
2. Definition of Divorce
3. Modes of Divorce

- (i) Talaq-ul Sunnat (Ahsan-Hasan)
- (ii) Talaq-ul Biddat (Triple Divorce)
- (iii) Talaq-ul Tafwid (Delegated Divorce)
- (iv) Khula (Redemption)
- (v) Mubarrat (Mutual Release)
- (vi) Lian (False Charge of Adultery)
- (vii) *The Dissolution of Muslim Marriages Act, 1939*
- (viii) *The Muslim Women (Protection of Rights on Marriage) Act, 2019*
- (ix) Judicial Response

C. Effect of Apostasy on Marriage

D. Legal Consequences of Divorce

Unit-IV

A. Dower (Mahr)

Pre-Islamic Arabia:

- (i) Meaning and Nature of Dower
- (ii) Object of Dower
- (iii) Classification of Dower
 - (a) Prompt Dower
 - (b) Deferred Dower
 - (c) Customary Dower (Mahr-ul-Mist)
- (iv) Quantum of Dower and conditions of payment
- (v) Widow's Right of Retention

B. Maintenance (*Nafaqah*)

- (i) Definition of maintenance
- (ii) Persons entitled to maintenance
- (iii) Nature and extent of maintenance

- (iv) Wife's/Divorcee's Right of maintenance
 - (a) Under Section 125 of Cr. P.C.
 - (b) Under Muslim Women (Protection of rights on Divorce) Act, 1986

Unit-V: Legitimacy and Guardianship

A. Legitimacy

- (i) Parentage-Maternity and Paternity
- (ii) Presumption of legitimacy
- (iii) Acknowledgement-Rules, conditions and effects
- (iv) Sec. 112 of Indian Evidence Act/DNA test
- (v) Adoption and Islamic Law

B. Guardianship (*Hizanat*)

- (i) Definition and Nature of Guardianship
- (ii) Guardianship of Person and Property
 - (a) Guardianship of Marriage
 - (b) Guardianship for Minor's Custody
 - (c) Guardianship of Minor's Property
- (iii) Appointment of Guardian
- (iv) Kinds of Guardians:
 - (a) Legal Guardian
 - (b) Guardian Appointed by the Courts
 - (c) De-facto Guardian
- (v) Removal of Guardian
- (vi) Doctrine of Best interest theory.

Suggested Readings:

1. Riazul-Ul-Hasan Gilani: The Reconstruction of Legal Thoughts in Islam, New Delhi, 2011
2. Syed Khalid Rashid: Muslim Law, Eastern Book, Company, Lucknow, 2010
3. Abdur Rahim: The Principles of Muhammadan Jurisprudence, 2004, Allahabad Law Agency
4. Ameer Ali: Mohammadan Law, 5th Edition, 1976, Calcutta
5. Tayyab Ali: Muslim Law
6. A.A.A. Fayzee: Out Lines of Muhammadan Law, 5th Editions, Oxford University, Press, New

Delhi, 2008

7. Ameer Ali: Spirit of Islam
8. S.K. Saxena: Muslim Law
9. D.F. Mulla: Principles of Mohammedan Law, 21st Edition, Lexis Nexis, 2017
10. Galwash: Marriage in Islam
11. K.N. Ahmad: Muslim Law of Divorce, Karachi, 1972
12. Dr. Tanzil-ur-Rehman: A Code of Muslim Personal Law,
13. Dr. Tahir Mahmood: The Muslim Law of India, 3rd Edition, 2002, Lexis Nexis Buerworths, New Delhi.
15. Encyclopaedia of Islam: Masood Ali Khan and Shaih Azhar Iqbal, Vol-I, Commonwealth Publishers, New Delhi
16. Prof. M. Shakeel Ahmed (Samdani): Uniform Civil Code: Problem and Prospects.
17. Prof. M. Shakeel Ahmed (Samdani): Maintenance of the Muslim divorcee, Aligarh, 2014
18. Paras Diwan: Muslim Law in Modern India, Faridabad, 2004
19. Mohammad Hameedullah Khan: The Schools of Islamic Jurisprudence, New Delhi, 2001
20. Maulana Taqi Amini: Fundamentals of Ijtehad, Delhi, 1986

Articles:

1. Prof. M. Shakeel Ahmed (Samdani): Triple Divorce: Fiction and Facts, Aligarh Law Journal
2. Prof. M. Shakeel Ahmed (Samdani): Case Comment on Sarla Mudgal v. Union of India, Aligarh Law Journal
3. Prof. M. Shakeel Ahmed (Samdani): Can Shariat Law be Modified: Journal of Islamic Studies, AMU
4. Prof. M. Shakeel Ahmed (Samdani): Uniform Civil Code: Myth and Reality, Aligarh Law Journal
5. Prof. M. Shakeel Ahmed (Samdani): Case Comment on Vishvalochan Madan Case, QFJ Vol. VII, No. 1 2014-15
6. Prof. M. Wasim Ali: Triple Divorce: Islamic Jurisprudence and Judicial Dichotomy: Objective Studies Journal
7. Prof. M. Wasim Ali: Triple Divorce: Islamic Jurisprudence and Judicial Dichotomy: Objective Studies Journal.

Cases Referred:

1. Andul Kadir v. Salima (1886) 8 All. 149
2. Anis Begum v. Mohd. Istafa (1933) 55 App743
3. Mst. Zainaba v. Abdul Rehman, AIR 1945 Pesh, 51
4. Qazi Mohd. Najmuddin Hussaiv. State of Andhra Pradesh
5. Abdul Latif v .Niyaz Ahmad, (1939) 31 All. 343
6. Aziz Bano v. Mohd.
7. Ghazanfar Ali v. Kaniz Fatima ILR 32 All.345
8. Smt. Nasra Begum v. Rizwan Ali, AIR 1980 All. 119

9. Rehana Khatoon v. Iqtidar-uddin, (943) All. LJ 98
10. Rabia Khatoon v. Mukhtar Ahmed, AIR 1966, All. 548
11. Zaibunnisa v. Nazim Hassan, AIR 1962, All. 197
12. Maina BiBi v. Ch. Vakil Ahmed (1924) 521A 145
13. Rahmatullah v. State of U.P. and Others, 1994 (12) Lucknow Civil decision, p.463
14. Aga Mohd.v. Kaoolsoom Bibi (1897) 15 Cal. 9, 18.24
15. Shamim Ara v. State of U.P. JT 2002 (7) SC 520
16. Sher Mohd. V.Nazma Biwi
17. Bilquis Ikram v. Najmal Ikram
18. Habibur Rehman Chowdhari v. Altaf Ali Chowdhar AIR 1922 PC 159
19. Gautam Kundu v. State of West Bengal AIR 1993 SC 2296
20. Mohd. Azmat v .Lalli Begum (1831) 91 A. 8, 18:8 Cal. 422
21. Mohd. Allahabad Khan v. Mohd. Ismail, ILR (1887) 10 All. 289
22. Khatija Begum v. Ghulam Dastagir AIR 1976 AP 128: AIR 1963 Raj. 239 dissented from
23. Salamat Ali v. Majjo Begum AIR 1985 All.29
24. Shah Bano Begum v. Mohd. Ahmad Khan, AIR 1985 SC 945
25. Danial Latifi v.Union of India, (2001) 7 SCC 740
26. Shayara Bano v. Union of India, (2017) AIR 2017 9 SCC 1 (SC)

Learning Outcome:

At the end of this course the students would be familiar with the overall development of Muslim law. It would equip the students with the basic knowledge on this subject. This course will also give a broad and practical understanding of various Acts related to Muslim law like, *Dissolution of Muslim Marriage Act, 1939*, *The Muslim Women (Protection of Rights on Divorce) Act, 1986* and *The Muslim Women (Protection of Rights on Marriage) Act, 2019*. This course will enlighten the Law students with the “fundamentals” of Muslim law.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
ECONOMICS-II
B.A.LL.B. (HONS) IVth SEMESTER (BLLB-403)

Course Objective:

The course of Indian Economy deals with the different issues of Indian economic problems and solutions. The study of Indian economy is immensely helpful in legal studies in Indian legal system. The topics of Indian economy greatly help to the law students to understand the different fields of study of the law.

Course Outcome:

The study of this course helps immensely to the students in acquiring the skills and knowledge necessary to become responsible and effective legal practitioner in the Indian legal system. Moreover, the students are expected to perform better in their practical life having the understanding of economic system as consumer, producer, investor, etc. in the liberalized, privatized and globalized economy.

UNIT – I Indian Economy

- 1 National Income; Concept, Components and Measurement
- 2 Unemployment; Concept, Types and Problem
- 3 Mahatma Gandhi national Rural Employment Guarantee scheme
- 4 Poverty; Causes and its Measurement.
- 5 Law relating to Poverty Eradication

UNIT – II Public Finance

1. Taxation; Concept, Canons and Classification
2. Direct and Indirect Taxes; Goods and Services Tax(GST)
3. Budget; Classification, Components, Deficit, Surplus and Balance Budget.
4. Constitutional Provisions Related to Budget

UNIT – III International Trade

- 1 Balance of Payments; Concept, Structure, Disequilibrium and Methods of Correction
- 2 Foreign Exchange; Instruments and Foreign Exchange Market
- 3 Export-Import Policy
- 4 World Trade Organization (WTO)

UNIT – IV Money and Banking:

1. Money ; Definition and Functions
2. Credit; Credit Creation and Credit control
3. Inflation; Meaning, Causes, Effects and Methods to Control Inflation
4. Central Bank; Functions
5. Commercial Bank: Functions, Private and Public Sector Banks

UNIT – V Industrial Economies

1. Globalization; Meaning and Steps towards Globalization
2. New Industrial Policy 1991
3. Multinational Corporations in India; Benefits and Ill-effects
4. Privatization of Public Sector Enterprises: The Disinvestment Programme in India.
5. Economic Consequences of the Policy Regime

Recommended Readings:

1. S.K. Misra & V.K. Puri, Indian Economy, Himalaya Publishing House, 2006..
2. Rudder Datt & K.P.M. Sundharam, Indian Economy, S. Chand & Company Ltd. 2003.
3. Raj Kapila and Uma Kapila (Ed.), Decade of Economic Reforms in India, Academic Foundation 2002.
4. H.L. Ahuja, Macroeconomics: Theory and Policy, , S. Chand & Company Ltd. 1996,
5. R.K. Lekhi, Public Finance, , Kalyani Publishers, 2002
6. H.L. Bhatia, Public Finance, Vikas Publishing House Pvt. Ltd., 1998
7. R.A. Musgrave and P.B. Musgrave, Public Finance in Theory and Practice, Tata McGraw-Hill, International Edition 1998.
8. Reports on India's tax Reforms, Academic Foundation, 2003
9. H.G. Mannur, International Economics, Vikas Publishing House 1996
10. B. Sodersten, International Economics, The Macmillan Press Ltd., 1982,
11. D.M. Mithani, International Economics, Himalaya Publishing House, 1994
12. Suraj B. Gupta, Monetary Economics : Institution Theory and Policy, S. Chand Company, 1998.
13. C. Rangarajan, Indian Economy : Essays on Money and Finance, UBS Publisher 1998.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) IV SEMESTER
CRIMINAL LAW-II

Course Outcome:

The Indian society has changed very rapidly since independence. A proper understanding of crimes, methods of controlling them is extremely important in the larger interest of India's development, if students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

UNIT-I:

- | | | |
|--------------------------------|---|---------------------|
| A.Culpable Homicide | - | Sec. 299 |
| B. Murder | - | Sec. 300-302 |
| C. Causing Death by Negligence | - | Sec. 304-A |
| D. Dowry Death | - | Sec. 304-B |
| E. Attempt to Murder | - | Sec. 307 |

UNIT-II:

- | | | |
|-----------------------------------|---|--------------------|
| A. Hurt – Greivous Hurt | - | Sec. 319, 320 |
| B. Wrongful Restraint | - | Sec. 339, 350, 351 |
| C. Force, Criminal Force, Assault | - | Sec. 349, 350, 351 |
| D. Wrongful Confinement | - | Sec. 340 |
| E. Kidnapping and abduction | - | Sec. 359 to 363 |
| F. Kidnapping for ransom | - | Sec. 364-A |

UNIT-III:

- | | | |
|------------------------------|---|-------------------------|
| A. Theft | - | Sec. 378, 379 |
| B. Extortion | - | Sec. 383, 384 |
| C. Robbery, Dacoity | - | Sec. 390, 391, 392, 395 |
| D. Criminal Misappropriation | - | Sec. 403 |
| E. Criminal Breach of Trust | - | Sec. 405 |

UNIT-IV:

- A. Waging or attempting to wage war - Sec. 121
- B. Sedition - Sec. 124-A
- C. Offences against Public Tranquility - Sec. 141, 146, 149
Unlawful Assembly, Riots, affray
- D. Illegal gratification - Sec. 161
- E. Offences relating to marriage - Sec. 494, 497, 498-A

UNIT-V:

- A. Rape - SS 375 - 377
- B. False evidence - Sec. 191 to 193
- C. Criminal Intimidation - Sec. 503, 506
- D. Defamation - Sec. 499, 500

Statutory Materials:

1. Indian Penal Code (Relevant Sections)

Recommended Readings:

- 1. Glanville William : Criminal Law (Relevant Parts)
- 2. Hari Singh Gour : Indian Penal Code
- 3. K.D. Gour : Criminal Law Cases
- 4. S.N. Misra : The Indian Penal Code
- 5. S. Huda : Principles of Law of Crimes
- 6. Jerome Hall : General Principle of Criminal Law

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B (Hons.) IV SEMESTER
CONSTITUTIONAL LAW-II

COURSE OUTCOME:

The prime object of the course under reference is to impress upon the law graduates the nature, scope and significance of Fundamental Rights and Directive Principles of State Policies in a democratic republic like India. The course also aims at to impart students of law how the horizon of Fundamental Rights as well as Directive Principles of State Policies have been expanded in due course of time by the judiciary.

UNIT –I

- A. The Concept of 'The State' (Art. 12)
- B. Judicial Review (Art. 13)
- C. Right to Equality (Art. 14)

Cases:

1. Union of India vs R.C. Jam AIR 1981 SC 951
2. University of Madras vs Shanti Bai AIR 1754 Madras 67
3. R.D. Shetty vs International Airport Authority AIR 1979 SC 1628
4. Rajasthan State Electricity Board vs Mohan Lal AIR 1967 SC 857
5. Ajay Haria vs KhaliMujib AIR 1983 SC 487
6. Zee Telefilms Ltd vs Union of India AIR 2005 SC 2677
7. Naresh S. Mirojkar vs State of Maharashtra AIR 1967 SC 01
8. Rupa Ashok Hurra vs Ashok Hurra AIR 2000 SC 1771
9. RMD Chamarbaugwala vs Union of India AIR 1957 SC 628
10. KihotaHollohon vs Zachillu AIR 1993 SC 412
11. BhikajeNarain vs State of M.P. AIR 1995 SC 1829
12. National Human Rights Commission vs State of Arunachal Pradesh AIR 1996 SC 1234
13. RK Domia vs Justice S.R. Tendulkar AIR 1958 SC 538
14. Air India vs NargeshMeerza AIR 1981 SC 1829
15. AR. Antulay vs R.S. Nayak AIR 1988 SC 1531

UNIT-II:

- A. Prohibition of discrimination on certain grounds (Art. 15)
- B. Right to equality in matters of Public Employment (Art. 16)
- C. Freedom of Speech & Expression (Art. 19(i) (a))

Cases:

1. State of Rajasthan vs Thakur Pratap Singh AIR 1960 SC 1208
2. Balaji vs State of Mysore AIR 1963 SC 649
3. Jayashree vs State of Kerala AIR 1978 SC 2381
4. K.C. Vasantha Kumar vs State of Karnataka AIR 1985 SC 1495
5. Rajesh Kumar Gupta vs State of V.P. AIR 2005 SC 2540
6. State of Madras vs Champakam Dorairajan AIR 1951 SC 226
7. Valsomma Paul vs Cochin University AIR 1996 SC 1543
8. Indra Sawhney vs Union of India AIR 1993 SC 477
9. State of Kerala vs N.M. Thomas AIR 1976 SC 490
10. Yusuf Abdul Aziz vs State of Bombay AIR 1954 SC 321
11. M. Nagaraj & Others vs Union of India & Others (2006) 8 SCC 21
12. LIC of India vs Mannu Bhai AIR 1993 SC 171
13. Romesh Thappar vs State of Madras AIR 1950 SC 124
14. Secretary I & B vs Cricket Association of Bengal AIR 1995 SC 1236
15. Express Newspapers (Pvt) Ltd vs Union of India AIR 1958 SC 578
16. Tata Press Ltd vs Mahanagar Telephone Nigam Ltd AIR 1998 SC 2438
17. Mulgaonkar (In re) AIR 1978 SC 72
18. R. Rajgopal vs State of Tamil Nadu (1994) 6 SCC 362
19. K.A. Abbas vs Union of India AIR 1971 SC 481
20. Samresh Bose vs Anand Dutta AIR 1986 SC 967
21. Prathibha Nathani vs Union of India AIR 2006 SC 259
22. Union of India vs Association for Democratic Reforms AIR 2002 SC 2112

UNIT-III:

- A. Freedom of Profession (Art. 19 (i) (g))
- B. Protection in respect of Conviction of Offences (Art. 20)
- C. Protection of life & Personal Liberty (Art. 21)

Cases:

1. R.C. Cooper vs Union of India AIR 1970 SC 546
2. M. Radhakrishnan vs Secretary Bar Council of India AIR 2007 SC 10
3. Sodan Singh vs N.D. M.C. AIR 1998 SC 1174
4. Peerless General Finance and Investment Co. Ltd vs Reserve Bank of India AIR 1992 SC 1003
5. AK Gopalan vs State of Madras AIR 1950 SC 27
6. Dajal Singh vs State of Rajasthan AIR 2004 SC 2608
7. Pratap Singh vs State of Jharkhand (2005) 3 SCC 55
8. Maqbool Husain vs State of Bombay AIR 1953 SC 325
9. Selvi vs State of Karnataka AIR 2010 SC 1974
10. Menka Gandhi vs Union of India AIR 1978 SC 579
11. Francis Coralie vs Union Territory of Delhi AIR 1981 SC 746
12. M.C. Mehta vs Union of India AIR 2002 SC 1969
13. T.N. Godavarman T. Vs Union of India Sterlite Industries (India) Ltd (2008) 9 SCC 711
14. Mohini Jam vs State of Karnataka AIR 1992 SC 1858
15. Jyoti vs State of V.P. AIR 2004 All HC 45
16. Sharda vs Dharampal AIR 2003 SC 3450

UNIT-IV:

- A. Protection against arrest & detention (Art. 22)
- B. Right against exploitation (Art. 23-24)
- C. Right to religion (Art. 25-26)

Cases:

1. InreMahduLimaye AIR 1969 SC 1014
2. A.K. Gopalan vs State of Madras AIR 1950 SC 27
3. Gracy vs State of Kerala AIR 1991 SC 1090
4. Gaurav jam vs Union of India AIR 1990 sc 292
5. BandhauMuktiMorcha vs Union of India AIR 1984 SC 802
6. M.C. Mehta vs State of tamilnadu AIR 1997 SC 699
7. M.H Qureshi vs State of Bihar AIR 1958 SC 731
8. Commr. Hindu religious Endowment vs L.T. Swamiar AIR 1954 SC 282
9. BijoeEmanuel vs State of kerala 1987 SC 748
10. Stainislans vs state of M.P. AIR 1977 SC 908
11. Mittal vs Union of India AIR 1983 SC 01
12. S. Azeez Pasha vs Union of India AIR 1968 SC 662
13. Lily Thomas vs Union of India AIR 2000 SC 1650
14. Abdul Gani Sofi vs State of J & K AIR 2009 J&K 40

UNIT-V:

- A. Cultural & Educational rights (Art. 29-30)
- B. Certain Principles of Policy to be followed (Art. 39)
- C. Protection & Improvement of Environment (Art. 48-A)
- D. Co-relation between Fundamental Rights and Directive Principles of State Policy

Cases:

1. Keral Education Bill (inre) AIR 1958 Sc 756
2. Ahmadabad Stt. Xaviers Society vs State of Gujrat AIR 1974 SC 1389
3. D.A.V. College vs State of Punjab AIR 1971 SC 1731
4. St. Stephens College vs University of Delhi AIR 1992 Sc 1630
5. T.M. A Pai Foundation vs State of Karnataka AIR 2003 SC 355
6. UnniKrsihnan vs State of A.P. AIR 1993 SC 2178
7. Islamic Academy of Education vs State of Karnataka (2003) 7 SCC 01
8. P.A. Inandor vs State of Maharashtra (2005) 6 SCALE 471
9. R.K. Garg vs Union of India AIR 1981 SC 2138
10. MC. Mehta vs Kamal Nath AIR 2000 SC 1997

**Statutory Material the Constitution of India:
Recommended Readings:**

1. Basu : Shorter Constitution of India
2. Shukla : Constitution of India
3. Pandey J.N. : Constitutional Law of India
4. Prof.NavendraKurnar : Constitutional Law of India
5. B.K. Sharma : Introduction to the Constitution of India
6. H.M. Seervai : Constitutional Law of India

DEPARTMENT OF LAW
ALIGARHMUSLIMUNIVERSITY, ALIGARH
BA.LL.B (HONS) IV Semester
POLITICAL SCIENCE-III (BLLB-406)
(INTERNATIONAL RELATIONS)

Course Outcome/Objectives:

The present syllabus seeks to generate an interest among second year's undergraduates in the International Relations theories and assumptions implicit in each of the different ways of looking at the world. Nevertheless, the real world events and activities of the world politics have also been incorporated as an important component of the syllabus. By the end of the five years programme students will be aware of the usefulness of the IR as an instrument of intellectual tool box that are best dealt by the people in discipline and practice of law.

UNIT-I
STATE SYSTEM AND THEORIES

1. **International Relations:** Diversity and Disciplinary, Nature and Scope, the State System and Non-State-Actors
2. **World Views and Paradigms:** Realism , Liberalism, Marxism, Constructivism, Feminism and Post-structuralism
3. **International Political Economy:** Classical and Contemporary Debates

UNIT-II
INTERNATIONAL POLITICAL PROCESSES

1. **Foreign Policy:** National Interest, National Power, Diplomacy and Privileges & Immunities of Diplomats and Agents of International Business.
2. **National and International Security:** The Traditional and Alternative Roads
3. **Globalization and Transnationalism:** Cultural, Economic, Legal and Ecological Issues

UNIT III
ARMS AND WARS

1. **War:** Nature, Types, Causes, effects, 'Laws of War' and Settlement of Disputes
2. **Economic Warfare:** Contraband, Doctrine of Continuous Voyage, Blockade and prize court.
3. **Weapons:** Deterrence, Proliferation and Disarmament during different phases of Cold War and Post-cold War era.

UNIT-IV
INTERNATIONAL ORGANISATIONS

1. **Typology of International Organizations:** IGOs and NGOs
2. **United Nations:** General Assembly, Security Council, ICJ & Specialized Agencies
3. **Functional Scope of Regional Organizations:** EU, AU, SAARC and ASEAN

UNIT-V
FOREIGN POLICY OF INDIA

2. **Evolution and Phases:** Foundations and Determinants
3. **b. Foreign Policy Options:** Conciliation and Coercion
4. **c. India and South Asia:** Retrospects and Prospects

Suggested Readings:

1. Keith L. Shimko : *International Relations: Perspectives and Controversies*
2. G. Almond : *A Discipline Divided*
3. M. Zehfuss : *Constructivism in International Relations: The Politics of Reality*
4. S. Whitworth : *Feminism and International Relations: Towards a Political Economy of Gender in Inter-state and Non-governmental Institutions*
5. F. LaFerriere and P.J. Stoell : *International Eco-political Theory*
6. John Beate : *The Cultural Construction of International Relations: The Invention of the State of Nature*
7. D.S.L. Jarvis : *International Relations and Challenges of Postmodernism: Defending the Discipline*
8. Nicholas Onuff : *World of One Making: Rules and Rule in social theory and International Relations*
9. Edward Keeme : *International Political Thought: A Historical Introduction*
10. Christian Rens-Sunit : *The Moral Purpose of the State: Culture, Social Identity and Institutional Rationality in International Relations*
11. Paul R. Viotti & M.V. Kauppi : *International Relations and World Politics: Security, Economy, Identity*
12. John Baylis & Steve Smith : *The Globalisation of the World Politics: an Introduction of International Relations*
13. Jennifer Sterling : *Folk Theories of International Cooperation and the Primacy of Anarchy: Explaining its International Policy-Making After Bretton Woods*
14. Anthony Giddens : *The Third Way*
15. Samir Amin : *Empire of Chaos*
16. Samuel Huntington : *The Clash of civilizations and Remaking of World Order*

Recommended Readings:

1. Marshal Hodgson : *Rethinking World History: Essays on Europe, Islam and World History*
2. Fred Halliday : *Rethinking International Relations*
3. James Petras,H.Vittmayers : *Globalisation Unmasked-Imperialism in the 21st Century*
4. John Fovan(ed.) : *The Future of Revolutions-Rethinking Radical Changes in the Age of Globalisation*
5. RajenHarshe : *Twentieth Century Imperialism*
6. G.JohnLkenberry et al (ed.) : *International Relations Theories and Consequences of Unipolarism*
7. R.J.Vincent : *Human Rights in International Relations*
8. C.M.Constantinon : *On The Way of Diplomacy*
9. R.A.Wasinton : *War and Morality*
10. S.VanEvera : *Causes of War: Power and Roots of Conflicts*
11. T.Nardin : *Law Morality and Relations of States*
12. Acharya and Johnson (ed.) : *Crafting Cooperation: Regional International Institutions in Comparative Perspectives*
13. JayashreeVivekanandan : *Interrogating International Relations: India's Strategic Practice and the Return of History*
14. Amitabh Mattoo (ed.) : *Securing India: Strategic Thought and Practice*
15. J.S.Goldstein : *International Relations*

**DEPARTMENT OF LAW ALIGARH
MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS.) IV SEMESTER
BUSINESS LAW
SPECIAL CONTRACTS (SALE OF GOODS AND PARTNERSHIP)
PAPER CODE: BLLB- 404**

COURSE OUTCOME

This course aims to instil an understanding on how certain special types of contractual transactions are regulated by law, through both legislation as well as judicial pronouncements. It lays out the framework for learning conceptual and applied aspects of business law. Key emerging areas such as implications of e-commerce on sale of goods law, and limited liability partnership have been included. It provides a contextualised examination of contract law to understand how law allocates for the economic risks involved in commercial transactions.

It enables the learners to appreciate the impact of special contracts on the changing business environment, synthesize the acquired knowledge and apply it to solve practical problems arising from statutory framework.

The **first** unit examines the points of divergence of special statutory provisions for certain kinds of contracts from the parent contract law. It also evaluates the effect of Sale of Goods Act, 1930 on the freedom to contract envisaged in the classical theory of freedom of contract. Mapping the history of codification of the Sale of Goods law in India, it examines the nature of contract of sale and the aspects that distinguish it from other commercial contracts.

The **second** and the **third** units deal with the fundamental principles governing the transactions and the legal implications of a contract of sale of goods. It analysis the impact of the key emerging areas like e-commerce on the sale of goods law.

The **fourth** and **fifth** units deals with the legal and regulatory framework governing a special vehicle for conducting business- partnership firm. It looks at the junctures distinguishing it with other forums for conducting businesses, operational issues between business partners, and hybrid form of partnership envisaged under the limited liability partnership law.

Teaching-Learning Methodology

Methods of learning are combination of lectures, classroom discussions and case studies. Audio visual tools and power point presentations are used where relevant. As this branch of law comprises statutes and decided cases, the interpretation is an important aspect of teaching-learning. Students are encouraged to approach the subject creatively through project writing and tutorial exercises.

UNIT-I

- A. Sources of sale of goods law and history of codification
- B. Definition and concept of sale
- C. Distinction between Sale and
 - Agreement to sell
 - Hire-purchase
 - Contract for work and labour
 - Gift
 - Exchange
- D. Formalities and subject matter of contract of sale (S. 5-10)

UNIT-II

- A. Conditions and Warranties (S. 12-15)
- B. Rule of Caveat Emptor (S. 16-17)
- C. Passing of Property (S. 18-25)
- D. Distance selling and e-commerce

UNIT-III

- A. Transfer of risk and delivery of goods (S. 26)
- B. Transfer of title (S. 27-30)
- C. Rights of unpaid seller (S. 45-54)
- D. Breach of contract and its remedies (S. 55-61)

UNIT-IV

- A. Partnership – Definition, Nature and its kinds (S. 4-8)
- B. Distinction between Partnership and
 - Company
 - Hindu Joint Family Business
- C. Relations of Partners, their-rights and duties inter se (S. 9-17)
- D. Relations of partners to third parties (S. 18-30)
 - Doctrine of Holding out (S. 28)
 - Minor admitted to the benefits of partnership (S. 30)

UNIT-V

- A. Incoming and outgoing partners (S. 31-38)
- B. Dissolution of firm (S. 40-44) and its consequences (S. 45-55)

- C. Effects of non-registration of firm (S. 69)
- D. Limited liability partnership

Suggested Readings

1. Atiyah's Sale of Goods by P.S. Atiyah, John N. Adams and Hector Macqueen
2. The Sale of Goods Act by Pollock & Mulla
3. Law of Sale of Goods by Akhileshwar Pathak (Oxford University Press)
4. Principles of Mercantile Law by R. K. Bangia
5. Principles of Mercantile Law by Avtar Singh
6. The Indian Sale of Goods & Partnership Act by Pollock & Mulla
7. Partnership Act by H. P. Gupta

Statutory Materials

1. The Indian Contract Act, 1872
2. The Sale of Goods Act, 1930
3. The Indian Partnership Act, 1932
4. The Limited Liability Partnership Act, 2008

Case Laws

• **Sale of Goods**

1. Graff v. Evans, (1882) 8 QBD 373
2. Aldridge v. Johnson, (1857) 7E &B 885
3. The Commission of Sales Tax, M.P. v. M.P. Electricity Board AIR 1970 SC 732
4. Robinson v. Graves (1935) 1 KB 579
5. Sentinal Rolling Shutters v. C.S.T. (1978) 4 SCC 260
6. Commissioner of Income Tax v. Motor & General Stores (P) Ltd. AIR 1968 SC 200
7. Elphick v. Barnes (1880)(5)CPD 321
8. Asstt. Sales Tax Officer v. B.C. Kame, AIR 1977 SC 1642
9. Sate of H.P. v. Associated Hotels of India Ltd. AIR 1972 SC 1131
10. Helby v. Matthews (1895) A.C. 471
11. K.L. Johar & Co. v. Deputy Commercial tax Officer, AIR 1965 SC 1082
12. Ward v. Hobbes (1878) 4 App. Cas. 13
13. Niblett v. Confectioners Materials Co. (1921) 3 KB 387
14. Rowland v. Divall (1923), 2 K.B. 500
15. Priest v. Last, (1903) 2 K.B. 148

16. Grant v. Australian Knitting Mills Ltd. (1936) A.C. 85
17. Griffiths v. Peter Conway Ltd. (1939) 1 All E.R. 685
18. Baldry v. Marshall, (1925) 1 K.B. 260
19. Godley v. Perry (1960) 1 All E.R. 36
20. Thornett & Fehr. v. Bears & Sons (1919) 1 K.B. 486
21. Varley v. Whip (1900) 1 QB 573
22. Loeschman v. Williams (1815) 5 Camp. 181
23. Pearson v. Rose & Young Ltd. (1950) 2 All ER 1027
24. Cundy v. Lindsay (1877-78) LR 3 App Cas 459, All ER Rep 1149
25. Eduljee v. Cage John Bros. AIR (1943) Nag. 249

- **Partnership**

1. Abdul v. Century Wood Industries, AIR 1954 Mys. 33
2. R.R. Sarna v. Reuben, AIR 1946 Oudh 68
3. Cox v. Hickman (1860) 8 HLC 268
4. Rawlison v. Clarke (1846) 153 ER 860
5. Abbott v. Abbott, (2936) 3 All. ER 823
6. Bentley v. Craven (1853) 98 Beav. 75
7. Cragg. V. Ford, 1 Y & CCC 280
8. Sasthi Kenkar v. Man Gobinda, AIR 1919 Pat. 386
9. Blisset v. Daniel (1853) 10 Hare. 493
10. Ms. Glorious Plastics Ltd. v. Laghate Enterprises, AIR 1993 Bomb. 224
11. Lloyds v. Grace, Smith & Co. 1912 AC 716
12. Oriental Bank of Commerce v. M/S S.R. Kisore & Co. AIR 1992 Del. 174
13. Scarf v. Jardine (1882) 7 AC 345
14. Laxmi Narain v. Beni Ram, AIR 1931 All 327

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) V SEMESTER
PUBLIC INTERNATIONAL LAW

Course Objective:

The course introduces public international law and focus on its essentials with an emphasis on the problem-solving approach. It will begin with an introduction to the classical/traditional approaches to international law and understand its nature and functions. The course further looks into the processes and institutions of international law formation, including proof, methods and the incidence of the burdens of proof of custom, and other sources and decisional considerations, the treatment of domestic law by international courts and tribunals and the processes, forms and consequences of the reception of international law into municipal law considering the practices of countries.

The aim of the course is to help the student develop a learning approach that combines critical thought and applied knowledge to the study of international law.

Course Objectives

The objectives of the course are to equip the students with the necessary knowledge and skills of international law and develop capacity to apply international law in concrete cases.

Course Outcomes

Successful completion of the course should enable the student to understand the nature and functions of international law, the processes of institutions involved in the formation of international law and the issues of their hierarchy. The students will be able to develop an insight and ability to analyze the contents and documents of International law and the difficulties involved in its enforcement process.

UNIT-I: Introduction to Public International Law

A. Historical Development and the Nature of International Law

- a) Development of International Law.
- b) Definition of International Law.
- c) Nature of International Law; Whether International Law is a true Law?

B. Basis, Codification and Sanctions of International Law

- a) Basis of International Law; Jurisprudential theories.
- B) Codification of International Law: Focus on the work of International Law Commission.
- c) Sanctions of International Law.

C. Subjects of International Law

- a) Theories relating to subjects of International Law; Realist theory, Fictional theory and Functional theory.
- b) States and Intergovernmental Organizations as subjects of International Law.
- c) Individual as a subject of International Law.

UNIT-II, The Sources of International Law and its Relation with Municipal Law

A. Relationship between International Law and Municipal Law

- a) Theories on Relationship: Monistic theory, Dualist theory.
- b) Practices of the states: United States of America and United Kingdom.

c) Practice of India.

B. Sources of International Law

a) Article 38 of the Statute of the International Court of Justice, 1945.

b) Treaties and Conventions, International Customs, General Principles Recognised by Civilised Nations, Decisions of Judicial and Arbitral Tribunals, Juristic Opinion, Advisory Opinions of ICJ and PCIJ, Ex aequo et bono.

c) Other Sources: UN General Assembly Resolutions and Declarations, Resolutions of UN Security Council.

C. Treaties

a) Meaning, Definition, Type and Characterization.

b) Vienna convention on the law of treaties 1969; Parties competent to make a Treaty, Formation of a Treaty, Treaty procedure.

c) Reservation in Treaty, Amendment or modification of Treaty, Invalidity of Treaty, Termination of Treaty and Jus-Cogen.

UNIT-III: State under International Law

A. State Recognition and State Succession

a) Recognition: Meaning and definition, Theories of Recognition, Modes of Recognition, Distinction between Recognition of the State and Government.

b) Legal effects of Recognition, Consequences of non-recognition, Withdrawal of Recognition.

c) State succession.

B. State Responsibility

a) Meaning of State Responsibility, Basis of International State Responsibility, ILC Draft Code on Responsibility of States for Internationally Wrongful Acts, 2001.

b) Constituent elements of State Responsibility, the act of the State; Rule of attribution.

c) Forms of Reparation: Restitution, Indemnity, Satisfaction, Guarantee against repetition.

C. State Jurisdiction

a) Jurisdiction in general; Civil and criminal jurisdiction of the State.

b) Basis of the Jurisdiction: Territorial principle, Nationality principle, Protective principle and Universality principle.

c) Jurisdiction over air space and outer space.

d) Exemptions from the state jurisdiction.

UNIT-IV: Individual and International Law

A. Nationality and Statelessness

a) Meaning of Nationality, Distinction between Citizenship and Nationality, Law on Nationality.

b) Modes of acquisition of Nationality, Expatriation-loss of Nationality, Dual Nationality.

c) Statelessness.

B. Extradition and Asylum

a) Meaning of Extradition.

- b) International Law on Extradition, Extradition Law in India.
- c) Doctrine of Double criminality, Rule of Speciality.
- d) Asylum; Kinds, Territorial asylum, Extraterritorial and diplomatic asylum.

C. Sovereign, Diplomatic and Consular Immunities/Privileges

- a) Types of Diplomatic Agents and Consuls.
- b) Sovereign and non-sovereign Acts.
- c) Diplomatic immunity, personal and property.
- d) Consular privileges and immunities.

UNIT-V: International Humanitarian and Refugee Law

A. Introduction

- a) Definition, Origin and development of International Humanitarian Law.
- b) Geneva Conventions of 1949 and Additional Protocols of 1977.
- c) International Human Rights Law and International humanitarian Law; A Distinction.

B. Protection of Defenseless in War

- a) Protection of civilians during armed conflict.
- b) Protection of prisoners of war.
- c) Protection of wounded, sick and shipwrecked members of armed forces.

C. Refugee Law

- a) Meaning of Refugee under various International Instruments.
- b) Convention Relating to the Status of Refugees, 1951-A brief overview, Principle of Non-refoulement.
- c) Asylum-seekers, Migrants, Internally displaced persons and Refugees; Distinction.
- d) Refugee Protection in India: Registration of Foreigners Act, 1939, the Foreigners Act, 1946, and the Foreigners Order, 1948, Constitution of India, Role of National Human Rights Commission.

Prescribed Books

1. B.C. Nirmal and R.K. Singh, (ed.), *Contemporary Issues in International Law: Environment, International Trade, Information Technology and Legal Education*, (2nd edn. 2018).
2. Bimal N. Patel, *India and International Law*, (Vol. 2, 2008).
3. D. J. Harris, *Cases and Materials on International Law*, (7th edn. 2010).
4. Gerhard Von Glahn, *Law Among Nations: An Introduction to Public International Law*, (11th edn. 2017).
5. Gurdip Singh, *Public International Law*, (2nd Edn. 2011).
6. H.O. Agarwal, *International Law and Human Rights*, (21st edn. 2016).
7. I.A. Shearer, *Starke's International Law*, (11th edn., 2011).
8. IAN Brownlie, *Principles of Public International Law*, (7th edn. 2008).
9. Larry Maybee, (ed.), *International Humanitarian Law: A Reader for South Asia*, (1st edn. 2008).

10. M.N. Shaw, *International Law*, (6th edn. 2008).
11. M.P. Tandon, *Public International Law*, (edn. 2017).
12. Manoj Kumar Sinha, *Handbook of Legal Instruments on International Human Rights and Refugee Laws*, (1st edn. 2014).
13. Martin Dixon, *Text Book on International Law*, (3rd edn.).
14. Robert Jennings and Arthur Watts, *Oppenheim's International Law*, [Vol. 1 - Peace], (9th Edn. . 1996).
15. S.K. Verma, *An Introduction to Public International Law*, (2nd edn. 2012).
16. S.K.Kapoor, *International Law and Human Rights*, (19th Edn.).
17. Tandon and Tandon, *Cases on International Law*.
18. V. K. Ahuja, : *Public International Law*, (1st edn. 2016).
19. V.S Mani, (ed.), *Handbook of International Humanitarian Law in South Asia*, (1st edn. 2007).

IMPORTANT CASE LAWS

1. Chorzow Factory Case of 1928
2. Hostage Case, 1980 (between USA and Iran)
3. S. S. Lotus Case,[France v Turkey(1927) PCIJ
4. North Sea Continental Shelf Case, [ICJ Reports, 1969]
5. Reparations for injuries suffered in the services of United Nations (I.C.J Reports, 1949
6. Right of passage over Indian Territory case (Merits) Portugal v. India ICJ Reports 1960
7. Asylum Case, Columbia v. Peru ICJ Reports 1950
8. Effect of Awards of compensation made by the United Nation Administrative Tribunal, Advisory Opinion of I.C.J. (July 13, 1954) 1954 International Law Reports 310
9. Island of Palmas Netherlands v. USA (RIAA, 1928)
10. Temple OF Preah Vihear Case (Merits) Cambodia v. Thailand (ICJ Reports 1962)
11. Advisory Opinion on Legality of the Threat or Use of Nuclear Weapons (ICJ Reports 1996)
12. Accordance with International Law of the Unilateral Declaration of Independence in Respect of KOSOVO Advisory Opinion of I.C.J. (July 22, 2010)
13. In Re Berubari Union (I) Special Reference No. 1 of 1959 (1960) 3 SCR 250
14. Ram Kishore Sen v. Union of India (1966) 1 SCR 430
15. Jolly George Verghese & Anr. v The Bank of Cochin AIR 1980 SC 470

16. Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647
17. Vishaka v. State of Rajasthan (1997) 6 SCC 241
18. Gaurav Jain v Union of India & Ors, AIR 1997 SC 3021
19. CIT v. P.V.A.L. Kulandagan Chettiar (2004) 6 SCC 235 S
20. Conditions of Admission of State to Membership in the United Nations Advisory Opinion of 28 May 1948
21. Military and Paramilitary activities in and against Nicaragua (Nicaragua v United States of America), Merits ICJ Reports, 1986
22. Lagrand Case Germany v. United States of America, ICJ Reports 2001
23. U.K V Albania (1949), ICJ
24. Anglo- Iranian Oil Co. case, I.C.J. Rep. (1952)
25. Gabcikovo-Nagymaros Project Case Hungary vs Slovakia 1997
26. Rainbow Warrior Arbitration Case between France and New Zealand, 1990
27. Avena and other Mexican nationals (Mexico v United States of America), ICJ Reports 2004.
28. Application of the Genocide Convention (Bosnia and Herzegovina v. Yugoslavia), ICJ Reports, 1996
29. Barcelona Traction, Light and Power Company Limited, ICJ Reports 1970.
30. Nottebohm Case, Liechtenstein v. Guatemala ICJ Reports 1955.
31. Anglo-Norwegian Fisheries Case, ICJ Reports, 1951.
32. Corfu Channel Case, ICJ Reports 1949.
33. North Sea Continental Shelf Cases, ICJ Reports, 1969.
34. Continental Shelf (Tunisia/Libyan Arab Jamahriya), ICJ Reports 1982.
35. Continental Shelf (Libyan Arab Jamahiriya/Malta), ICJ Reports, 1985.
36. Maritime Delimitation and Territorial Questions Between Qatar and Bahrain, ICJ Reports 2001.

NOTE: The above listed cases are not exhaustive and students are required to consult further relevant cases.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) V SEMESTER
LEGAL THEORY-I

Course Outcome:

The course titled 'Legal Theory-I' focuses on legal theory and thus primarily delves into the questions like, 'what is Law,' 'what is the nature of Law,' 'how Law may be identified,' 'how it interacts with the other realms.' Since there are multiple approaches from which these questions may be visited, the course intends to unravel the aforesaid multiplicity and seeks to enable the students to critically engage with the multitude of perspectives especially keeping in mind the implications of each of these approaches for society at large. In the process, attention is also drawn to the commonalities and divergences within these approaches and the ineffectiveness of dealing with them in water-tight compartments. Apart from seeking to delve into the major questions raised in legal theory about the relationship between law and morality, law and society, law and history et al. the course engages with the more critical approaches questioning the basis of distinctiveness of law as a normative order, its relationship with other normative orders and the repercussions of viewing the dominant conceptualization of law from the perspective of the excluded 'other'. It further engages with the fundamental assumptions that inform the most dominant conceptualisations of law and seeks to question these assumptions, dwells into the implications of replacement of the same with alternative assumptions. In this way the course seeks to build the capacity to critically engage with the legal theory.

Objectives of the course:

- i. To familiarize the students with the concept, nature and utility subject.
- ii. To instill in the students a capacity for critical analysis of jurisprudential concept with reference to law and society.
- iii. To enable the students to understand the characteristic features of different Schools of jurisprudence.
- iv. To acquaint the students different exponents of different Schools and their contributions to Jurisprudence.
- v. To inculcate the spirit of critical appreciation of socio-legal issues effecting the legal Institutions, State and Society.

UNIT-I:

1. Introduction and overview of the subject
2. Correlation of Legal Theory and Jurisprudence
3. Meaning, content and nature of Jurisprudence
4. Scope and relevance of Jurisprudence
5. Utility and value of Jurisprudence

UNIT-II:

1. Introduction to different schools of Jurisprudence
2. Natural Law school of Jurisprudence
3. Characteristic features of Natural Law School
4. Historical evolution of Natural Law school
 - i. Ancient Period

- ii. Medieval Period
 - iii. Modern and post Modern period
5. Decline and revival of Natural Law school

UNIT-III:

Analytical School of Jurisprudence

1. Concept, nature and characteristic features of Analytical School of Jurisprudence
2. J. Bentham's contribution to Analytical Jurisprudence
3. John Austin's command and sovereignty theory
4. Hans Kelsen's theory of Law
5. H.L.A Hart's legal system and Dworkin's theory of adjudication

UNIT-IV:

Historical School of Jurisprudence

1. Characteristic features of Historical School of Jurisprudence
2. Historical theories of Law
3. F.K. Von Savigny's theory of Law
4. Henry Maine's historical materialism
5. Concept of status to contract and vice-versa

UNIT-V:

Sociological School of Jurisprudence

1. Characteristics features of Sociological School
2. Origin and development of Sociological approach
3. Evaluation of theories of certain sociological jurists: Roscoe Pound (Sociological engineering and balancing of interest): Ehrlich (The living Law): Durkheim, (Social solidarity) and Weber, (Law as a legitimate authority)
4. Judicial Process: The Case of the Speluncean Explorers

Suggested Readings:

1. Freeman, M.D. A., *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, London, 2001)
2. Dias, R.W. M, *Jurisprudence*, (Lexis Nexis, Gurugram India, 5th edn. 2013)
3. J. Salmond, *Jurisprudence* (Sweet & Maxwell, 12th Edn. 1966)
4. B.N.M. Tripathi, *An Introduction to Jurisprudence and Legal theory*, (Allahabad Law Agency, Allahabad, 2013)

5. SURI RATNAPALA, *JURISPRUDENCE*, (CAMBRIDGE UNIVERSITY PRESS, NEW YORK, IIND EDN. 2013)
6. E.W. Patterson, *Jurisprudence* (edn. 1st. 1952)
7. Julius Stone , *Social Dimension of Law and Justice* (1996, Australia)
8. Roscoe Pound, *An Introduction to Philosophy of Law* (ed. 1954, London)
9. E. Bodenheimer, *Philosophy and Method of the Law*, (Harward University Press, London, 1974)

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY
B.A.LL.B. (HONS) V SEMESTER
COMPANY LAW

COURSE OUTCOME

Corporate form of ownership is the most popular form of ownership of business in contemporary times. Its importance is primarily due to many distinct advantages it has over other forms of ownership of business. For a rounded curricular engagement, this course draws the framework for discussion on abstract, as well as experiential aspects of company law. While the emphasis is on building an analytical understanding on basic principles of company law, the modules cover institutional administration, modern legal and regulatory Indian regime under Companies Act, 2013 and allied legislations.

Unit I: Introduction to Company Law

- A. Definition, Nature and other forms of business as distinguished from company
- B. ‘Corporate personality’ and ‘lifting of corporate veil’
- C. History of company legislation in India
- D. Classification and kinds of company

Unit II: Incorporation of Company

- A. Promoter and pre-incorporation contract
- B. Memorandum of Association; Doctrine of Ultra Vires
- C. Articles of Association; Doctrine of Indoor Management and Doctrine of Constructive Notice
- D. Formation of Company

UNIT III: Company Finance

- A. Prospectus
- B. Shares
- C. Debentures
- D. Dividends

UNIT IV: Administration and Management

- A. Directors: Legal position, kinds, appointment, removal, qualification, duties, powers
- B. Meeting: Kinds and Procedure
- C. Oppression and Mismanagement
- D. Corporate Social Responsibility

UNIT V: Regulation and Winding up

- A. National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT)
 - i. Purpose
 - ii. Constitutionality
 - iii. Qualification, selection and removal of President/Chairperson and Members
- B. Securities and Exchange Board of India (SEBI)
 - i. Objectives and Functions
 - ii. Power and Investigation
- C. Winding Up
 - i. By Tribunal
 - ii. Voluntary Winding Up

Statutes and Regulations

1. Companies Act 2013 (as amended from time to time)
2. Rules Framed under Companies Act 2013
3. Companies Act, 1956
4. Securities and Exchange Board of India Act, 1992
5. Securities Contract Regulation Act, 1956

Suggested Readings

1. Principles of Modern Company Law by Gower & Davies
2. Guide to Companies Act, 2013 by A. Ramaiyya
3. Company Law by Boyle & Bird
4. Company Law by Palmer
5. Mayson, French and Ryan on Company Law
6. Introduction to Company Law by Karn Gupta
7. Company Law by R. Keith Yorston and S.R. Brown
8. One Thousand Question and Answers on Company Law by Frank H. Jones
9. 150 Leading Cases Company Law by Chris Shepherd

10. Formation and Incorporation of a Private Company by Pahwa&Pahwa
11. Principles of Company Law by Nicholas Bourne,
12. Company Law by Pennington.
13. C.R.Dutta on The Company Law, by Kamal Gupta
14. Company Law by Charlesworth & Morse.
15. Company Law , The Institute of Company Secretaries of India- Paper 5
16. Dr.J.C.Verma; Corporate Mergers Amalgamations & Takeovers-Concept, Practice and Procedure
17. Dr.K.R.Chandrate; Corporate Restructuring
18. Ernst & Young, Master Guide to Mergers & Acquisitions in India – Tax and Regulation
19. ICSI; Handbook on Mergers Amalgamations and Takeovers- Law and Practice
20. J.Fred Weston, Chung, KwangS. and Hoag, Susan E.,Mergers, Restructuring and Corporate Control
21. Company Law & Practice by K. Majumdar and Dr. G. K. KapoorTaxman
22. K.R. Sampath, Law and ProcedureFor Mergers, Amalgamations, Takeovers &Corporate Restructure
23. Len Sealy & Sarah Worthington, Cases and Materials in Company Law. Oxford University Press
24. Ravi &Puliani Mahesh , Manual of Companies Act & Corporate Laws: Including SEBI Rules, and Regulations.
25. S.Ramanujam; Mergers et al- Issues Implications and Case Law in Corporate Restructuring
26. Sridharan&Pandian; Guide to Takeovers and Mergers
27. T.P. Ghosh, Companies Act 2013
28. Taxmann’s Companies Act 2013

Committee Reports

1. Kumar Mangalam Birla Committee
2. Naresh Chandra Committee
3. N.R. Narayan Murthy Committee
4. J.J. Irani Committee
5. Eradi Committee

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LLB (HONS.) V SEMESTER
HINDU LAW-I

Course Outcome

The objective of the course are to apprise the law graduates with jurisprudence basis and salient statutory features of various family instructions like marriage, Dissolution of Marriage, Adoption and Guardianships etc. The course also aims at to make objective analysis of family laws in context of changing social values and feminist Jurisprudence.

UNIT-I

BASE OF HINDU LAW

A. Sources of Hindu Law

(i) Ancient Sources

- (a) Shruti
- (b) Smiriti
- (c) Commentaries and Digests
- (d) Custom

(ii) Modern Sources

- (a) Justice, Equity and Good Conscience
- (b) Legislations
- (c) Judicial Precedents

B. Schools of Hindu Law .. ,

- (i) Mitakshara School
- (ii) Dayabhaga School

UNIT-II

MARRIGE

A. Institution of Marriage

- (i) Concept and Nature of Hindu Marriage
- (ii) Conditions of a Valid Hindu Marriage
- (iii) Changing Dimensions of Relationship
 - (a) Live-in-Relationship
 - (b) Homosexuality

B. Classification of Marriage

- (i) Valid, Void and Voidable
 - (i i) Penal Consequences of Void and Voidable Marriage
 - (iii) Status of Children born out of Void and Voidable Marriage

C. Restitution of Conjugal Rights

- (i) Legal Provision regarding Restitution of Conjugal Rights
- (ii) Constitutional Validity of Restitution of Conjugal Rights

UNIT-III

DISSOLUTION OF MARRIAGE

- A. Judicial Separation
- B. Divorce on Fault Grounds
- C. Divorce by Mutual Consent
- C. Divorce on Irretrievable Breakdown
- D. Remarriage

UNIT-IV

ADOPTION

- A. Concept and Objects of Adoption
- B. Conditions of a Valid Adoption
- C. Capacity to Adoption
- D. Legal Effects of Hindu Adoption and Maintenance Act 1956.

UNIT-V

GUARDIANSHIP AND CUSTODY

- A. Meaning and Concept of guardianship.
- B. Kinds of guardianship
 - (i) Natural Guardians and their Powers
 - (ii) Testamentary Guardians and their Powers
 - (iii) De-facto Guardian and their Powers
 - (iv) Guardians Appointed by Courts.
- C. Best Interest Theory for the Welfare of Minor.

Prescribed Readings

- 1. J.D.M. Derrett: Modern Hindu Law, LexisNexis, Butterworth Publication, Nagpur
- 3. **Sir Dinshaw Fardunji Mulla: Hindu Law, LexisNexis .. Butterworths Publication, Nagpur**
- 4. Paras Diwan: Modern Hindu Law, Allahabad Law Agency. Haryana
- 5. Kusum and Poonam Pradhan Sexena: Family Law Lectures, LexisNexis, Butterworths Publication, Nagpur

Cases Referred

- 1. Collector of Madura vs. Mootoo Ramalinga(1868) 12 MIA 327
- 2. Shastri vs. Yagna Purushadasji V. Muldas AIR (1966) S. C. 1119
- 3. Sarla Mudgal vs. Union of India AIR (1995) 3 S. C. C. P. 635
- 4. Lily Thomas vs. Union of India AIR (2000) S.c. 1650
- 5. M. T. Subhani vs Chidambaram AIR (1954), Mad 667
- 6. Gullipilli Sorai Raj vs. Bandraru Pavani, AIR 2009 SC 1085
- 7. Saroj Rani vs. Sudarshan kumar AIR 18984 SC 1562

8. Swaraj Garg vs. K. M. Garg AIR 1978 Del 296
9. T. Sareetha vs. T. Venkatta Subbiah AIR 1983 AP 356
10. Harvinder Kaur vs. Harmander Singh AIR 1984 Del 66
11. Seerna vs. Ashwini Kumar AIR 2006 SC 1158
12. Jyoti Saha vs. Rajesh Kumar AIR 2000
13. Hanumantha Rao vs. Ram Rani (AIR 1999 SC 1381)
14. Bhagwat vs. Bhagwat (AIR 1967 Bom)
15. P.L. Sayal vs. Sarla Rani (AIR 1961 PH 125)
16. Dastane vs. Dastane (AIR 1957 SCI 1534)
17. Bipin Chandra vs. Prabhawati (AIR 1957)
18. Naveen Kahli vs. Neelu Kohli
19. Malti Roy Chowdhari vs. Sudhindranath Majumdar (AIR 2007 Cal. 4)
20. Brajendra Singh vs. State of M.P. (AIR 2008 SC 1056)
21. Sadhu Singh vs. Gurudwara Sahib Narike (AIR 2006 SC 3282)
22. Rosy Jaeb vs. Jaeb (AIR 1973 SC 2090)
23. Githa Hariharan vs. R.B.I. (AIR] 999 Se 1194)
24. Kumar Jahgirdar vs. Chetan Ramateerath (AIR 2001 se 2179)
25. Deoki Panjhiyara vs. Shashi Bushan Azad AIR 2013 S.c. 346.
26. Khushboo vs. Kanniammal JT 2010 (4) SC 408
27. D. Valuswamy vs. D. Paehaiammal (2010) 10 SCC 469
28. Naz Foundation vs. Govt. of NCT Delhi (2009) se 459
29. Joseph Shine vs. Union of India (2017) Criminal Writ Petition No. 194
30. Suman Singh vs. Sanjay Singh AIR (2017) SC 1316

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS.) V SEMESTER
LAW OF EVIDENCE- I

Objectives:

The Law of Evidence, as amended from time to time, is an indispensable part of both substantive and procedural laws. It imparts credibility to adjudicatory process by indicating the degree of veracity to be attributed to the 'facts' and 'witnesses' before the forum. The object of this course is to enable the students to appreciate the concept of relevancy of facts and their admissibility and identify the recognized forms of evidence like oral evidence along with the exceptions and when hearsay evidence becomes admissible because of necessity or expediency in order to find out the truth.

Unit- I Introduction and General Concepts in Law of Evidence

1. Importance of necessity of the rules of Law of Evidence.
2. Main features of Indian Evidence Act, 1872.
3. Section- 3: Definition- Facts, Facts in Issue and Relevant Facts, Evidence and its kinds, Proved, Disproved and not proved.
4. Section- 4: Presumptions- May Presume, Shall Presume, Conclusive Proof. Kinds of Presumptions. Distinction between Presumption of Fact and Presumption of Law. Expression 'shall' and 'may' explained.
5. Section- 5: Evidence of Relevant Facts.
6. Section- 6: Doctrine of Res. Gestae
7. Section- 7: Facts Constituting Occasion, Cause or Effect of Facts in Issue

Unit- II Relevancy of Facts

1. Section- 8: Facts Constituting Motive, Preparation and Conduct.
2. Section- 10: Facts reflecting upon common Intention.
3. Section 11: Facts not otherwise Relevant when become Relevant.
4. Section- 14: Facts showing state of mind, or of body or bodily feeling.
5. Section- 15: Facts having a bearing on the question whether an act was accidental or intentional.

Unit- III Admission and Confession

1. Section- 17: Admission and its Kinds.
2. Section- 18: Admission by party to proceeding or his Agent.
3. Section- 20: Admission by persons expressly referred to by party to suit.
4. Section- 23: Admission in Civil Cases, when relevant.
Distinction between Admission and Confession.
5. Section- 24: Problem of Non-Admissibility of Confession caused by Inducement, threat or promise.
6. Section- 25: Inadmissibility of Custodial Confession.
7. Section- 26: Admissibility of Custodial Confession.
8. Section- 27: Admissibility of information received from an accused person in custody.
9. Section- 30: Confession by co- accused, Retracted confession and its evidentiary value.

Unit- IV Statement by a Person who cannot be called Witness when it relates to the Cause of the Death.

1. Section- 32: Cases in which statements of relevant fact by person who is dead or cannot be found etc, is relevant.
 - a. Justification for Relevance of Dying Declarations.
 - b. Judicial standards for appreciation of evidentiary value of Dying Declarations
 - c. Distinction between Indian and English Law of Dying Declaration.
2. Section- 40- 44: Relevancy of Judgements: General Principles.
 - a. Admissibility of Judgements in Civil & Criminal Cases.
 - b. Fraud and Collusion.

Unit- V Expert Testimony and Character Evidence.

1. Section- 45: Opinion of Experts.
 - a. General Principles relating to Expert Testimony.
 - b. Who is an Expert?
 - c. Types of Experts Evidence.
2. Section- 47- A: Opinion as to Digital Signature, when relevant.
3. Section- 52 to 55: Evidence of Character in Civil and Criminal Cases.
4. Section- 59 to 60: General Principles concerning Oral Evidence.

Course Outcome:

The law of evidence provides the parameters for determining facts within the adjudicative process, and thus the manner in which the adjudicative process defines truth. These facts are the basis of findings of liability in civil and criminal proceedings. Counsel require an informed appreciation of the law of evidence, so that they can advise clients with respect to preserving evidence in anticipation of litigation and criminal proceedings, and properly use that evidence in subsequent proceedings.

The outcomes of this course are:

- 1. To introduce students with the substantive law of evidence and consider how the law of evidence is applied in practice;**
- 2. To help students in identifying principles of fairness and conceptualizations of justice underlying the law of evidence; and**
- 3. To assist students to explore issues of professional responsibility related to preserving and using evidence.**

Suggested Readings:

1. Indian Evidence Act, 1872 (Relevant Statutory Provisions)
2. Justice M. Monir: Textbook on Law of Evidence, Universal Law Publishing Co Pvt. Ltd., New Delhi.
3. Batuk Lal: Law of Evidence in India, Central Law Agency, Allahabad.
4. Ratan Lal Dhiraj Lal: Law of Evidence.
5. Avtar Singh: Principles of Law of Evidence, Central Law Agency, Allahabad.
6. Tandon: Indian Evidence Act.
7. R. Dayal: Indian Evidence Act.
8. Dr. Satish Chandra: Indian Evidence Act.
9. Dr. Mukund Sarada & Prof. D. S. Chopra: Cases and Materiel on Evidence Law, Thomson Sweet & Maxwell, London.
10. Stephen Mason: Electronic Evidence, LexisNexis India, Gurugram.
11. Prof. Javaid Talib: <https://www.amu.ac.in/showstudym.jsp?did=37&eid=3713>
12. Prof. Mohd. Ashraf: <https://www.amu.ac.in/showstudym.jsp?did=37&eid=3714>

Important Note:

1. *The students are required to study the legislations as amended up- to- date and consult the latest editions of books.*

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LLB (HONS) V SEMESTER
MUSLIM LAW-II

Course Outcome:

The instant course is extensive in nature and scope covering all important topics dealing with the disposition of property by a Muslim by means of will, gift & Waqf etc. It also deals with the distribution of heritage of a deceased Sunni and Shia Muslim. The course aims to facilitate Law graduates have complete and comprehensive knowledge various modes of devolution of proprietary interest of Muslim within the frame of Muslim Law as applied by the Courts in India.

UNIT-I:

A- Will /Wasiyat)

1. Concept and definition of Will
2. Formalities for making a Will
3. Requisites of a valid will
4. Abatement of Legacy
5. Revocation of will

B- Gift (Hiba)

1. Concept and Definition of Gift (Hiba)
2. Essentials of a valid gift/Hiba under Muslim Law
3. Formalities for effecting valid gift
4. Gift of Mush a
5. Gift of Life estate and Life-interest
6. Gift in Marazul-Maut
7. Hiba bil-iwaaz and Hiba-ba-sharatul-iwaz
8. Revocation of *gift/Hiba*

UNIT-II:

THE LAW OF WAQF IN INDIA

- (i) Concept and Definition of Waqf
- (ii) Objects of Waqf
- (iii) Religious basis of Waqf
Holy Quran
Traditions
- (iv) Essential conditions for a valid waqf
- (v) Legal incidents of a valid waqf

- Classification of Waqf
 - (i) Public Waqf (waqf-alal-khair)
 - (ii) Private Waqf (waqf-alal-Awlad) and its legal position in India

Office of Mutawalli

1. Who may be Mutawalli
2. Power of Appointment of Mutawalli
3. Duties of a Mutawalli
4. Penalties on Mutawalli for failure to perform his duties
5. Removal of Mutawalli- Statutory grounds

Waqf Board

- (i) Establishment of Waqf Board
- (ii) Powers and Functions of Waqf Board
- (iii) Registration of Waqf

Guardianship

1. Definition and Nature of Guardianship.
2. Guardianship of Person and Property:
 - a) Guardianship in Marriage
 - b) Guardianship for Minor's custody
 - c) Guardianship of Minor's Property
3. Appointment of Guardian
4. Kinds of Guardian:
 - (a) Legal Guardian
 - (b) Guardian Appointed by the courts
 - (c) De-facto Guardian

UNIT-III:

A- Pre-Emption

1. Definition, origin and basis of Law of Pre-emption
2. Kinds of Pre-emption
3. Necessary formalities for the enforcement of right of Pre-emption
4. Nature of Rising of pre-emption
5. Legal effects of pre- Emption
6. Constitutionality of pre-emption
7. Sunni and Shia Law of pre-emption- comparison

B- Administration of Estates of a deceased Muslim

8. Legal Representative of a deceased
9. Functions of legal representatives.

C- Legitimacy and Administration of Estate

UNIT-IV:

Rules of Inheritance

1. General principles
2. Rules of exclusion and impediments
3. Classification of heirs
 - i) Principle class
 - ii) Subsidiary class
4. Distribution of heritage among Heirs Sunni Law and Shia Law

UNIT-V:

Special Rules of Inheritance

1. Doctrine of Aul
2. Doctrine of Rudd
3. Doctrine of Umar Yatin
4. Al Mimbariya or Pulpit rule
5. Doctrine of Tasib and its effect
6. Law of inheritance and gender equality

Suggested Readings:

- | | |
|----------------------------|---------------------------------------|
| 1. Prof. Mustafa Ali Khan: | Islamic Law of inheritance A new |
| 2. Ameer Ali | approach |
| 3. A.A.A. Fyzee | Principle of Mohammedan Law. |
| 4. S.A. Kader | Outlines of Mohammedan Law |
| 5. Dr. Poonam P. Saxena : | The Law of Wakfs: An Analytical study |
| 6. D.F. Mulla | Family Law Lectures (Family Law -11) |
| 7. Aqil Ahmad | Principles of Mohammedan Law |
| 8. S. Khalid Rashid | Mohammedan Law |
| | Muslim Law in India |

Leading Cases:

1. Sheikh Kudratullah V. Mohini Mohan Saha (1869) 4 Beng.
2. Digambar Singh V. Ahmad (1915) 37 All 129
3. Sita Ram V. Ziaul Hasan AIR 1960 SC 1368
4. Gobind Dayal V. Inayatullah ILR 7 All 775
5. Bhao Ram V. Baij Nath 1962 SC 1476
6. Sant Ram. Labh Singh AIR 1962 All 191
7. Atma Prakash V. State of Haryana (1968) SCC 249
8. Jafri Begum V. Amir Mohd Khan (1885) ILR 822
9. Razzaque Sajan Saheb Bagwan and others V. Ibrahim Haji Mohd. Hussain, AIR 1999 SC 2043
10. Vidya Varuthi Thirtha Swamigal V. Baluswami Iyer, AIR 1922, PC 123
11. Syed Ali V. A.P. WakfBoard, Hyderabad, (1998) 2 SCC 642
12. Mohd. Ismail Farooqi V. Union of India AIR 1994 SC 605
13. Kulsum Bibi V. Ghulam Hussain (1905) 10 CWN 484
14. Abdul Fata Mohd. V. R.D. Chaudhary (1894) 221 A. 76
15. Trustees of Sahebzadi Oalia Kulsum V. Controller of Est. Duty A.P. (1998) SCC 267
16. Bikini Miyan V. Sukhlal Poddar (1893) 20 Ca!. 116
17. All India Imam Organisation V. UOI, AIR 1993 SC 2086
18. T.N.WakfBoard V. M. Ebrahim Musuee, AIR 1979, Mad 231

19. Fazlul Rabbi Pradhan V. State of West Bengal AIR 1965 sce 1772
20. Garib Das V. Munshi Abdul Hamid, AIR 1970 se 1035
21. Abdul Manan Khan V. Murtaza Khan, AIR 1991, Pat.155
22. Khajcorunnisa V. Roushan Jahan
23. Karim Bi V. Mariam Bi, AIR 1986 Mad. 447
24. \lusa Miya V. Kader Bux AIR 1928, PC 108
25. awazish Ali Khan V. Ali Raza Khan AIR 1948 All 181
26. Amjad KhanV. Ashraf Khan AIR 1929, pc 149
27. Maqbool Alam V. Mst. Khodaia AIR 1966 se 1194
28. Ghulam Hussain Kutubuddin Maner V. Abdul Rasheed A. Maner (2000) 8 sce 507
29. Abdul Rahim and others V. SK. Abdul Jabbar and Others (2009) 6 sce 160

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (Hons.) VIth SEMESTER

LEGAL THEORY - II

Course Outcome:

This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, The subject is concerned with the important sources of law and is also concerned with important questions like, what is law, what are the purposes of law?, the relationship between law and justice and the like. One important branch of Jurisprudence consists in analysis of legal concepts. For instance, the law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence studies the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts such as legal personality, ownership and possession and tries to build up a general and more comprehensive picture of each concept as a whole, in addition the student have to familiarize themselves with the concept like Administration of Justice. Thus any academic discipline, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context- social, political and theoretical.

Objectives of the Course:

- To enable the students to engage with the justification that may form the basis of any law
- To familiarise them with competing rationales based on various philosophical approaches
- To build their capacity to analyse and assess social, economic, political and cultural grounding and implications of varied and competing notions of justice and consider the probable effect of adoption of any of them especially in the context of India
- To develop their skills in applying these varied notions while engaging with challenges involved in determining the issue of a just approach in any policy matter
- To acquaint them with various concepts adopted in law and the ideological roots of those concepts together with other competing rationales
- To stimulate their thoughts with regard to how concepts get constructed historically, socially; how are they moulded to address new contexts and with what implications
- To expose them to the critiques of the dominant concepts, the challenges they are faced with and to encourage them to explore ways of thinking which lay well beyond those informed by the dominant discourse.

UNIT-I

Nature of Law and the Purpose of Legal Theory

- a. What is Law?
- b. Origin of the idea of Law
- c. Different conceptions of Law
- d. Nature of Law in relation to jurisprudence
- e. Law and Morality : (i) Relation between Law and Morals, (ii) Legal Enforcement of Morality

UNIT-II

The Sources of Law

A. Custom

- a. Origin of Custom
- b. Essentials of a Custom
- c. The Position of Custom under different legal systems
- d. Classifications of Custom
- e. Custom-when transformed into Law

B. Reasons for receptions of Customary Laws

C. Judicial Precedent

- a. Concept and nature of precedent
- b. Position of Judicial Precedent under different legal systems
- c. Hierarchy of authority for operation of precedent
- d. *Stare decisis* and its role in law making process
- e. *Ratio-decidendi* and *Obiter Dicta*
- f. Binding effects of judicial precedent as a source of Law

D. Legislation

- a. Concept and nature of Legislation
- b. Kinds of Legislation
- c. Place of Legislation among the Sources of Law

E. Legislation, Precedent and Custom - A Comparative Study

UNIT-III

Rights and Duties

- a. Meaning and nature of Right
- b. Characteristics of Legal Right
- c. Theories of Right
- d. Elements of legal Right
- e. Classification and relationships of Right – Duty
- f. Jural relationship as propounded by Hohfeld

UNIT-IV

Possession and Ownership

- a. Meaning of possession and ownership
- b. Essentials of possession and ownership
- c. Theories of possession and ownership
- d. Kinds and classification of possession and ownership
- e. Relation between possession and ownership
- f. Protection of possession and possessory & Propriety remedies

UNIT-V

Administration of Justice

- a. Concept of Justice
- b. Theories of Justice
- c. Civil and criminal administration of Justice
- d. Theories of Punishment
- e. Legal Personality

Suggested Readings:

1. S.R. Myneni, *Legal Language and Legal Writing*, (1st ed.), Asia Law House, Hyderabad, 2008 (Chapter 10 (Unit I)).
2. V.D. Mahajan, *Jurisprudence and Legal Theory*, (5th ed.), Eastern Book Co., Lucknow, 2005 (Chapters 2 & 5).
3. S.K. Mishra, *Legal Language, Legal Writing & General English*, (1st ed.), Allahabad Law Agency, (2008), (Chapter 1 at p. 15-31).
4. S.N. Dhyani, *Jurisprudence and Indian Legal Theory*, Central Law Agency
5. Dias, S.N. *Jurisprudence: A Study of Indian Legal Theory* (1985), Metropolitan New Delhi
6. Murphy, Cornelius F. (1977). *Introduction to Law, Legal Process, and Procedure*. St. Paul, MN: West Publishing.
7. Sharon Hanson, *Legal Method*, Cavendish Publishing Ltd. (Chapter 4 at p. 59 - 98).
8. Andrew Goodman, *How Judges decide Cases*, Universal Law Publishing Co., (2009).
9. Edgar Bodenheimer, *Jurisprudence*, Universal Law Publishing Co. Pvt. Ltd., 2006 (Chapter 18).
10. Salmond, *Jurisprudence*, Universal Publishers
11. Wacks, Raymond (2009). *Understanding Jurisprudence: An Introduction to Legal Theory* Oxford University Press.
12. H.L.A. Hart, *The Concept of Law* (ed. 1961, Oxford University Press)
13. G.C.V. Subba Rao, *Jurisprudence and Legal Theory*
14. J. Bentham, *Introduction to the Principles of Morals and Legislations* (ed. 1948, USA)
15. John Austin, *The province of Jurisprudence Determined* (edited W.E. Rumble, 1995, Cambridge)
16. M. Shabbir, *Outline of Criminal Law and Justice in Islam*, International Law Book Service, Malaysia.
17. M.P. Jain, *Indian Constitutional Law*, (5th ed.), Wadhawa, Nagpur, (2004).
18. Noor Mohammad Bilal, *Dyanamism of Judicial Control and Administrative Adjudication*, Deep & Deep Publication, (2004).
19. I.P. Massey, *Administrative Law*, Eastern Book Company, (7th ed.), 2008, (Chapters 2, 3 at p. 48-60, 4 at p.84 – 97, 8 at p. 403, 9).

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY
B.A.LL.B.(Hons.) VI th SEMESTER
CIVIL PROCEDURE CODE-I

OBJECTIVE OF THE COURSE

The object of the Civil Procedure Code is to provide and consolidate the law relating to the procedure of the courts of the Civil Judicature. It is a consolidated Code collecting all the laws relating to the procedure to be adopted by Civil Courts. It is basically designed to facilitate justice and equity to the parties of the suit.

UNIT-I

1. Introduction of Procedural Laws, Preliminary Concepts and Definitions (Sec. 2)
2. Constitution and Jurisdiction of the Courts (Sec. 9 and 15 to 21A)
3. Stay of Suit (Sec.10)
4. Res-Judicata (Sec.11) and Bar to further suit (Sec.12)

List of Cases

- Salem Advocates Bar Assn.(II) v. Union of India (AIR 2005 SC)
- Bhikaji Keshao Joshi v. Brijlal Nandlal (AIR 1955 SC)
- Abdul Gafur v. State ofUttarakhand (AIR 2008 SC)
- Ganga Bai v. Vijay Kimar (AIR 1974 SC)
- Rajasthan State Road Transport Corporation v. Bal Mukund Bairwa (AIR 2009 SC)
- Most Reverend PMA Metroplolitan v. Moram Mar Mathoma (AIR 1995 SC)
- Dhula Bhai v. State of M.P. (AIR 1985 SC)
- State ofTamil Nadu v. Ramalingam (AIR 1985 SC)
- Patel Roadways Ltd v. Prasad Trading Co. (AIR 1991 SC)
- Kiran Singh v. Chaman Paswan (AIR 1954 SC)
- Sulochana Amma v. arayanam Nail' (AIR 1994 SC)
- Ragendra Kumar v. Kalyan (dead) by L.Rs. (AIR 2000 SC)
- StateofU.P.v. awabHussain(AIR 1977SC)
- Sheodan Singh v. Daryao Kunwar (AIR 1966 SC)
- Gurubux Singh v. Bhoori lal (AIR 1964 SC)

UNIT-II

1. Parties to the Suit (Order 1), Frame of Suit (Order 2)
2. Suits and their institution (Sec. 26. Order 4 to 7)
3. Service of Summons (Sec. 27 - 32, Order 5) and Exemption from personal appearance (Sec. 132 and 135)
4. Written Statement, Counter Claim and Set Off (Order 8)

List of Cases

- Naba Kumar V Radhashyam (AIR 1931 PC)
- State ofM.P. V State of Maharashtra [(1977) 2 SCC 288]

- Salem Advocates Bar Assn.(II) V Union of India [(2005) 6 SCC 344]
- Modula India V Kamakshya Singh Deo [(1988) 4 SCC 619]
- Laxmidas V anabhai (AIR 164 SC 11)
- Rupal Sathi V achhattar Singh (AIR 1982 SC)
- Popat & Kotecha Property V SBI Staff Association (AIR 2005 SC)
- Salem Advocates Bar Assn. (II) v. Union of India (AIR 2005 SC)
- Kailash v. ankhu (AIR 2005 SC)
- *M/s R. . Jadi & Brothers v. Subhas Chandra* (AIR 2007 SC)

UNIT-III

1. Consequences of appearance and non-appearance of the parties and restoration proceedings (Order 9)
2. Framing of issues (Order 14) and disposal of suit at the first hearing (Order 15)
3. Adjournments (Order 17) and Costs (Ss. 35, 35A, 35B)
4. Final hearing of the suit and examination of witnesses, production and recording of oral and documentary evidences (Order 18), Judgment and Decree (Sec. 33, order 20)

List of Cases

- Chhotalal V Ambalal Hargovan (AIR 1925 Born 423)
- Currimbhai V .H. Moos (AIR 1929 Born 250)
- Raj Lakshmi V Banamali Sen (AIR 1953 SC 33)
- Haji Abdul Hafiz v. asir Khan (AIR 1984 All 16)
- SBI v Chandra Govindji [(2000) 8 SCC 532]
- Salem Advocates Bar Assn. (II) v. Union of India [(2005) 6 SCC 344]
- Ganesh Das v. Munsif, South Lucknow (AIR 1972 All 111)
- Ashok kumar v Ram Kumar [(2009) 2 SCC 656]

UNIT-IV

1. Settlement of disputes outside the Courts (Sec.89, Order 10)
2. Summary Suits (Order 37)
3. Interpleader Suit (Sec 88, Order 35)
4. Death, Marriage and Insolvency of parties (Order 22)

List of Cases

- Groundnut Extractions Export Development Assn. v. State Bank of India [(1977) 79 . Born LR184]
- Jagganath v. Tulka Hera [(1908) 32 Born 592]
- Prayag Deb v. Rama Roy [(AIR 1977 Call (FB)]
- Kamlesh Kohli v. Escotrac Finance & Investment Ltd [(2000) 1 SCC 342]
- Kirannoyee Dassi v. Dr. I. Chatterjee (AIR 1949 cal 479)
- Pragdasji v. Ishwarlalbhai (AIR 1952 SC 143)

- • Mithai Lal Dalsangar Singh & Others v. Annabai Devram Kini & others (AIR 2003 SC)
- Yallawa v. Shantavva (AIR 1997 SC)
 - M. Veerappa v. Evelyn Sequeira (AIR 1988 SC)

UNIT-V

1. Interlocutory Orders: Temporary Injunctions (Order 39)
2. Arrest or attachment before Judgment (Order 38)
3. Suits by or against minors (Order 32)
4. Suits by Indigent Persons (Order 33)
5. Suit by or against the Government (Ss. 79, 80 and Order 27)

List of Cases

- Martin Burn Ltd v. R.N. Banerjee (AIR 1958 SC 79)
- Gujarat Botting Co. Ltd v. Coca Cola Co. (AIR 1995 SC)
- Morgan Stanley v. Kartick Das (AIR 1995 SC)
- Agricultural Produce Market Committee Goundlal v. Girdharbhai Ramji Bhai Chhannyara (AIR 1997 SC)
- Seema Arshad Zaheer & others v. Municipal Corporation of Greater Mumbai (AIR 2006 SC)
- Anthony C. Leo v. Nandlal Balkrishna (AIR 1996 SC)
- Prabodh Nath Shah v. SBI (AIR 2003 SC)
- Sardar Govindrao v. Devi Sahai [(1982) 1 SCC 237]
- Raman Tech. & Process Engg. Co. v. Solanki Traders [(2008) 2 SCC 302]
- Union of India v Khader International Construction [(2001) 5 SCC 22]

OUTCOME OF THE COURSE

After completing the course students would become aware about the substantive rules and procedure of implementing law in different situation. They would also acquire the knowledge regarding institution and continuation of a suit in different courts.

SUGGESTED READINGS

- Civil Procedure Code by C.K. Takwani
- Civil Procedure Code by Mulla
- Civil Procedure Code by Mehta
- Civil Procedure Code (Amendment Act, 2002)

**DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B (HONS) VI SEMESTER
SOCIOLOGY-III**

Objectives/Outcome:

The legal system is an integral part of the social system. Understanding the social system in terms of its organization, development, institutions and processes enables appreciation of the legal system in the societal context. This course introduces students to sociological concepts and theories, the tools and methods of sociology. It will discuss selected Indian social problems and provide a socio-legal perspective to look at order and change in society.

UNIT-I

SOCIAL PROBLEMS

- a) Concept of Social problems
- b) Characteristics of social problems
- c) Causes of social problems
- d) Approaches to social problems
- e) Role of social legislations to solve the social problems

UNIT-II

POVERTY AND UNEMPLOYMENT

- a) Concept and types of poverty
- b) Causes of poverty
- c) Types of unemployment
- d) Causes of unemployment
- e) Evil Effects of unemployment
- f) Governmental effects to solve the problems

UNIT-III

POPULATION AND HEALTH PROBLEMS

- a) Meaning and definition of population
- b) Causes and consequences of population
- c) Remedial Measures
- d) Population policy of government of India

- e) Concept of Health and Health education
- f) Migration

UNIT-IV

PROBLEMS OF BACKWARD CLASSES & MINORITY

- a) Problems of Minorities in India
- b) Problems of scheduled castes
- c) Problems of scheduled tribes
- d) Problems of other backward classes
- e) The reservation policy in India to solve their problems

UNIT-V

GLOBALIZATION, EMPOWERMENT AND SOCIAL WELFARE SERVICE

- a) Globalization and women empowerment
- b) Women welfare programmes in India
- c) Welfare of backward classes
- d) Youth welfare services
- e) International welfare agencies

Suggested Readings:

1. G.R. Madan : Indian social Problems Vol. I & II
2. Elliot & Merrill : Social Disorganization
3. Ram Ahuja : Social Problems in India
4. Andre Belette : The Backward classes and the new social order
5. M. Haralambos, : Sociology, themes and perspectives,
6. David G. Mandelbaum : Society in India

**DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) VI SEMESTER**

ADMINISTRATIVE LAW

Course Outcome:

To make students learn and analyze nature and development of law relating to administration and effective means of administrative control further there will be the focus is on their role in protecting the rights of individuals against abuse of administration and adjudicatory powers of the administration and liability of administrative authorities.

UNIT-I: Introduction

- A. Development of Administrative Law
- B. Rule of Law and Administrative Law
- C. Separation of Power and its relevance

UNIT-II: LEGISLATIVE FUNCTION OF ADMINISTRATIVE

- A. Forms and requirement
- B. Necessity and Constitutionality
- C. Control: Legislative, Judicial, Procedural

UNIT-III: JUDICIAL FUNCTION OF ADMINISTRATIVE

- A. Need of Administrative Adjudication
- B. Nature of Tribunal: Constitution, Power, Procedure
- C. Principles of Natural Justice
 - a. Rule against bias
 - b. Rule of fair hearing

**UNIT-IV: JUDICIAL REVIEW OF ADMINISTRATIVE ACTION
AND MODES**

- A. The Principles
- B. Writ of Certiorari
- C. Writ of Mandamus, Habeas Corpus, Quo-Warranto

UNIT-V: LIABILITY FOR WRONG

- A. Tortious
- B. Contractual
- C. Act of State

Suggested Reading:

1. Wade, Administrative Law (VII Ed.)
2. M.P. Jain, Principles of Administrative Law
3. S.P. Sathe, Administrative Law

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS.) VI SEMESTER
LAW OF EVIDENCE- II

Objectives:

Law of evidence is a procedural law and guides us as to how process of proving facts in legal proceedings is regulated. Teaching focuses on what evidence may properly be used to persuade a Court of the truth of a party's claims, the extent of a judge's powers to exclude some forms of evidence, and the rationale for exclusion. The students get an insight into how the law of evidence provides the parameters for determining facts within the adjudicative process, and the manner in which the adjudicative process defines truth. These facts are the basis of findings of liability in civil and criminal proceedings. Hence the students are made to understand how the objective of the Indian Evidence Act is to prevent laxity and negligence in the admissibility of evidence and to introduce a full-proof and uniform rule of practice than what was previously used. The course structure is designed to introduce the substantive law of evidence and identify principles of fairness and conceptualizations of justice underlying the law of evidence.

UNIT-I

DOCUMENTARY EVIDENCE

- Principle regarding exclusion of oral by documentary evidence [Sec.91-97]

BURDEN OF PROOF

- **GENERAL RULES:**
 - a. The Burden of proving all the facts or establishing one's case (Sec. 101)
 - b. On whom burden of proof lies (S.102)
 - c. Burden of proof as to particular fact (S.103)
- **SPECIAL RULES:**
 - a. Burden of proving a fact to make evidence admissible (Sec. 104)
 - b. Burden of proving that case of accused comes within Exception (S.105)
 - c. Burden of proving facts specially within knowledge (Sec. 106)
 - d. Burden of proving the death of person known to have been alive within thirty years (Sec.107)
 - e. Burden of proving that a person is alive who has not been heard for seven years (Sec.108)

UNIT-II

- **BURDEN OF PROOF** (Continued)
 - a. Burden of proof as to relationship (Sec.109)
 - b. Burden of proof as to ownership (Sec.110)
- **PRESUMPTIONS**
 - a. Presumption as to certain offences (S. 111-A)
 - b. Birth during marriage, conclusive proof of legitimacy (S.112)
 - c. Presumption as to abetment of suicide by married women (S. 113A)
 - d. Presumption as to dowry death (Sec.113-B)
 - e. Presumption regarding the existence of certain facts by court (S.114)
 - f. Presumption as to absence of consent in certain prosecutions for Rape (S. 114-A)

UNIT-III

- **ESTOPPEL**
 - a. Principle and conditions of estoppel (115)
 - b. Promissory Estoppel: Its nature and scope.
 - c. Estoppel by record, Estoppel by deed and Estoppel in Pais.
 - d. Estoppel of tenant and of licensee of person in possession (S.116)
- **LAW RELATING TO WITNESSES**
 - a. Competency to testify (S.118)
 - b. Competency of Parties to Civil Suit and their Wives or Husband. Husband or Wife of person under Criminal Trial (S.120)
 - c. Judges and Magistrates (S.121)

UNIT- IV

- **Privileged Communications**
 - a. Communication during marriage (S.122)
 - b. State privileges (S.123)
 - c. Professional communications (S.126, 127, 128)
- **Confidential Communications**

Section 129.
- **Accomplice Evidence**
 - a. Its nature and evidentiary value.
 - b. Apparent contradiction between S.133 and 114 (Illustration. b) IEA, 1872 and their reconciliation.
- **Examination of Witnesses**
 - a. Order of production and examination of witnesses (SS.135,136)
 - b. Examination in Chief, Cross Examination and Re-examination (SS.137, 138)

UNIT-V

- **EXAMINATION OF WITNESSES (Continued)**
 - a. Leading questions (SS.141, 142,143)
 - b. Evidence as to matters in writing (SS. 144,145)
- **CROSS- EXAMINATION:**
 - a. Lawful questions in cross-examination (S.146)
 - b. Protection to witness in cross-examination (SS.147-153)
 - c. Hostile witnesses (S.154)
 - d. Impeachment of credit of witnesses (S.155)
 - e. Production and inspection of documents (S.162)

Course Outcome:

The law of evidence provides the parameters for determining facts within the adjudicative process, and thus the manner in which the adjudicative process defines truth. These facts are the basis of findings of liability in civil and criminal proceedings. Counsel require an informed appreciation of the law of evidence, so that they can advise clients with respect to preserving evidence in anticipation of litigation and criminal proceedings, and properly use that evidence in subsequent proceedings.

The outcomes of this course are:

1. To introduce students with the substantive law of evidence and consider how the law of evidence is applied in practice;
2. To help students in identifying principles of fairness and conceptualizations of justice underlying the law of evidence; and
3. To assist students to explore issues of professional responsibility related to preserving and using evidence.

Suggested Readings:

1. Indian Evidence Act, 1872 (Relevant Statutory Provisions)
2. Justice M. Monir: Textbook on Law of Evidence, Universal Law Publishing Co Pvt. Ltd., New Delhi.
3. Batuk Lal: Law of Evidence in India, Central Law Agency, Allahabad.
4. Ratan Lal Dhiraj Lal: Law of Evidence.
5. Avtar Singh: Principles of Law of Evidence, Central Law Agency, Allahabad.
6. Tandon: Indian Evidence Act.
7. R. Dayal: Indian Evidence Act.
8. Dr. Satish Chandra: Indian Evidence Act.
9. Dr. Mukund Sarma & Prof. D. S. Chopra: Cases and Material on Evidence Law, Thomson Sweet & Maxwell, London.
10. Stephen Mason: Electronic Evidence, LexisNexis India, Gurugram.
11. Prof. Javaid Talib: <https://www.amu.ac.in/showstudym.jsp?did=37&eid=3713>
12. Prof. Mohd. Ashraf: <https://www.amu.ac.in/showstudym.jsp?did=37&eid=3714>

Important Note:

1. *The students are required to study the legislations as amended up-to-date and consult the latest editions of books.*

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LLB (HONS.) VI SEMESTER
HINDU LAW-II

Course Outcome

Personal laws are known as Family Laws. The Hindu law is also a Family Law which objective is to deal with family matters such as family status and the family property etc. This module deals with selected aspects of the Hindu law e.g. joint family, coparcenary, partition, inheritance, succession etc.

UNIT I

HINDU JOINT FAMILY AATU COPARCENARY

A. Hindu Joint Family

- (i) Origin, Nature and Constitution of Hindu Joint Family
- (ii) Presumption of Jointness and Burden of Proof
- (iii) Management of Hindu Joint Family
- (iv) Distinction between Dayabhaga and Mitakshra Schools

B. Hindu Coparcenary

- (i) Special Features of Mitakshra Coparcenary
- (ii) Rights of Coparceners and When Coparcenary Comes to an End
- (iii) Distinction between Joint Hindu Family and Coparcenary
- (iv) Distinction between Partnership and Hindu Joint Family Firm

C. Classification of Property

- (i) Joint Family Property (Coparcenary Property)
- (ii) Separate or Self Acquired Property
- (iii) Mitakshra Classification of Property Obstructed and Unobstructed Heritage.

D. Administration of Joint Family Property

- (i) Powers, Functions and Obligations of Karta
- (ii) Alienations of Property by Karta
- (iii) Legal Necessities
- (iv) Benefit of the Estate

UNIT II

PARTITION OF HINDU JOINT FAMILY PROPERTY

A. Partition

- (i) Meaning of Partition, Subject Matter of Partition (Property Liable for Partition)
- (ii) Provision to be made before Partition
- (iii) Persons Entitled to Demand Partition

B. Modes of Partition

- (i) Who can Sue for Partition (parties to the suit)
- (ii) Death of a Minor during Pendency of the Suit
- (iii) Partial Partition. Deemed Partition
- (iv) Special Power of Father to Effect Partition

C. Re-opening and Re-Union of Partition

UNIT III

STRIDHAN AND WOMEN ESTATE

A. Women's Estate

- (i) Meaning and Concept of Women Estate
- (ii) Sources of Women's Estate

B. Stridhan

- (i) Meaning and Concept of Stridhan
- (ii) Salient Features of Stridhan
- (iii).Kinds of Stridhan and their Characteristics.
- (iv)Rights of a Woman over her Stridhan

UNIT-IV

SUCCESSION

A. Hindu Succession Act, 1956

- (i) Objects and Main Features of the Act
- (ii) General Provision regarding Hindu Succession

B. Devolution of interest in Mitakshara Coparcenary Property under Sec.6 of Hindu Succession (Amendment) Act- 2005.

C. Property of Female Hindu to be her Absolute Property under Sec.14 Hindu Succession Act-I 1956 and Its Effects

D. Succession of the Property of Male Hindu under Hindu Succession Act 1956

UNIT-V

RELIGIOUS INSTITUTION

A. Religious and Charitable endowments

- (i) Definition and Concept of Endowments
- (ii) Kinds and Subjects Matter of Endowments
- (iii) Essentials and Mode of Creations of Endowments

B. Maths

- (i) Concept. Kind and Property of Maths
- (ii) Mahantship
- (iii) Shebaitship

C. Doctrine of Cypress

Prescribed Readings

1. John D. Mayne : A Treatise on Hindu Law and Usage, Bradbury, agency and Company printers, Whitefriars
2. Sir Dinshaw Fardunji Mulla: Principles of Hindu Law, LexisNexis. Wadhwa Publication, Nagpur
3. J.D.M. Derrett: A Critique of Modern Hindu Law, N. M. Tripathi Pvt. Ltd. Bombay
4. Paras Diwan: Modern Hindu Law v , Allahabad Law Agency. Haryana
5. P.N. Sen: General Principle of Hindu Jurisprudence. Allahabad Law Agency. Haryana
6. Poonam Pradhan Sexena: Property Law. LexisNexis. Wadhwa Publication, Nagpur

Cases Referred

1. Municipal Corporation Mandsaur vis Fakirchand, AIR 1997 S.C.1251
2. Triupurasundari vis Srinivasan Pillai, AIR 1972 Mad. 264
3. PushpaLattha N. V. vis V. Pad ma, AIR 2010 Karn.124
4. Ganduri Koteshwarramma vis Chakiri Yanadi, AIR 2012 se 169
5. Rameshwari Devi vis State ofBihar, AIR 2000 SC735

6. arayanan vis Pushpa Rajani. AIR 1991 Ker. 10
7. Sukhram vis Gauri Shanker, AIR 1968 SC 356
8. Santosh vis Sarasvathibai. AIR 2008 SC 5000
9. Surjit Lal Chhabda vis Commissioner of Income Tax. AIR 1976 se 109
10. Binod Jena vis Abdul Hamid Khan. AIR 1975 Orissa 159
11. San! Ram vis Permanand, AIR 1978 PH 158
12. Ram Awadh vis Kedarnath, AIR 1978 All 283
13. Girijanandini vis Brijendra, AIR 1967 SC1124
14. Union of India vis Shree Ram. AIR 1965 SC 153
15. Nopany Investment (P) Ltd. vis Santokh Singh, AIR 2008 se 673
16. Narendra Kumar Modi vis Commissioner of Income Tax. AIR 1976 se I 953
17. SBI vis Ghamandi, AIR 1963 SC I 33

18. Sunil Kumar vis Ram Prakash. AIR 1988 se 576
19. Sarin vis Ajit Kurnar, AIR 1966 SC435
20. Ram Charan vis Airja Nandani. AIR 1966 se 323
21. Kodiram vis Krishna. AIR 1995 SC 297
22. Putorangamma V/s Rangmma. AIR 1968 Sel018
23. Kalyani vis 'arayani. AIR 1980 SC825
24. Karnla Devi V/s BachuJaJ Gupta. AIR 1957 SC 434
25. Radha Rani v/s Hanuman Prasad. AIR 1966 Se. 216

Suggested Readings:

23. Sunil Kumar, *The Emergence of the Delhi Sultanate*, Permanent Black 2010.
24. Habib & Nizami, *A Comprehensive History of India Vol V*, Bombay 1940.
25. M Athar Ali, *The Mughal Nobility Under Aurangzeb*, Oxford University Press 2001.
26. D.N. Jha, *Ancient India: Introductory Outline*, New Delhi 2005.
27. *Ancient India*, R.S. Sharma NCERT
28. Romila Thapar, *Asoka and The Decline of Mauryan Empire*, Oxford India Perennials, New Delhi 2012.
29. D.D. Kaushambi, *Culture and Civilization of Ancient India in Historical Outline*, Vikas Publications 1972.
30. M. Athar Ali, , 'Elements of Social Justice in Medieval Islamic Thought': Indian History Congress 1997.
31. R.S. Sharma, 'How Feudal was Indian Feudalism?', *The Journal of Peasant Studies*, 12:2-3, 19-43, 1985.
32. Iqtidar Alam Khan, 'Medieval Indian Notions of Secular State Craft in Retrospect', *Social Scientist*, Vol. 14, No. 1, 1986.
33. Mohammad Habib, 'Politics and Society During the Early Medieval Period', *Edited Works*, ed. K.A. Nizami, New Delhi 1974.

34. Mohammad Habib, 'Politics and Society During the Early Medieval Period': *Edited Works*, ed. K.A. Nizami, New Delhi 1974.
35. Mohammad Habib, *Essay on Medieval Indian History*, Satish Chandra, Oxford University Press, New Delhi 2003.
36. Ramula Thapar, *History of India* Vol. I, Penguin Books, New delhi 1990.
37. Tara Chand, *Influence of Islam on Indian Culture*, Indian Press 1936.
38. Satish Chandra, *Medieval India From Sultanat to the Mughals (1206-1526)* Vol. I: New Delhi 2016.
39. R.S. Sharma, *Political Ideas and Institutions in Ancient India*, Delhi 1968.
40. K.A. Nizami, *Some Aspects of Religion and Politics in India during the 13th Century*, New Delhi 1961.
41. Peter Jackson, *The Delhi Sultanate: A Political and Military History of India*, Cambridge University Press 1999.
42. A.L. Basham, *The Wonder That was India I*, New Delhi 2004.
43. S A A Rizvi, *The Wonder that was India II*, New Delhi 2005.
44. Infan Habib, Vijay Kumar Thakur, *A People's History of India: A Vedic Age*, Tulika 2003.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
LABOUR LAW-I
B.A.LL.B. (HONS) VIIth SEMESTER

Objectives:

Labour is one of the principal factors of production in all kinds of establishment whether organized or unorganized, industrial or commercial. With a view to ensure job security and satisfaction to the labour, the course impart safeguards for prevention of exploitation of labour by the employers. Several legislations have been made covering a number of aspects of labour welfare. The course realizes that a fundamental knowledge of important labour laws is thus a basic requirement of every entrepreneur, manager and worker.

The following syllabus prepared with this perspective will comprise five units.

UNIT-I:

A. Historical perspective of Labour:

(i). Labour through ages:-

- a. Labour in ancient society.
- b. Labour in middle ages
- c. Labour in the beginning of Industrialization
- d. Labour from Laissez faire to welfarism and to globalization

B. Trade Unionism:

- i. Concept and definition of Trade Union
- ii. History of trade union movement in India
- iii. Right to trade union as a part of human right to freedom of association
- iv. Registration of trade union
- v. Rights and liabilities of a registered trade union.

UNIT –II:

Collective bargaining

- i. The concept
- ii. Conditions precedents; merits and demerits
- iii. Bargaining process:- Negotiation
- iv. Place of Collective bargaining in the era of globalization

B. Strike and Lockout

- i. Concept and definition of strike and lockout
- ii. Kinds of strike
- iii. Legality and illegality of strike and lockout
 - a. In Utility services
 - b. In non utility services

UNIT-III:

A. State Regulation of Industrial Relations:-

1. Method of regulation:
 - i. conciliation

- ii. Adjudication
- iii. Arbitration

B. Conceptual Conundrum:

- i. Appropriate Government
- ii. Industry
- iii. Industrial dispute

UNIT – IV:

A. Lay-off, Retrenchment and Closure:

- i. Definition of lay-off, retrenchment and closure
- ii. Conditions precedent to lay-off retrenchment and closure compensation
- iii. Special provision relating to lay-off , retrenchment and closure

B. Privatization and its effect of lay-off, retrenchment and closure.

UNIT-V:

A. Discipline in Industry.

- i. Concept of discipline
- ii. Disciplinary Process:-
 - a. Fairness in disciplinary Process
 - b. The Right to know : The charge Sheet
 - c. The Right to defend: domestic enquiry,
 - d. Procedure of Enquiry.
 - e. Parental (Permission) and post natal (approval) control during pendency of proceeding (Sec. 33 of the Industrial Dispute Act, 1947.
- iii. Misconduct
 - a. Meaning of Misconduct
 - b. Types of Misconduct
 - c. Punishment for Misconduct

Prescribed Readings:

- i. O.P. Malhotra : The Law of Industrial Disputes Vol.I,II
- ii. S.N. Dhyani : Trade Union and Strike
- iii. S.N. Misra : Labour and Industrial Laws
- iv. V.G. Goswami : Labour and Industrial Laws
- v. S.K. Puri : Labour and Industrial Laws
- vi. P.L. Malik : Labour and Industrial Laws
- vii. V.B. Continno : Lectures on Labour Law

Recommended Readings:

- i. N.D. Kamble : Bonded Labour in India
- ii. R.C. Saxena : Labour problems and social welfare
- iii. Ph.D. Thesis : Dr. Zaheeruddin
- iv. Dr. Zaheeruddin : Labour Welfare Laws and Employment Conditions in India
- v. K.N. Vaid : State and Labour in India
- vi. Meemu Paul : Labour and Industrial Law

- vii. K.D. Sirvastava : Disciplinary Action against Industrial Employees and it Remedies.
- viii. V.V. Giri : Labour Problems in Indian Industry.
- ix. Indian Law Institute : Labour Law and Labour Relations
- x. Reports of Ist and IInd National Commission on Labour

Cases:

1. Management of Kairbetta Estate, Kotagiri v. Rajamanickan 1960 SC 893
2. Radheyshyam v. Post Master General, AIR 1965 SC 311
3. All India Bank Employee's Association v. National Tribunal, AIR 1962 SC 171
4. Tata Iron and Steel Company Ltd. v. Workmen, AIR 1972, 2 SCC 383
5. Gujarat Steel Tubes Labour Ltd. v. G.S.T. Majdoor Sabha 1980 SC 1896
6. Ex Capt Harish Uppal v. Union of India AIR 2003, 2 SC 45
7. T.K. Rangarajan v. Govt. of Tamil Nadu AIR 2003, SCC 970
8. Communist Part of India (M) v. Bharat Kumar 1998 I SCC 201
9. P.G. Institute Employees Union v. Director, P.G. Institute of Medical Chandigarh, 2005,II LLJ.
10. Escort heart Institution and Research Centre Ltd. v. Delhi Mazdoor Sanghthan (2007) I LLJ
11. M/S Orchid Employees Union v. M/s Orchid Chemicals and Pharmaceutical Ltd. (2008) Lab I C
12. Baljeet Singh v. MGMT of State Farms MGMT of India (2009) I LLJ Delhi
13. Pradeep Stainless Steel India Pvt. Ltd. v. Joint Commissioner of Labour (2009) Lab.1.C Mad.
14. Jan Chowkidar v. State of Bihar (2009) Lab.1.C Patna
15. Bengal Chemical and Pharmaceutical works Ltd. v. Their workmen AIR 1959 SC
16. Sudhir Chandra Sarkar v. Tata Iron and Steel Co. Ltd. 1984, SCC 540
17. D.N. Banerjee v. P.R. Mukharji AIR 1953, SC 58
18. Baroda Barough Municipality v. Its Workermen, 1957, SC 110
19. Workmen v. Indian Standards Institute, 1976, SC 145
20. Coir Board Ernakulam Kerala State v. Indira Devi, 1998, SCC 806
21. Bombay Union if Journalists v. the Hindu Bombay AIR 1963, SC 318
22. Workmen of M/s Dharam Pal Premchand v. M/S Dharam Pal Premchand AIR 1966 SC 182
23. Workmen of Indian Express News papers Pvt. Ltd. v. The Management of Indian Express Newspapers Pvt. Ltd. AIR 1970 SC 737.
24. Rajasthan State Road Transport Corporation v. Krishna Kant 1995 SCC 1207
25. Chandre Kant Tukarani Nikam v. Municipal Corporation of Ahmedabad 2002, SS 317
26. Bharat Heavy Electricals Ltd. v. Anil and Others (2007) 1 SCC 432
27. B. Shrinivasa Reddy v. Karnataka Urban Water Supply and Drainage Board Employee's Association(2006) II SCC 731
28. Bangalore Water Supply and Sewerage Board v. A Rajappa (1978) 2SCC 213
29. East India Hotels Ltd. Oberoi Intercontinental Hotel Employee Union (1994) SCC 620
30. Indian Institute of Technology v. Labour Court (2008) 1536.

Course Outcome

The students who are interested in studying law, this course is best to get started because under this course students get two degrees. No requirement to go through graduation degree before venturing into law sector. This course can be pursued after 12th standard. This course develop the communication skills, confidence, logical and reasoning attitude, smartness, good memory, authoritative approach among the students which is important to cope the prolems of time. This course provide good career opportunities not only in the field of litigation but in the multinational enterprises.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
INTELLECTUAL PROPERTY RIGHTS
B.A.LL.B. (HONS) VIIth SEMESTER

Objectives: The course on Intellectual Property Rights covers all aspects of creations of the intellect, inventions, and literary works. The course has been designed to give the students a holistic understanding of the complexities involved in the process of attributing intellectual property rights to people. The course imparts legalities of intellectual property to curb IPR infringements and crimes. In one semester course, it imparts International Intellectual Property Law, World Trade Organization Law and aspects of copy right, patent, trade mark, design, geographical indication, integrated circuits and traditional knowledge. Not being oblivious of the frontier areas of law and Agriculture, Bio-Diversity, Environment and Bio-Technology the Course adequately incorporates' the IPR dimensions of these laws. The course is conducted mostly through interaction based lecture method and case studies.

**UNIT – I: ORIGIN AND DEVELOPMENT OF INTELLECTUAL
PROPERTY RIGHTS**

- A. Nature, Concept & Theories of IPR
- B. Constitutional & Legal Aspect of Intellectual Property
- C. Role of Intellectual Property & Economic Development
- D. TRIPS & IPR Regime & India
- E. WTO & Dispute Settlement Mechanism

Recommended Readings:

1. WIPO Reading Material on Intellectual Property. W.R. Conrish, Intellectual Property Right (Sweet & Maxwell) London, 2000
2. G.S. Sharma, Property Relation & The Constitutional Vision in G.S. Sharma (Ed.) Property Relation in Independent India, Tripathi New Delhi; 1967.
3. R.A. Mashelkar, Role of IPR in Economics of Knowledge' 16(6) Journal of Indian Intellectual Property Right 171-76(2001)
4. N.S. Sreenivasulu, 'Intellectual Property Rights: A Glance' I Manupatra Intellectual property Reports. A-183-196 (2007)
5. S.K. Verma, 'Enforcement of Intellectual Property Rights: TRIPs Procedure & India,' 46 Journal of Indian Law Institute 183-206(2004)
6. Encyclopedia of International Organisation, World Trade Organisation (WTO) 244-47(2000).

UNIT-II INTELLECTUAL PROPERTY & COPYRIGHT

- A. General Principle of Copyright Law
- B. Copyright in Literary, Artistic, Dramatic and Musical Works
- C. Copyright & Digital Right Management [Software, Computer, Database, & Internet]
- D. Copyright in Related Rights & Neighbouring Rights
- E. Copyright Infringement & Remedies

Recommended Readings

- i. The copyright Act 1957 as Amended in 1999
- ii. A Hand Book of Copyright Law, Ministry of Human Resources Development
- iii. R.G. Chaturvedi, Iyengor on Copyright (Butterworths New Delhi,2000)
- iv. Dr. Faizan Mustafa Copyright Law : A Comparative Study (IOS : New Delhi, 1998)
 - WIPO – PCT – 1996
 - WIPO – WPPT- 1996

List of Cases

- i. Macmillan C. v. K and J Cooper, AIR 1924 PC 75,
- ii. Agarwal Publishing House v. BHS & I Education U.P. AIR 1989, All 91
- iii. R.G. Anand v. Deluxe Firms, AIR 1978 SC 1613
- iv. John Richard v. Chemical Process, AIR 1987 Del. 372
- v. PRS v. Eastern India Motion Pictures Asso., AIR 1977 SC
- vi. Muppa;a Ranganayakmma v. Smt. Amamlakshi, 1986 Cri. LH
- vii. Cherian P. Joseph v. K. Prabhakaran Nair AIR 1967 Ker.
- viii. Ganapati Prasada Rao v. Raranandi Saroja, 1992 Cri.LJ
- ix. Govind v. Gopala Krishnan, AIR 1955 Mad. 391
- x. V.T. Thomas v. Malayala Manorama, AIR 1988 Ker, 291 &AIR 1989 Ker.
- xi. Manu Bhandari v. Kala Vikas Pictures, AIR 1987 De;. 13.
- xii. Garware Plastic v. Teleink, AIR 1989 Bom. 331
- xiii. Shoo Ratan Upashya v. Gopal Chandra Nepali, AIR 1965 All
- xiv. Raj Video Vison v. K. Mohana Krishnan, AIR 1998 Mad. 294
- xv. Video Master v. Nishi Production, 1998 IPLR 388
- xvi. Gramophone Co. v. Shanti Films, AIR 1997 Cal. 63
- xvii. Burlington home shopping v. Tajnish Chibber, 1996, PTR 69
- xviii. Gramophone Co. v. Super Cassette, 1995, PTR 64
- xix. India Express v. Jaga mohan, AIR 1985 Bom. 229
- xx. Najma Heptulla v. Orient Longman, AIR 1989 Del. 63
- xxi. State of A.P. v. Nagoti Venkataraman, 1997 IPLR 123
- xxii. Maganlal Savani v. Rupam Pict., 2000 PTC 556
- xxiii. Gramophone Co. v. Mars Recording, 2000 PTC 117

- 1. Faizan Mustafa, Copyright Law: A Comparative Perspective [ISO: New Delhi; 1997] pp. 1-25

2. Ministry of Human Resource Development, A Hand Book of Copyright Law, 5-20 (1999)
3. Nomani, M.Z.M., ‘E-Government, Digital Security & Cyber Pivacy: A Crimogenic Perspective” in Ranbir Singh *et.al.* (Ed.) *Cyber Space & the Law: Issues & Challenge*, [NALSAR: Hyderabad: 2002] pp. 249-67.
4. Jaya Shree Watal, *Intellectual Property & Developing Countries*, (Oxford University Press: New Delhi; 2004) pp. 227-42
5. Saleem Akhtar, ‘Infringement & Remedies of Copy right in India : A Judicial Approach’ in A.K. Kaoul *et.al.* (Ed.) *Law of Copy Right From Gutenberge Invention to Internet*; University of Delhi: Delhi; 2001]pp. 95-114
6. B.T. Kaul, Copyright Protection: Some Hassles & Hurdles, 46(2) *Journal of Indian Law Institute*, 236-68 (2004).

UNIT - III PATENT LAW & TRADE SECRET LAW.

- A. Definition & Conception of Patent Under Patent Act, 1970 & Successive Patent (Amendment) Acts.
- B. Process of Obtaining Patent: Examination, Conveyancing & Sealing of Patent.
- C. Rights & Obligations of Patentee: Use & Exercise Of Rights, Right To Secrecy, Notion Of Abuse Of Patent Right & Compulsory Licences.
- D. Trade Secret Protection Under Indian Law
- E. Trade Secret Law Under IP Law

Recommended Readings

- i. The Patent Co-operation Treaty 1970
- ii. The Patent Act 1970, as Amended in 1999
- iii. Narayanan On Patent (1985)

List of Cases

- i. Bishwanath Prasad Raddey Shyam v. M/S Hindustan Metal Industries, AIR 1982 SC 1444
- ii. Press Metal corp. v. Nashir “Sorabji, AIR 1983 Bom. 144
- iii. F.H. and Burning Corp. Unichem Lan., AIR 1969 Bom. 255
- iv. Lallubhai Chkbhai Jariwala v. Chiminilal Co. 1936 Bom. 99
- v. Monsanto Co. v. Coramandal Product, AIR 1986 SC 712
- vi. Ajay Industrial Cor. V. Shiro Kanao, AIR 1983 Del. 496
- vii. Imperial Chemicals v. Controller, AIR 1978 Cal. 776
- viii. International Control Automation Fin., v. Controller, 1994 APLR 176 (Cal.)
- ix. Godrej Soap and P&G v. Hindustan Lever, 1994 IPLR 60 (Cal.)

1. Rajeev Dhavan *et.al.*, Power without Responsibility : On Aspects of Indian Patent Legislation 33(1) *Journal of Indian Law Institute* 1-75 (1991)
2. N.R. Seth, *Patent System in India* [TIFAC: New Delhi; 2001] pp. 19-79.

3. Nomani, M.Z.M., 'Intellection of Trade Secret and Innovation Laws in India', 16(4)*Journal of Intellectual Property Right*,(2011)Pp341-350

UNIT - IV INTELLECTUAL PROPERTY IN COMPETITION, TRADE MARKS & DESIGN LAW

- A. Competition Law & Intellectual Property Rights
- B. Registration of Trade Marks and Domain Names
- C. Infringement Passing of Action & Remedies
- D. Definition & Conception of Industrial Designs under Design Act, 2000
- E. Definition and Conception of Trade marks

Recommended Readings

- i. The Trade Marks, Act 1999
- ii. The Design Act, 2000
- iii. Ashwani Kumar Bansal – Trade Marks in India, 2000
- iv. K.L. Aggarwal – Cases and Materials on Trade Marks, 1997

Design

- i.** Gammeter v. Controller of Patents and Design, AIR 1999 Cal.
- ii.** Wetern Engineer v. paul Engineer, AIR 1968 Cal. 109
- iii.** Pilot Pen Co. v. The Gujrat Industries, AIR 196 Mad. 215
- iv.** Metro Plastic Industries v. M/S Galaxy Foot Wear, 2000 PTC 1
- v.** Escort Construction Equipments v. Action Construction, AIR 1999 Del. 73
- vi.** M/S Smithkline Beechman v. M/S Hindustan Livers, 2000 PTC 83
- vii.** Samsonite Corporation v. Vijay Sales, 1998 PTC 18 (Del.)

Trade Marks

- i.** Amrithdhara Pharmacy v. Satya Gupta, AIR 1963 SC 449
- ii.** London Rubber Co. v. Durex Products Inc, AIR 19 SC 1882
- iii.** Chinn Krishna v. Sri Ambal Co., AIR 1970 146
- iv.** Vishwa Mitter v. O.P. Poddar, AIR 1984 SC 5
- v.** Daimler Benz v. Hybo Hindustan, 1994 IPLR 224 (Del.)
- vi.** Power Control Appliance v. Summet Machines, 1994 IPLR 117 (SC)
- vii.** Cycle Corporation of India v. T.I. Releigh Ind., AIR 1996 SC 3295
- viii.** Vishnudas Trading v. Vazir Sultan Tobacco Co., AIR 1996 SC 2278
- ix.** Parle Products v. J.P. and Co., AIR 1972 SC 1359
- x.** Whirpool Corporation v. N.R. Dongre 1995, PTR 21
- xi.** N.R. Dongre v. Whirpool Corporation (1996) 5 SCC 714
- xii.** Whirpool Corporation v. Registrar of Trademarks, 1998, PTR 110
- xiii.** S.M. Dyechem v. Cadbury, 2000 PTC 502 (SC)
- xiv.** Yahoo.Inc v. Akash Arora 1999 196 (Del.)
- xv.** Rediff Communication v. Cyberbooth, AIR 2000 Bom. 27

xvi. Online India Capital v. Dimensions Corp., 2000 PTC 396 (Del.)

1. Amar Raj Lal, *et.al.*, The Trade mark Act, 1999 in A.K. Koul *et.al.* (Ed.) Law of Intellectual Property Rights: Retrospect & Prospect [University of Delhi : Delhi; 2002] pp. 217-222.
2. Reena *et.al.*, 'Passing off Action : An Effective Means of Protecting Economic Interest' in Supra A.K. Koul (Ed.) pp. 278-86.
3. Meenu Paul, 'Silent Features of Design Act, 2000' in Supra A.K. Koul (Ed.) pp. 162-166
4. Nomani, M.Z.M. & Faizanur Rahman 'Innovativeness & Competitiveness Under Trade Secret Laws In India', II *Manupatra Intellectual Property Reports (MIPR)*, F25-35/131-141 (June, 2015) [Co-Authored]
5. Nomani, M.Z.M. & Faizanur Rahman 'Regulation of Anti-Competitive Practices and Trade Secret Laws under Competition Legislation of India: A Paradigmatic Analysis', *Competition Law Reports*; (96-100) (2013)
6. Nomani, M.Z.M. & Faizanur Rahman, *Competition Law*, University Book House: Jaipur; 2019
7. Nomani, M.Z.M., S.C. Tripathi on *Competition Law*, Central Law Publications: Allahabad; 2019

UNIT- V EMERGING DIMENSIONS OF IPR

- A. Salient Features of Geographical Indications of Good Act, 2000
- B. Geographical Indication & Protection of Traditional knowledge
- C. Notion & Concept of Farmer & Breeder Right under Protection of Plant Variety Act, 2001
- D. Conservation Bio-diversity & Diversity Related IP Rights
- E. Bio-Technology Law & IP Rights

Recommended Readings:

- i. Geographical indication of Good Act, 2000
 - ii. Protection of Plant Variety Act, 2000
 - iii. Conservation of Bio-Diversity Act, 2002
1. V.K. Ahuja, 'Protection of Geographical Indications: National & International Perspective' 46(2) *Journal of Indian Law Institute* 269-87 (2004).
 2. Nomani, M.Z.M., WTO, TRIPS Agreement & Protection of Plant Variety : Imperative & Implication for Indian IPR Regime' in A.K. Koul *et.al.* (Ed.) Law of Intellectual Property Rights: Retrospect & Prospect [University of Delhi: Delhi; 2002] pp. 116-133
 3. Nomani, M.Z.M., Laws & Flaws Relating to Conservation of Biological Diversity: A Kaleidoscopic View II *Company Law Journal*, J-17-22.(2000)
 4. Ritesh Singh, Nexus Between Bio-Technology and Law: A Basic understanding *Journal of Symbiosis Law College* 122-133 (2005).

5. Johanna Gibson, 'Patenting Life: Life Patents Culture & Development' 11
Journal of Intellectual Property Rights 103-112 (2006)

A. INTERNATIONAL CONVENTIONS AND TREATIES

- i. The TRIPS Agreement (1994)
- ii. The Berne Convention (1971)
- iii. The Paris Convention (1967)
- iv. The Rome Convention (1961)
- v. The Treaty on Intellectual Property I Respect of Integrated Circuits (1989)
- vi. The Patent Co-operation Treaty (1970)
- vii. The Madrid Agreement (1960)

B. IMPORTANT COMMITTEE REPORTS (INDIA)

- i. Dr. Bkshi Tek Chand Report of the Patent Enquiry Committee 1948, 1950
Government of India
- ii. Justice Rajgopal Ayyangar Report on the Revision of the Patent Law, 1959,
Government of India

C. IMPORTANT ARTICLES (INDIA)

- i. Upendra Baxi, "Copyright Law and Justice in India". 28 JILI 492 (1986)
- ii. K. Ponnuswami, "Performing right of Intellectual Worker", Judicial
Annihilation," 28 JILI 470 (1986)
- iii. K. Ponnuswami, "Intellectual Property Law", ASIL 1985-1994
- iv. N.S. Gopalakrishnan, "Intellectual Property Law", ASIL 1995-2000
- v. Rajeev Dhavan et.al., " Whose Interest ? Independent India's Patent Law
and Policy", 32 JILI 429 (1990)
- vi. Deepak Nayyar, "Intellectual property right and LCD's : Some Strategic
Issues," 27 EPW 271 (1992).
- vii. Biswaji Dhar, Niranjan Rao, "Dunkel Draft on TRIPS : Complete Denial of
Developing Countries Interest," 27 EPW 275 (1992)
- viii. Rajeev Dhavan et.al., "Power without Responsibility : on Aspects of the
Indian Patent Legislation," 33 JILI 1 (1991)
- ix. Rejeev Dhavan et.al., "Paris Convention Revisited" 32 JILI (1990)
- x. N.S. Gopalakrishnan, "WIPO Copyright and Performance and Phonogram
Treaties-Implications for India, XXI Academy Law Review 1 (1997)
- xi. Saleem Akhtar, "Remedies and Infringement of Copyright in India : A
Judicial Approach
- xii. Saleem Akhtar, "New Patent Regime : Protection of Indian Heritage"
- xiii. Nomani, M.Z.M., Judicial Concerns & Conflicts of Copyright &
Intellectual Technology : Need for An Integrated Approach (Mimeo)
- xiv. Nomani, M.Z.M., Environment Agriculture & challenge of Bio-Piracy : A
Blue Print of Indian Suigeneris Legal of II Indian Journal of Environment
Law 2000

- xv. Nomani, M.Z.M., "Laws & Flaws Relating to Conservation of Biological Diversity : A Kaleido-Scopic View (2000) The Company Law Journal 17(J).
- xvi. Saleem Akhtar, 'Protection of Domain Names and Trade Marks in India and Abroad. KULRJ
- xvii. Saleem Akhtar, Software piracy in India & Abroad – Legal challenges, BHU, Ed. by BN Panday 003

Learning Outcomes: On completion of this course of study, students should be able to apply intellectual property law principles to real problems and analyse the social impact of intellectual property law and policy. The course leads to analysis of ethical and professional issues which arise in the including copyright, patents, designs and trademarks. It also empowers students to write reports on project work and critically reflect on knowledge of patents, copy right, trademarks, designs and information Technology law. It also deepens Understanding about the concepts of 'public domain' and 'commons' in intellectual property, and the various roles of 'open source', 'open content' and 'open standards' in compulsory licences, fair dealings, term extension and other key concepts of intellectual property law.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
TRANSFER OF PROPERTY ACT
B.A.LL.B. (HONS) VII SEMESTER

Course Outcome:

Property is the essence of socio-economic life of an individual in a society. Judicially property means a bundle of a rights in a thing or land. The word property has gradually been given a wider meaning to include every kind of proprietary or quasi-proprietary claims including intellectual property. However, the economic significance of property rests more on its disposition rather than on its abstract content. The basic principles involved in the transfer of property are studied in this semester. For the purpose of study, the Transfer of Property Act is divided into two parts. First part deals with the principals involved in the transfer of property whereas the second part deals with the Specific Transfers.

UNIT I

Sec. 3 Interpretation Clause

- Immovable Property
- Instrument
- Attested
- Registered
- Actionable claims
Jujal Kishore v. Raw Cotton Co Ltd AIR 1955 SC 376
- Notice
Lloyds Bank Ltd. v. P.E. Guzdev & Co AIR 1930 Cal. 22

Sec 5 Transfer of Property “Defined”

Sec 6 What may be transferred

- Specs Successions
- Mere right to sue
Jaffer Meher Ali. V. Budge Budge Jute Mills (1900) 33 Cal 702
M/S Mc Donalds & co. Ltd v. Dist. Registrar Vishakha Pattanam AIR 200 AP 374
Amriratham kudumbahv. Sarnnam Kurdimbar AIR 1991 SC 1256.

Case laws:

- *Shanti Devi v. State Bombay AIR 1958 SC 53*
- *LALA Kundan Lal v. Mst Mushrafi Begum AIR 193C PC 207*
- *Muniappa Pillai v. Periasami (1975) MLJ 280 of Krishna Rao v. M.L. Narasikha Rao AIR 2003AP496*
- *Samsuddin v. Abdul Hussain (1906) 31 BOM 165.*
- *Amrit Narayan v. Gaya Singh (1918) 45 cal 590*
- *Badrubatg v. Punna AIR 1979 SC 1314*
- *Shankar Yadav v State of Jharkhand, AIR2012 Jhar 21*
- *Shehammal v Hasan Khan,Rawther (2011) 9 SCC 223*

UNIT-II

- Section 10:** Condition Restraining Alienation.
Section 11: Restriction Repugnant to Interest created
Section 13: Transfer for Benefit of Unborn Person
Section 14: Rule against Perpetuity
Section 17: Direction for Accumulation

Case Laws:

- *Rosher v. Rohser (1984) 26 Ch. D. 801.*
- *Mohammad Raza v. Abbas Bandi Bibi AIR 1932 PC 158*
- *Mata Prasad v. Nageshar Sarai AIR 1925 PC 272*
- *Laxmamma v. state of Karnatka AIR 1983 Karn 237*
- *Raghuram Rao v. Eric P Mathias AIR 2000 SC 797*
- *Ram Newaz v. Nankoo (1926) 92 I.C. 401*
- *Ram Saran v. Ram Mohit AIR 1967 SC 744*
- *Nafar Chand v. Kailash AIR 1925 PC 344*
- *Stanley v. Leigh 1732 APPE R 917*
- *Thomas v. DA. A. Henry AIR 2008 NOC 1414 (Ker) (DB)*
- *Achammal v. Rajamanickam Karthikeyan AIR 2010 Mad 34.*

UNIT III

- Section 19.** Vested interest.
Section 21. Contingent interest, difference between contingents and vested interest.
Section 25. Conditional Transfers.
Section 35. Doctrine of Election.

Case Laws:

- *Rajesh Kanta Rao v. Smt. Sahanti Devi AIR 1957 SC 255*
- *Rukhamarbai v. Shivram AIR 1981 SC 1881 Cooper v. Cooper (1874) 7 H.L.53*
- *Valliammai v. Najappa AIR 1967 SC 1153*
- *Mohammad Afzal v. Gulam Kasim (1903) 30 Cal 843*
- *Dhanias v State of Chhattisgarh AIR 2015 Noc 837*

UNIT IV

- Section 41** Transfer by Ostensible owner
The Benami Transaction Act, 1988 and its effects.
Section 43 Transfer by Unauthorized person who subsequently acquired interest in property
Section 48 Property Rights created by transfer.

Case Laws:

- *Ramcoomar Koondoo v. Macqueen (1872) 11 Beng L.R. 46*
- *Annoda Mohan v. Nilpharmavi AIR (1921) cal 549*
- *Gurubaksh Prasad v. Raja Pateshri (1915) 20 Cal WN 265*
- *Mohammad Sulaiman v. Sakina Bibi AIR 1922 ALL 392*
- *Mithlesh Kumari v. Prem Bihari Khare, AIR 1989 SC 1247*

- *R. Rajagopal Reddi v. P.Chanddrashekharan* 1996 SC 138
- *Nand Kishore Mehra v. Sushila Mehta Judgment today (1995)5, Rajapakshe v. Fernando* AIR 1920 PC 216.
- *Rampyari v. Ram Narain* AIR 1985 SC 694
- *B Narajanswami Raju v. Krishnamurty Mudaliar* AIR 198 Cal 229
- *BSD Mohammad, Kanpur v. Prem Kumar* AIR 1985 SC 1103
- *Jumma Masjid v. kodimanindra Deviah* AIR 1962 SC 847

UNIT V

| | |
|---------------------|------------------------------------------------------------|
| Section 51. | Improvement made by Bonafide holder under defective Title. |
| Section 52. | Doctrine of Lis pendens |
| Section 53. | Fraudulent Transfers |
| Section 53A. | Doctrine of Part Performance |

Case Laws:

- *Emerald Valley v. Estate Ltd Bandaguli* AIR, 2001 Kev 29, *Bellami v. Sabine (1857) 1 De G & j* 566
- *Faiyaz Hussain Khan v. Prag Narain (1907) 29 all* 289
- *Rajendra Singh v. Santa Singh* AIR 1937 SC 2537
- *N.C. Bhavia Gandevi v. Peoples Corporative Bank Ltd* AIR 2002 G & J 209
- *Supereme general Film Exchange Ltd. V. Sari Nath Dev* AIR 1975 SC 1816
- *Suresh Singh v. State of Bihar* AIR 1994 pat 35
- *Mohammad v, Thyagraja Lal* AIR 1958 mad 580
- *Chajmol Bhandari v. Deputy Commercial Tax Officer, Kurnol* AIR 1976 SC 656
- *Abdul Goundan v. Arji Papa Rao* AIR 1963 SC 1150
- *Maddisan v. Alderson (1883) 8 A.C.* 467
- *Mohammad Musa v Aghave Kumar Gangnl: (1914) 42 Col. 801 Arif v. Jadnnath* AIR 1931 Pc 79
- *Mian Pix Bux v. Sardar Mohammad Tafir* AIR 1934 Pc 235
- *S. Veerabhadra Naiker v. Sambanda Naiker* AIR 2003 Mod 19
- *D.S Marrathamma v. A Srinivasam* AIR 2003 SC 3542
- *Roop Singh v. Ram Singh* AIR 2000 SC 1485
- *Prabodh Kumar Das v. Dantamara Tea Co. Ltd.* AIR 1940 PC

Recommended Readings:

- | | |
|---------------------------------------|------------------|
| 1. Transfer of Property Act- | S. N. Shukla |
| 2. Transfer of Property Act- | R.K. Sinha |
| 3. Transfer of Property Act- | D.F Mulla |
| 4. Transfer of Property Act- | BB. Mitra |
| 5. Principles of the law of Transfer- | Shah |
| 6. Law of Transfer Property- | Vepa. P. Sarathi |

Important Note:

2. *It is supposed that the students will be well- equipped with the principles governing with the Transfer of Property (Generally immoveable property).*
3. *The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.*
4. *The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/ cases.*
5. *The students are required to study the legislations as amended up- to- date and consult the latest editions of books.*

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
WEST BENGAL LAND LAWS
BA.LL.B (Hons) VIIth Semester

Course Outcome:

To make the student acquaint with various aspect of laws pertaining land reform system in the West Bengal. The syllabus covers provision for the management of land and other activities incidental thereto. The students are made aware about various aspect of tenancy laws ranging from fair rent to eviction of buildings. The syllabus covers the various modes and technique applicable in farming system including co-operative farming society.

Unit-I

- A. Raiyats under the West Bengal Land Reforms Act, 1955, SS.4 to 14
 - i. Rights of Raiyats in respect of land
 - ii. Maintenance and Preservation of Land
 - iii. Permission for change of area, character on use of land
 - iv. Offence and Penalties
 - v. Limitation on mortgage of raiyat plot of land
- B. Ceiling on Land held by a Raiyat (ceiling on Holdings) SS, 14J to 14Z.
 - i. Definition and ceiling area
 - ii. No raiyat to hold land in excess of the ceiling area
 - iii. Ceiling area in special cases
 - iv. Exemption

Unit-II

Bargadars (Section 15 to 21)

- i. Certain safeguards for plot of land cultivated by bargadars
- ii. Continuation of right of cultivation on bargadar's death
- iii. Share of produce payable by a bargadar
- iv. Bargadars entitled to recover share in certain cases
- v. Restoration of Land to bargadar
- vi. Procedure ad execution
- vii. Setting aside of order for termination of cultivation by bargadars
- viii. Person cultivating land of another person to be presumed to be a bargadar in certain cases.

Unit-III

Consolidations of Lands (SS.39 to 48)

- i. Acquisition of holding for consolidation
- ii. Re-distribution of Land after acquisition
- iii. Formation of co-operative farming societies
- iv. Dissolution of co-operative farming society
- v. Revenue payable by co-operative farming society.

Unit-IV

Distribution of Lands and Maintenance of the record of right (SS 49 to 51)

- i. Principle of distribution of Lands
- ii. Penalty for unauthorized occupation of vested lands
- iii. Maintenance of the record of Rights
- iv. Preparation and publication of Record

Management of Lands (SS. 52 to 52B)

- i. Management of Lands
- ii. Provision for establishment of Government Company, etc.
- iii. Powers to enter upon or take possession of Land

Unit-V

Tenancy Act, 1956(Rent) ss. 4 to 12

- i. Fair rent
- ii. Refund of rent
- iii. Revision of fair Rent 18 Sec.
- iv. Fair Rent fixed by Collector 17& 19 Sec.
- v. Eviction of Building (SS 13 to 20)

Statutes

- i. West Bengal Land reforms act 1955
- ii. The BengalPermisses Tenancy Act, 1956.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
LAND LAW (KERALA)
B.A.LL.B. (HONS) VIIth SEMESTER

Course Outcome:

To make the students aware with various aspect of laws pertaining to the land reform system in the Kerala. It covers provision for the regulation of land and other activities incidental thereto. This paper deals about various aspects of tenancy laws ranging from fair rent to eviction of buildings etc. The syllabus also covers the various modes and technique applicable in land reform system including co-operative farming society.

KERALA LAND REFORMS ACT, 1963

UNIT-L :

- A. Deemed tenants, fixity of tenants and fair tenants
- B. Landlord's Rights by cultivating tenants
- C. Rights & Liabilities of Kudikidappurkars
- D. Ownership & possession of Land in Exercises of ceiling area

UNIT-LL:

- A. Constitution of land tribunal
- B. Powers of the Land tribunal, Appeal to Appellate Authority
- C. Constitution of Land Boards/Taluk Land Board
- D. Powers of the land Board/Taluk Land Boards
- E. Powers of the land Reforms Review Boards

UNIT-LLL : KERALA LAND REFORMS (TENANCY) RULE, 1970

- A. Definition, Interpretation of Tenancy
- B. Resumption of tenancy
- C. Recovery of Arrears of Rent
- D. Determination & Revision of Rent

UNIT-IV : KERALA LAND REFORM (CEILING) RULE, 1970

- A. Definition and Interpretation of Ceiling
- B. Verification and Discrimination of Ceiling
- C. Vesting of Excess Land
- D. Assignment of Land

UNIT-V : KERALA LAND REFORM (PAYMENT OF COMPENSATION FOR EXCESS LAND) RULE,1974 :

- A. Definition and Interpretation of Compensation
- B. Concept of Compensation Roll
- C. Compensation and Encumbrance
- D. Public Debt and Issue of Compensation Board.

Recommended Readings:

1. A. Gangadharan, Land Laws of Kerala, AG Publications, Kochi, Kerala
2. A. Gangadharan, the Laws on Land in Kerala, AG Publications, Kochi, Kerala.
3. Dr. N. Krishnakumar & George Johnson, Land Laws in Kerala, 3rd Edn. 2008, MIN Publications, Kochi, Kerala.
4. Suguthan, Land Laws of Kerala, AG Publications, Kochi, Kerala.



DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
COMPETITION LAW
B.A.LL.B. (HONS) VIIth SEMESTER

Course Objective:

In the pursuit of globalization, India has responded to opening up its economy, removing controls and licensing Raj and resorting to liberalization. The natural corollary of this is that the Indian market should be geared to face competition from within the Country and outside the Country. In the backdrop of the ongoing changes in the economic policies, the Monopolies and Restrictive Trade Practices Act, 1969 has become obsolete in certain respects in the light of International Economic Developments. As a result of shift in focus from curbing monopolies to promoting competition, the Competition Act, 2002 has been enacted to ensure fair competition in Indian markets.

Course Outcome:

The course will be valuable for the students to understand the complexities of the competition law and to help out the industries in case of suffering loss from anti-competitive agreements, cartels, abuse of dominance and combinations.

Unit-I: Competitive Law

- A. Background to the MRTP Act, 1969 and MRTP (Amendment) Act, 1991
 - B. Competition Law: Evaluation and Development
 - C. Salient Features of the Competition Act, 2002
-
- A) Competition and Economic efficiency
 - B) competition Law and Policy
 - C) Economic Reforms and competition
 - D) Advantages of Competition Law

Unit-II: Anti-Competitive Agreement under Competition Act

- A. Anti-Competitive Agreement under Competitive Agreement
- B. Requirements of Anti-Competition Act
- C. Rules to determine Effects of Anti-competitive Agreements.
- D. Agreements which do not cause adverse effects on Competition.

a) Cartels

- i) Harm cause by Cartel
- ii) Declining Cartels

Unit-III:

- A. Dominant Position
 - a) Abuse of dominant position
 - b) Consequences of Abuse of Dominance

- B. Regulation of Combination
 - a) Definition of Combination
 - b) Regulation of Combinations
- i) Relevant Product Market
- ii) Relevant Geographical Market
- C. Effects of Combination
- D. Tubes of Mergers/Acquisitions
- E. New Regulatory Framework for Combination (w.e.f. June 01, 2011)

Unit-IV: Competition Commission of India (C.C.I.)

- A. Composition of C.C.I.
- B. Selection Committee for Chairperson and Members of Commission
- C. Duties of C.C.I.
- D. Powers and Functions
 - Meeting of Commission
 - Procedure for Inquiry on Complaint u/s 19
 - Procedure for Investigation of Combination.
 - Powers of Commission to regulate its own procedure
 - Execution of orders of Commission.
- E. Appointment of Director General, Secretary, Experts, Professionals, Officers and other Employees

Unit-V: National Company Law Appellate Tribunal (NCLAT) and Penalties

- A. Composition of Tribunal
- B. Procedure for filing Appeal
- C. Procedure and Powers of Appellate Tribunal
- D. Appeal to Supreme Court
- E. Competition Advocacy

Leading Cases:

- 1) Competition Commission of India Vs. Steel Authority of India (2010) 10 SCC. 744
- 2) Tata Engineering and Locomotive Co. Ltd. Vs. Registrar of Restrictive. Trade Agreement (1977) 47 Commission cases 520 (S.C.)
- 3) Mahindra and Mahindra Vs. Union of India (1974) 49 Com. Cases 419 (S.C.)
- 4) Mahindra and Mahinda Vs. UOI (1979) 2 SCC 529
- 5) Voltas Ltd., Bombay Vs. UOI A.I.R, 1995 S.C. 1881

Recommended Readings:

1. S.M. Dugar, Guide to Competition law, Vol. I, fifth edition, 2010, Lexis Nexis, Gurgaon
2. Abir Roy and Jayant Kumar, Competition Law in India, 2018, Eastern Law House (P) Ltd., Kolkata
3. Dr. Md. Zafar Mahfooz Nomani and Dr. Faizanur Rahman, Competition Law, 2019, University Book House (P) Ltd., Jaipur
4. Burhan Majid, Competition Law in India, 2013, Serials Publication, New Delhi.
5. Dr. S.C. Tripathi, Competition Law, 2017, Central Law Publications, Allahabad.
6. Dr. Souvik Chatterji, Competition Law in India, 2017, Allahabad Law Agency, Faridabad.
7. Dr. H.K. Saharay, Textbook on Competition Law, 2016, Lexis Nexis, Gurgaon.
8. Vinod Dhall (Edited), Competition Law Today, 2008, Oxford University Press, New Delhi.



DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) VIIth SEMESTER
CRIMINOLOGY & PENOLOGY

Objectives/Outcome:

Every society adopts the criminal policy which can protect the society from crimes and criminals. The subject of criminology is an important branch of criminal science and is a societal study. The basic object of the course is to acquaint the students regarding the analysis and investigation of the various causes of crime in the light of divergent theories. It also seeks to enquire into the effect of social environment on the criminals. Another object of the this study is to devise effective measures for reducing the crime and for the treatment of criminals to rehabilitate in the normal society. Thus the principle of criminology acts as a guideline for the formulation of penal policy. The study of penology includes the treatment of offenders along with the prevention and control of the crime. Criminology and penology should work together in order to appreciate the problem of criminality and its prevention in its proper perspective.

UNIT – I

CONCEPTUAL ANALYSIS OF CRIMINOLOGY

1. Nature, and Definition of Criminology
2. Relationship between Criminology, Criminal policy and Criminal Law
3. Concept of Crime; Legal and Social Definition
4. Traditional Crimes Vs. Socio- Economic Crimes

UNIT – II

1. SCHOOLS OF CRIMINOLOGY

2. THEORIES OF CRIMINOLOGY

- (i) Anthropological Theory of Crime Causation
- (ii) Sociological Theory of Crime Causation
- (iii) Economic Theory of Crime Causation

UNIT – III

SOME GENERAL CAUSES OF DELINQUENCY & CRIME

1. Mental Deficiency and Crime
2. Juvenile Delinquency – Nature, Definition and Causes.
3. Role of Mass Media and Crime causation
4. Family disorganization, Psychological and Emotional disturbances at homes, bad Neighborhood.

UNIT – IV

PUNISHMENT AND ITS EFFICACY

Nature and Definition of Punishment

Theories of Punishment and their Justifications

Forms of Punishment

Role of Police under Indian Constitution and Code of Criminal Procedure during investigation, arrest, search & seizure

Human Right and its enforcement, liability of Police for Custodial violence

UNIT – V

TREATMENT AND RE-SOCIALIZATION PROCESS

1. **Need for reformation and rehabilitation of offenders:** Problem of released offenders the role and attitude of community towards them.
2. **(a) Probation and Parole:** Nature, Characteristics, Principles and their distinctions
(b) After Care
3. **Prison System in India:** Open Jails, Prisoners Classification, prison-management and prisoners right.

SUGGESTED READINGS:

1. Sutherland & Cressey : Principles of Criminology
2. Barnes & Teeters : New Horizons in Criminology
3. Ahmad Siddiqui : Criminology, Problems & Perspectives
4. R. Deb : Principles of Criminology & Criminal Law
5. Sethna : Criminology
6. N.V. Paranjpay : Criminology & Penology
7. Clinard & Mukherjee : Criminology, Behavior System : Typology Disorganization in India
8. P.K. Sen : Penology
9. Hart : Punishment & Responsibility
10. Clinard, Marshal : Sociology of Deviant Behavior
11. Sirohi : Criminology & Criminal Administration

JOURNALS:

1. Indian Journal of Criminology
2. Journal of Social Defense
3. British Journal of Criminology

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
B.A.LL.B. (HONS) VIIth SEMESTER
LAW OF INSURANCE

Course Outcome:

The course of Banking Law is designed to know the history of banking in India and its evolution till date and primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as well as case laws in this area. Further the course of Insurance Law is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

Unit I

Introduction

1. Nature, Concept and Rationale for Insurance
2. Features of Insurance Contract
3. General Principles of Insurance Law

Unit II

Kinds of Insurance

1. Life Insurance
2. General Insurance
 - Motor Vehicle
 - Fire
 - Marine
 - Miscellaneous/Other

Unit III

Insurance Regulatory and Development Authority

1. Establishment, Incorporation and Composition
2. Duties and Functions
3. Regulations and Guidelines issued by IRDA
4. Powers of Central Government

Unit IV

Life Insurance Corporation

1. Establishment, Constitution and Management of the Corporation
2. Power and Functions of the Corporation
3. Miscellaneous provisions under the LIC Act, 1956

Unit V

Emerging Issues & Comparative Laws

1. Implications of the Insurance Laws (Amendment) Act, 2015
2. Foreign Direct Insurance in India
3. Comparative Legal Framework
 - USA
 - England
 - European Union

Books

- **Modern Law of Insurance in India**
By K S N Murthy & K V S Sarma
Lexis Nexis (2013) 5th Edition
- **Insurance Law and Principles**
By Sachin Rastogi
Lexis Nexis (2014) 1st Edition
- **Insurance Law and Practice**
By CL Tyagi & Madhu Tyagi
Atlantic Publications 2010

Statutes

- The Insurance Act, 1938
- Insurance Regulatory and Development Authority Act, 1999
- General Insurance Business (Nationalization) Act, 1972
- Life Insurance Corporation Act, 1956

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH

UP LAND LAWS
B.A.LL.B. (HONS) VIIth SEMESTER

Course Outcome:

To make aware the students about the laws relating to land administration in the rural areas particularly the agricultural lands this paper has been introduced long ago which has been revised from time to time according to the needs of the hours. Now UP Zamindari Abolition and Land Reforms Act 1952 has been repealed and its place has been taken by Revenue Code 2006 which came into force on 11.02.2016. Now the syllabus has also been revised according to the provisions of UP Revenue Code 2006.

Unit-I

1. Brief History of UP Revenue Code-2006
2. Aims and Object of the Revenue Code-20016
3. Applicability of the Code and extension to new areas Sec. 2 and 3
4. Definition in the code according to Sec. 4
5. Division of State into revenue areas and its constitution Sec. 5 to 19.
6. Board of Revenue, Power, Jurisdiction and decisions of the Board Distt. and Divisional authorities Sec. 5 to 19

Unit-II

Tenures Sec. 74 to Sec. 87

1. Classes of Tenure Holders under Revenue Code 2006.
2. Transfer of Land by Different Tenure Holders Sec. 88 to 99.
3. Rights of Tenure holders
4. Consequences of Transfer in Contravention of this Code Sec. 103 to 106.

Unit-III

1. Mutation proceeding on Succession or transfer under UP Revenue Code Sec. 33 to 36.
2. Settlement of Boundary disputes and correction of revenue records (Chapter 4th, 5th and 6th)
3. Allotment of Land and Declaration suits Sec. 63 to Sec. 66 and Sec. 144 to 146.
4. Gram Sabha and Bhumi Parbhandhak Samiti.

Unit-IV

1. Surrender and Abandonment Sec. 118 to sec. 124
2. Lease Sec. 125 to sec. 129
3. Ejectment Sec. 130 to 137
4. Scheme of Succession Sec. 108 to 114.

Unit-V

1. Modes of Collection of land Revenue Chapter XII
2. Attachment in sale of immovable property Sec. 180 onward.
3. Appeal, Reference and Revision Sec. 207 onwards
4. Penalty Sec. 226.

Recommended Book

1. Revenue Code 2006

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DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY
B.A.LL.B. (HONS.) VIIth SEMESTER
CIVIL PROCEDURE CODE-II

OBJECTIVE OF THE COURSE

Although the substantive Civil Law are significant but value and importance of procedural laws cannot be underestimated. The object of the Civil Procedure Code is to facilitate justice and equity. Hence, the rules of Civil Procedure Code are intended to be a handmade to the administration of justice and they have been construed liberally and in such manner as to make the enforcement of substantive rights effective.

On the Other hand, the object of the Limitation Act 1963 is not to create or define the causes of action, but simply to prescribe the period within which existing rights can be enforced in courts of law. The principle of this Act is not to enable suits to be brought within certain periods, but to forbid them being brought after certain periods.

UNIT-I

1. Appeal: Concept and Meaning in general

(i) Appeal from Original Decree (Sec. 96, Order 41)

(a) Nature, Scope and grounds for filing of First Appeal

(b) Grounds for filing of First Appeal

(ii) Appeal from Appellate Decree (Sec. 100, Order 42)

(a) Nature and Scope

(b) Grounds of Second Appeal to the High Court

(iii) Appeal to the Supreme Court (Sec. 109, Order 45)

(a) Nature and Scope

(b) Grounds of Appeal to the Supreme Court

2. Appeals from Orders (Sec. 104, Order 43)

3. Revision

(a) Concept and Meaning

(b) Grounds of Revision (Sec. 115)

List of Cases

- Nagendra Nath v. Suresh Chandra (AIR 1932 PC 165)
- Anant Mills Co. Ltd. v. State of Gujarat [(1975) 2 SCC 175]
- Ganga Bai v. Vijay Kumar [(1974) 2 SCC 393]
- Zair Husain v. Khurshed Jan [(1906) 28 All 545]
- Dayawati v. Inderjit (AIR 1966SC 1427)
- Associated cement Co. Ltd v. Keshvanand [(1998) 1 sec 687]
- Krishna Singh v. Monesh (1905) 9 CWN 584]
- Chunilal v. Mehta and sons (AIR 1962 SC 1314)
- Ratanlal Bansilal v. Kishorilal Goenka (AIR 1993 Cal 144)
- Kamla Devi v. Kushal Kanwar [(2006) 13 sec 295] [(1979) 2 SCC 572]
- Mohd. Hasanuddin v. State of Maharashtra [(1979) 2 SCC 572]

UNIT-II

1. Reference

- (i) Concept and Meaning
- (ii) Grounds of Reference
- (iii) Procedure of Reference (Sec. 113, Order 46)

2. Review

- (i) Concept and Meaning
 - (ii) Grounds of Review
 - (iii) Procedure of Review (Sec. 114, Order 47)
- Execution of Decrees and Orders (Ss. 36 - 39 and Sec. 47)
- (i) Nature and Scope
 - (ii) Concept and Meaning
 - (iii) COU1s by which decree may be executed
 - (iv) Power of COU1s executing decree
 - (v) Questions to be determined by the executing court

List of Cases

- Chhotubhai v. Bai Kashi (AIR 1941 Bom 365)
- Ganga Pratap Singh v. Allahabad Bank Ltd. (AIR] 958 SC 293)
- Tika Ram v. Maheshwari Din (AIR 1959 All 659)
- Lily Thomas v. Union of India [(2000) 6 SCC 224]
- Delhi Admn v. Gurdip Singh Uban [(2000) 7 SCC 296]
- Thungabhadra Industries Ltd v. Govt of A.P. (AIR 1964 SC 1372)
- Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi [(1980) 2 SCC 167]
- Merla Ramanna v. Nallaparaju (AIR 1956 SC 87)

UNIT-III

1. Modes of Execution of decree (Ss. 51-60 and Order 21)

- (i) Arrest and detention of Judgment Debtor
- (ii) Attachment of Property
- (iii) Sale of movable and immovable properties of Judgment Debtor
- (iv) Delivery of Property
- (v) Appointment of Receiver
- (vi) Properties to be attached in execution of decree

2. Stay of execution of decree (Order 21 Rules 26 - 29)

3. Gamishee Order (Rules 46A - 461, Order 21)

4. Precept (Sec.46)

List of Cases

- Padrauna Rajkrishna Sugar Works Ltd v. Land Reforms Commr [(1969 1 SCC 485J)
- Shyam Singh v. Collector, Distt. Hamirpur [1993 Supp (I) SCC 693]
- Shamsuddin v Abbas Ali (AIR 1971 All 117)
- Hazari Ram v. Rai Bahadur Bansidhar (AIR 1937 PC 39)
- Padma Ben v. Yogendra Rathore (AIR 2006 SC 2167)
- Jolly George Varghese v. Bank of Cochin [(1980) 2 SCC 360J]
- Anthony c. Leo v. Nandanlal Balkrishna (AIR 1996 SC)

- Industrial credit & Investment Corporation of India Ltd.(ICICI) v. Kamataka Ball Bearing Coropration Ltd. (AIR] 999 SC)
- Prabodh Nath Shah v. SBI (AIR 2003 SC)

UNIT-IV

1. Transfer of Cases (Ss. 22 - 25)
2. Cave~(Sec. 148A)
 - (i) Concept and Meaning
 - (ii) Procedure of filing caveat
 3. Inherent powers of the Court (Ss. 148 - 153A)
 4. Restitution
 - (i) Concept and Meaning
 - (ii) Condition necessary for restitution

List of Cases

- Durgesh Sharma v. Jayshree [(2008) 9 SCC 648]
- Manjari Sen v. Nirupam Sen (AIR 1975 Del 42)
- Gujarat Electricity Board v. Atmaram Sungomal Poshani [(1989) 2 SCC 602]
- Kulwinder Kaur v. Kandi Friends Trust [(2008) 3 SCC 659]
- Nirmal Chandra v. Girindra Narayan (AIR 1978 All 360)
- Ram Chand & sons Sugar Mills (P) Ltd. v. Kanhayalal Bhargava (AIR 1966 SC 1899)
- Akbar Ali v. Alla Pitchai [2000 AIHC 115 (Mad)]
- Advocate Bar Assn. (II) v. Union of India [(2005) 6 SCC 344]
- KC. Sakaria v. GOV1 of Kerala [(2006) 2 SCC 285]
- Jai Berham v. Kedar Nath (AIR 1922 PC 269)
- Mahijibhai Mohanbhai v. Patel Manibhai (AIR 1965 SC 1477)

UNIT-V

1. Concept and Object of Law of Limitation: The Law assists the vigilant and not those who sleep over their rights.
2. Extension and suspension of Limitation
3. Grounds for the Condensation of delay, extension, suspension of delay
4. Legal Disability
5. Requisition of Easementary Rights and Ownership by way of Prescription and Efflux of time (Ss. 25 - 27)

OUTCOME OF THE COURSE

After completing the course students would become aware about the substantive rules and procedure of implementing law in different situation. They would also acquire the knowledge regarding institution and continuation of a suit in different courts. By acquiring the knowledge of Law of Limitation the students will become aware regarding the terms and limitation prescribed for the institution of the suit. Therefore. they would be able to implement a law in a given situation in a more effective manner.

SUGGESTED READINGS

- Civil Procedure Code by C.K. Takwani
- Civil Procedure Code by Mulla
- Civil Procedure Code by Mehta
- Civil Procedure Code (Amendment Act, 2002)
- The Limitation Act, 1963
- The Limitation Act, C. Jamna Das & Company

**DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
CRIMINAL PROCEDURE CODE
B.A.LL.B. (HONS) VIIIth SEMESTER**

Course Objectives:

The students under Criminal Procedure Code should obtain a fair idea how the Code works as the main spring of criminal justice delivery system and should be exposed to the significant riddles of the procedure. The Criminal Procedure Code prescribes intrusion into individual rights by protecting just, fair and reasonable procedure as to victims the criminal procedure is a process to be carried out in an objective manner by balancing or conflicting interests of society and criminals. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise the discretion conferred on them in just and fair manner. The Code of Criminal Procedure, 1973 had undergone many trials and experiments, too enormous to be place within a class room discussion.

UNIT-I:

FORMATION AND JURISDICTION OF CRIMINAL COURT

- A. Criminal Procedure Code & Fair Trial – Rational
- B.. Constitution of Criminal Court – Powers & Functions (Sec. 6 to 29)
- C Jurisdiction of Criminal Courts – (Sec. 177 to 189)

UNIT-II

ARREST, DETENTION & COMPELLING AND PROCESS OF APPEARANCE

- A. (a) Arrest by Police and Public (SS. 41-49, 53, 53A, 54, 54A)
(b) Nature of Offence. Cognizable and Non-Cognizable, Bailable & Non-Bailable, Definition's Clauses (S. 2(a), (c), (d), (g), (l), (r), (w), (wa), (x) and (y) etc. and Scheduled I and Section 476 and Schedule II Cr.P.C.
- B. Rights of arrested Person (S. 50, 50A)
- C. Process of compelling of person or things before Courts
 - (a) Process of Summons and Warrant (SS. 6 1-89)
 - (b) Search & Seizure (SS. 93-102)

Case laws:

- Directorate of Enforcement V/s Deepak Mahajan AIR – 1994 SC 1775
- V.S. Kuttan Pillai V/s Ram Krishna AIR 1980 SC 185
- State of Maharashtra V/s Tapas Das Neogy, 1999 Cr. L.J. 4305: 1999 (7) SCC 685

UNIT-III

- 1. Maintenance of wife, children and Parents SS-125-128 Cr. P.C.
- 2. Maintenance of Public Order and Tranquility SS-133-148 Cr. P.C.
 - a. Public Nuisance SS –133 to 139
 - b. Urgent case of Nuisance or Public Danger S 144 Cr. P.C.
 - c. Dispute of Immovable Property S. 145 to 148 Cr. P.C.
- 3. Preventive Action of Police S. 149 – 151 Cr. P.C.

Case laws:

- Mohd. Ahmad Khan V/s Shah Bano Begum, AIR 1985 SC 945: 1985 SCR (3) 844: (1985) 2 SCC 556
- Shabana Bano V/s Imran – AIR 2010 SC 305: (2010) 1 SCC 666: 2010 Cr. L.J. 521
- Danial Latifi V/s Union of India (2001) 7 SCC 740
- Rupali Devi State of U. P. (2019) 5 SCC 384.
- Dwarika Prasad Satpathy v/s Bidyut Prava Dixit, AIR 1999 SC 3348 (1999) 7 SCC 675. 1999 (6) SCALE 579: JT 1999 (8) SC 329.
- Chanmuniya v/s Virendra kumar Singh Kushwaha, JT 2010 (11) SC 132 (2010) 10 SCALE 602.
- Ram Dayal V/s Jagdamba Devi – AIR 1942 ALL 443
- Suhelkhan Khudyarkhan V/s State of Maharashtra AIR 2009 SC 1868: 2009 5 SCC 586
- Babulal Parate V/s State of Maharashtra AIR 1961 SC 884: 1961 SCR (3) 423
- Bhinka V/s Charan Singh – AIR 1959 SC 960: 1959 SCR Supl. (2) 798
- Prem Lata V/s Ram Lubhaya – 1978 Cr. L.J. 1822
- Sagwan Pasi V/s State of Bihar 1978 Cr. L.J. 1062

UNIT-IV

INVESTIGATION AND INQUIRY PROCEEDINGS

- A.
 - (a) **First Information Report (FIR) (SS. 154-157)**
 - (b) **Statement of Witness & Investigation (SS. 160-166)**
 - (c) **Process of filing Charge Sheet (S. 173)**
 - (d) **When Investigation is not completed – Remedies (S. 167)**
- B. **Letter of Request to competent authority for investigation in a country outside India, Section 166A Cr. P.C.**
- C. **Public Prosecutor & Defence Counsel – Choice of Accused (SS. 24, 25, 303 & 304)**

Case laws:

- Lalita Kumari V/s Govt. of U.P. AIR 2014 SC 187: (2014) 2 SCC 1:2014 Cr.L.J. 470: JT 2013 (14) SC 399:2013 (13) SCALE 559.
- Shambhu Dass V/s State of Assam AIR 2010 SC 3300: (2010) 10 SCC 374
- State of Haryana V/s Ch. Bhajan Lal AIR 1992 SC 604
- M. Ravindran v/s Intelligence Officer Directorate of Revenue Intelligence, AIR 2020, SC 5245: AIR Online 2020 SC 785.
- State of Bombay V/s Rusy Mistry – AIR 1960 SC 391
- Mohd. Ajmal Amir Kasab V/s State of Maharashtra – 2012 Cr. L.J. 4770 (SC)
- Nandini Satpathy V/s P.L. Dani – AIR 1978 SC 1025: 1978 SCR (3) 608
- Mahabir Singh V/s State of Haryana AIR 2001 1 SCC 155
- Ashok Kumar Todi V/s Kishwar Jahan AIR 2011 SC 1254: 2011 3 SCC 758
- Dinesh Dalmia V/s C.B.I. AIR 2008 SC 78
- C.B.I. V/s Anupam Kulkarni – AIR 1992 SC 1768

UNIT-V

- A. **Cognizance by court (SS. 190-199)**
- B. **Filing of Complaints (SS. 200-203)**
- C. **Commencement of Proceedings before Courts (SS. 204-210)**

Case laws:

- Ajay Kumar Parmar V/s State of Rajasthan – AIR 2013 SC 33

- S.W. Palantikar V/s State of Bihar (2002) 1 SCC 241: 2002 Cr. L.J. 548
- Manharibhai Muljibhai Kakadia V/s Shaileshbhai Mohanbhai Patel (2012) 10 SCC 517

STATUTORY MATERIAL

The Criminal Procedure Code-1973 – Bare Act with short notes, (Publication of Lexis Nexis 2019)

PRESCRIBED BOOKS

1. Ratanlal and Dhirajlal, The Code of Criminal Procedure (Lexis Nexis Publication, Gurugram Haryana 23rd edn. 2020).
2. Prof. Hafeezul Rahman: Lectures on Criminal Procedure Code (Eastern Book Company, Lucknow 2nd edn. 1956).
3. R.V. Kelkar, Criminal Procedure (Eastern Book Company, Lucknow, 6th edn. 2014,(Reprinted 2018).

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1. S.N. Misra, The Code of Criminal Procedure 1973 (Central Law Publication, Allahabad, 21st edn. 2019).
2. Batuk Lal, The Code of Criminal Procedure (Central Law Agency, Allahabad, 3rd edn. 2017)

COURSE OUTCOMES

On successful completion of programme the students will acquire the knowledge about the law of Criminal Procedure. The students will be able to understand the basic tenets of the Court's Trial System. It will help the students after completion of the programme to understand the proceedings to be conducted in the Trial Court.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
LABOUR LAW-II
B.A.LL.B. (HONS) VIIIth SEMESTER

Programme Outcome/Objectives:

In this era of industrialization, in addition to remuneration for workers the much needed are social security, social welfare, health and safety measures. The in-depth knowledge of labour laws is a sine qua non for business administration and personnel management as it sharpens the managerial excellence and enables to come to right decisions at the appropriate time. So this course curriculum has been design keeping in mind the demand of present scenario which educate to the students about the social security, social welfare, health and safety measures in addition to the provisions of wages and remuneration provided under different labour legislations.

The following syllabus prepared with this perspective will comprise five units

UNIT-I:

REMUNERATION FOR LABOUR

- A. Theories of Wages
 - i. Concept and importance of Theories of Wages
 - ii. Kinds of Theories
 - a. Subsistence Theory
 - b. Marginal Productivity Theory
 - c. Wage Fund Theory
 - d. Supply and Demand Theory
 - e. Residual Claimant Theory
- B. Concept of Wages:
 - a. Minimum Wages
 - b. Fair Wages
 - c. Living Wages
 - d. Need based minimum Wages
- C. Components of Wages
- D. Principle of Fixation and Revision of Minimum of Wages
- E. Protection of Wages
 - a. Non payment
 - b. Delayed Payment
 - c. Unauthorized deductions
 - d. Remedial measures

UNIT-II:

HEALTH, SAFETY AND COMPENSATION

- A. Obligation for Health and Safety of workmen:
 - a. Legislative control:
 - i. Factory
 - ii. Mines
 - iii. Plantations
- B. The Employees Compensation Act, 1923, [The workmen's compensation (Amendment) Act, 2009]
 - a. Disablements

- b. Employer's Liability of pay compensation
- c. Notional Extension of Employer's Premises.
- d. Calculation of Compensation

UNIT-III:

LABOUR WELFARE

- A. Definition and scope of Labour Welfare
- B. Statutory and Voluntary Scheme of Labour Welfare
- C. Social Security
 - a. Concept, Meaning and Scope of Social Security in India
 - b. Components of Social Security
 - i. Social Insurance
 - ii. Social Assistance
 - iii. Modern Components of Social Security.
- D. Social Security for unorganized Workers.(The Unorganized Worker's Social security Act, 2008)

UNIT – IV:

A. EQUAL REMUNERATION ACT, 1970.

- a. Historical Development, Aims and Objects.
- b. Employer's Obligation to Pay Equal Remuneration to Men and Women Workers.
- c. Advisory Committee
- d. Remedial measures
- e.

B. MATERNITY BENEFIT ACT, 1961.

- a. Salient features of the Act
- b. Maternity Benefits
- c. Administration and Enforcement of the Act

C. CHILD LABOUR [CHILD LABOUR (PROHIBITION AND REGULATION) ACT 1986]

- a. Aims and Objects of the Act
- b. Contribution of ILO
- c. Prohibition of child labour
- d. Regulation of employment of children.

UNIT- V:

PROTECTION OF WEAKER SECTION WORKERS

A. Bonded Labour [Bonded labour system (Abolition) Act, 1976].

- a. Aims and object of the Act.
- b. Bonded Labour:
 - i. International scenario
 - ii. Indian Scenario
 - iii. Abolition of Bonded Labour
 - iv. Implementation of the Act.

B. Contract Labour [Contract Labour (Regulation and Abolition) Act, 1970]

- i. Aims and Object of the Act

- ii. Abolition and Absorption
- iii. Registration of Establishment and Procedure for licensing of Contractors.

Prescribed Readings:

- i. S.N. Misra : Labour and Industrial Laws
- ii. V.G. Goswami : Labour and Industrial Laws
- iii. S.K. Puri : Labour and Industrial Laws
- iv. AM Sharma : Aspect of Labour Welfare and Social Security
- v. K.K. Dewtt : Modern Economic theory.

C. Protection of Women at Workplace [Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

- i. Salient, Features of the Act
- ii. Complaint Mechanism
- iii. Loopholes of the Act

Recommended Readings:

- 1. S.K. Misra and V.K. Puri: Indian Economy
- 2. Rudar Dutt and KPM Sudharam: Indian Economy
- 3. Meenu Paul: Labour and Industrial Law
- 4. R.C. Saxena: Labour Problems and Social Welfare
- 5. Right of Children to Free and compulsory Education Act. 2009.

Cases:

- 1. U. Unichoyi v. State of Kerala AIR 1962 SC 12
- 2. Crown Aluminium Works v Their workmen AIR 1958 SC 30
- 3. Airfreight Ltd. v State of Karnataka 1999 SCC 1185
- 4. Probhu Dayal v Sahan Sakhari Samiti Majuri Vikas Khand (2008) 1 SCC 1069
- 5. Lingegowd Detective and Security Chamber v Mysore Kirloskar Ltd (2006) SCC 981
- 6. Secretary Podippu K.S. Sangam Ltd v Varghese (2007) 2 SCC 512
- 7. State of Karnataka v Ameerbi (2007) 1 SCC 975
- 8. Workmen v Reptakos Brett and Co. Ltd. Air 1992 SCC 271
- 9. Manager, UCO Bank v Ankur 2009 Lab IC Mad.
- 10. Div. Manager, National Insurance Company v Chinnammal, 2012 Lab IC Mad.
- 11. Ramji Pandey v Presiding Officer Labour Court, Gorakhpur 2012 Lab IC All
- 12. Mallikarjuna G Hinemath v Branch Manager Oriental Insurance Co. ltd. (2009) Lab IC SC
- 13. Dena Nath v National Fertilizer Ltd. AIR 1992, SCC 349
- 14. Secretary Haryana SEB v Suresh, Air 1999 SCC 765
- 15. Gammon India Ltd. v. Union of India 1974 Lab. I C, SCC 252
- 16. Air India Statutory Corporation v United Labour Union 1997, SCC 1344
- 17. Steel Authority of India Ltd. v National Union Water front workers, AIR 2001, SCC 1121
- 18. Sec. State of Karnataka v Umadevi, AIR 2006 SCC 753
- 19. M.C. Mehta v State of Tamil Nadu, AIR 1991, SC 417
- 20. Bandhua Mukti Morcha v Union of India AIR 1984, SC 802.
- 21. Bandhua Mukti Morcha v Union of India 2000 (9 SCC) 322.
- 22. Bandhua Mukti Morcha v Union of India 1991 (4 SCC) 174.
- 23. National Thermal Power Corporation v Badri Singh Thakur, 2008 2 SCC 903
- 24. Uma Shankar Mishra v Union of India 2007, Lab. I C Cal.
- 25. Bhagwan Das v State of Haryana AIR 1987 SC
- 26. Randhir Singh v Union of India 1982 (1) SCC 119
- 27. P. Savita vs Union of India 1985 supp. SCC

28. Bachpan Bachoo Andolan v Union of India decided on 18.04.2011 (Taken from Internet)
29. Bhilwara Dugdh Utpadak Sahkari v Vinod Kumar Sharma decided on 01.09.2011.
30. Balwant Rai Salju v. AIR India Ltd. (2014)9 SCC407
31. District Development Officer v. Satish Kantilal Amrella 2018 LLR159 SC
32. Netram Sahu v. State of Chattisgarh and Anothers 2018 LLR1051 SC

Course Outcome

The students who are interested in studying law, this course is best to get started because under this course students get two degrees. No requirement to go through graduation degree before venturing into law sector. This course can be pursued after 12th standard. This course develop the communication skills, confidence, logical and reasoning attitude, smartness, good memory, authoritative approach among the students which is important to cope the prolems of time. This course provide good career opportunities not only in the field of litigation but in the multinational enterprises.



**DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
CRIMINAL PROCEDURE CODE
B.A.LL.B. (HONS) VIIIth SEMESTER**

Course Objectives:

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 - b. Urgent case of Nuisance or Public Danger S 144 Cr. P.C.
 - c. Dispute of Immovable Property S. 145 to 148 Cr. P.C.
- 3. Preventive Action of Police S. 149 – 151 Cr. P.C.

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- Shabana Bano V/s Imran – AIR 2010 SC 305: (2010) 1 SCC 666: 2010 Cr. L.J. 521
- Danial Latifi V/s Union of India (2001) 7 SCC 740
- Rupali Devi State of U. P. (2019) 5 SCC 384.
- Dwarika Prasad Satpathy v/s Bidyut Prava Dixit, AIR 1999 SC 3348 (1999) 7 SCC 675. 1999 (6) SCALE 579: JT 1999 (8) SC 329.
- Chanmuniya v/s Virendra kumar Singh Kushwaha, JT 2010 (11) SC 132 (2010) 10 SCALE 602.
- Ram Dayal V/s Jagdamba Devi – AIR 1942 ALL 443
- Suhelkhan Khudyarkhan V/s State of Maharashtra AIR 2009 SC 1868: 2009 5 SCC 586
- Babulal Parate V/s State of Maharashtra AIR 1961 SC 884: 1961 SCR (3) 423
- Bhinka V/s Charan Singh – AIR 1959 SC 960: 1959 SCR Supl. (2) 798
- Prem Lata V/s Ram Lubhaya – 1978 Cr. L.J. 1822
- Sagwan Pasi V/s State of Bihar 1978 Cr. L.J. 1062

UNIT-IV

INVESTIGATION AND INQUIRY PROCEEDINGS

- A.
 - (a) **First Information Report (FIR) (SS. 154-157)**
 - (b) **Statement of Witness & Investigation (SS. 160-166)**
 - (c) **Process of filing Charge Sheet (S. 173)**
 - (d) **When Investigation is not completed – Remedies (S. 167)**
- B. **Letter of Request to competent authority for investigation in a country outside India, Section 166A Cr. P.C.**
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- Mahabir Singh V/s State of Haryana AIR 2001 1 SCC 155
- Ashok Kumar Todi V/s Kishwar Jahan AIR 2011 SC 1254: 2011 3 SCC 758
- Dinesh Dalmia V/s C.B.I. AIR 2008 SC 78
- C.B.I. V/s Anupam Kulkarni – AIR 1992 SC 1768

UNIT-V

- A. **Cognizance by court (SS. 190-199)**
- B. **Filing of Complaints (SS. 200-203)**
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Case laws:

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- S.W. Palantikar V/s State of Bihar (2002) 1 SCC 241: 2002 Cr. L.J. 548
- Manharibhai Muljibhai Kakadia V/s Shaileshbhai Mohanbhai Patel (2012) 10 SCC 517

STATUTORY MATERIAL

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5. Prof. Hafeezul Rahman: Lectures on Criminal Procedure Code (Eastern Book Company, Lucknow 2nd edn. 1956).
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COURSE OUTCOMES

On successful completion of programme the students will acquire the knowledge about the law of Criminal Procedure. The students will be able to understand the basic tenets of the Court's Trial System. It will help the students after completion of the programme to understand the proceedings to be conducted in the Trial Court.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
INTERNATIONAL Trade LAW
B.A.LL.B. (HONS) VIIIth SEMESTER

Course Objective:

In the globalised world, the importance of international trade law is increasing as result of growing interdependence among nations. This course is significant to understand the complexities of international trade and relevant legal problems emerges in the international trade.

Course Outcome:

The course of International Trade Law facilitate the students in greater understanding of the legal issues and pitfalls relating to domestic as well as international trade as a result of growing trends of globalization and market access. It may help to settle the issues efficiently with the specialization in International Trade Law.

UNIT – I

A. Theories of International Trade

- i Absolute Advantage Theory
- ii Comparative Cost Theory
- iii Modern Theory

B. Risks in International Trade

C. INCOTERMS-2020

- i. F.O.B
- ii. C.I.F

UNIT – II

A. Letter of Credit

- i. Nature and Definition
- ii. Mechanism
- iii. Uniform Customs and Practice for Documentary Credits(UCP 600)
- iv. Principles Governing of the Letter of Credit

B. Bill of Exchange

- i. Definition
- ii. Requisites
- iii. Kinds
- iv. Applicability of Law and Foreign Negotiable Instrument (Bill of Exchange) S.72 of BE Act & SS 134-137 of N.I. Act.

C. Collection Arrangements

UNIT – III

A. Bill of Lading

- i. Contents
- ii. Legal Functions (Evidentiary Value)
 - a. Contract of Carriage
 - b. Receipt of goods
 - c. Document of title

B. Liability of Carrier under Bill of Lading: The Basis

- i. Seaworthiness
- ii. Deviation
- iii. Delay

C. Exemptions

UNIT – IV

A. Import Procedure

B. Export Procedure

C. Powers of Custom Officer

D. Management of Foreign Exchange

- i. Regulation
- ii. Authorised Person

UNIT –V

A. *Dispute Settlement Procedure under WTO*

B. International Chamber of Commerce Arbitration

- C. Dispute Settlement in India
 - i. The Procedure
 - ii. Foreign Award and its Enforcement
- D. Conciliation

Statutes

- 1. Constitution of India**
2. Sale of Goods Act. 1930
3. Indian Contract Act 1872
4. Bill of Exchange Act 1882
5. Negotiable Instrument Act 1881
6. Bill of Lading Act, 1856
7. Carriage of Goods by Sea Act, 1925
8. Customs Act, 1962
9. Foreign Trade Act, 1992
10. Special Economic Zone Act
11. Arbitration and Conciliation Act, 1996

International Conventions

1. U.N. Convention on International Bills of Exchange, New York, 1988
2. U.N. Convention on Contracts for International Sale of Goods (Vienna, 1980)
3. U.N. Convention on Independent Guarantees & Stand by letters of Credit.
4. The Hague Rules, 1924 as Amended by Hague Protocol, 1968 (Hague Visby Rules)
5. The Hamburg Rules (U.N. Convention on the Carriage of Goods by 1978)
6. WTO Legal Framework
7. The ICC Rules on Commercial Arbitration
8. UNCITRAL Rules on Commercial Arbitration
9. UCP 600

Recommended Readings

1. Schmtoff's, Export Trade Law and Practice of International Trade, , London, Sweet & Maxwell.
2. D.M. Day & Barnardette Griffen, The Law of International Trade
3. David Tefled, Introduction to the Law of International Trade
4. Gupta , World Trade Organization 1996
5. Kwatra, G.K., Arbitration & Reconciliation Law of India
6. Jayanta Bgchi, World Trade Organization: An Indian Perspective Eastern law House, New Delhi

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
TRANSFER OF PROPERTY ACT
B.A.LL.B. (HONS) VIII SEMESTER

Course Outcome:

This semester is devoted to study the transfers under specific names containing special procedures to be followed. Specific Transfers like Sale, Mortgage, Charge, lease, exchange gift and actionable claims have to be understood in their technical sense. Transfer of property under the above heads require special understanding to both transferor and transferee. Moreover, the Indian Trust Act, 1882 will also be studied in this semester.

Transfer of Property and Indian Trust Act

Unit I

Sec. 54 Sale of Immovable Property, Agreement to Sale Distinction between Sale and Exchange, Sale and Mortgage, Sale and Hire Purchase Management

Sec. 55 Rights and Liabilities of buyer and Seller

Sec. 58 Mortgage and its kinds

Distinction between Mortgage by Conditional Sale and Sale with a Condition to Re-Purchase

Sec. 59 Registration of Mortgage

Cases:

1. *Pandit Chun Chun Jha v. Ibadat Ali (1995)1 SCR 174*
2. *Sibendra Pada v. Secretary of State (1907) 34 Cal. 207*
3. *Bishwanath Prasad v. Chandra Narayan (1921) 48 Cal. 509*
4. *Ram Dasr v Sitabai AIR 2009 SC 2735*
5. *Suraj Lamp & Industries Pvt. Ltd. V State of Haryana AIR 2012 SC 206*
6. *Latif Estate Line India Ltd v Hadeeja Ahmad, AIR 2011 MD 66 (FB).*
7. *Tara Chand v Sagarbai AIR 2007 SC 2059*

Unit II

Sec. 60 Right of Mortgagor to Redeem

Right of Redemption

Clog on Redemption

Sec. 67 Right to Fore closure

Sec. 68 Right to Sue for Mortgage – money

Sec. 81 Marshalling of Securities

Sec. 82 Contribution to Mortgage – Debt

Cases:

1. *Stanley v. Wilde (1899) 2 Ch 474*
2. *Murarilal v. Deo Karan AIR 1965 SC 225*
3. *Gulab Chand v. Saraswati Devi AIR 1977 SC 242*
4. *Bigg's Case (1898) 2 Ch 307*
5. *Noakes Case (1902) AC 24*
6. *Bradley's Case (1903) AC 253*

Recommended Readings:

1. S.N. Shukla : The Transfer of Property Act
2. R.K. Sinha : The Transfer of Property Act
3. Mulla's : The Transfer of Property Act
4. B.B. Katiar : Law of Easements & Licenses in India
5. G.P. Tripathi : Easement Act, 1882
6. Tagore's Lecture on the Transfer of Property Act.

Important Note:

1. *The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.*
2. *The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/ cases.*
3. *The students are required to study the legislations as amended up- to- date and consult the latest editions of books.*

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
ENVIRONMENTAL LAW
B.A.LL.B. (HONS) VIIIth SEMESTER

Objective of the Course: The environmental law course is designed to keep students abreast with environmental problems and resolving legal solution to promote sustainable development. The course emphasizes on ecology, society and economy relationship to develop environmental equity and trusteeship. The environmental principles such as inter-generation equity, carrying capacity, sustainable development, precautionary principle, polluter pay principles are analyzed within the provisions of the environment statutes and policy framework. The objective of this course is to impart environmental values and inculcate the art of living in harmony with nature in legal discourse.

Unit – I: Legal Dimensions of Sustainable Development

A. Environment & Sustainable Development: Conceptual Theoretical Framework

B. Sustainable Development: International & National Legal Response

C. Classical & Common Law Remedies for Environmental Protection: Criminal & Tortious Remedies

D. Environmental Liability Principles: Emerging Trends: Precautionary Principle, Polluter Pays Principle, Inter-Generational Equity, Intra-Generational Equity, Public Trust Doctrine & Common But Differentiated Responsibilities

Unit – II: Constitutional Dimension of Environment

A. Environmental Policy in India: Historical & Contemporary Perspective

B. Constitutional Dimensions Of Environment: Articles 14, 19(1)(g), 21, 48-A And 51-A (g) & Federal Framework

C. Human Rights To Environment & Right – Duty Perspective

D. Regulation of Hazardous Industries: Legal & Institutional Framework

Unit – III: Pollution Control Laws

A. Environment (Protection) Act, 1986: Salient Features; Regulatory Mechanism & Enforcement & Working of The Act

B. Air (Prevention & Control Of Pollution) Act, 1981: Salient Features; Regulatory Mechanism & Enforcement & Working Of The Act

C. Noise Pollution Rule, 2000: Salient Features; Regulatory Mechanism & Enforcement & Working Of The Rule

D. Water (Prevention And Control Of Pollution) Act, 1974 & Water Cess (Prevention And Control Of Pollution) Act, 1977: Salient Features; Regulatory Mechanism & Enforcement & Working Of The Act

Unit – IV: Resource Conservation Laws

A. Wetland Conservation Rule, 2010: Salient Features; Regulatory Mechanism & Enforcement & Working of The Rule

B. Forest Protection Laws & Policies: Salient Features Of Forest Act, 1927; Forest (Conservation) Act, 1980 & Forest Rights Act, 2006

C. Wildlife Protection Law & Policies: Salient Features of Wildlife Protection Act, 1972

D. Conservation of Biological Diversity Laws & Policies: Biological Diversity Act, 2002

Unit – V: Environment Assessment, Dispute Resolution & Justice Delivery

A. *Environment Impact Assessment Law & Procedure: Environment Impact Assessment Notification, 2006*

B. Public Participation in Environmental Decision Making Process & Environment Justice Delivery System

C. Environmental Dispute Resolution Under National Green Tribunal Act, 2010

D. Compensation & Relief Under Public Liability Insurance Act, 1991

Prescribed Policies & Legislations

1. Basel Convention on Control of Transboundary Movements Of Hazardous Wastes & Their Disposal, 1989

2. Basel Protocol on Liability & Compensation, 1999; Stockholm Convention on Persistent Organic Pollutants, 2001

3. Water (Prevention & Control of Pollution) Act, 1974

4. Air (Prevention & Control of Pollution) Act, 1981

5. Environment (Protection) Act, 1986

6. Public Liability Insurance Act, 1991

7. National Environment Tribunal Act, 1995

8. National Environment Appellate Authority Act, 1997

9. Biological Diversity Act, 2002

10. Wildlife (Protection) Act, 1972

11. Forest (Conservation) Act, 1980

12. Forest Act, 1927

13. Scheduled Tribes & Other Traditional Dwellers (Recognition of Forest Rights) Act, 2007.

14. National Green Tribunal Act, 2010

15. Forest Conservation Act, 1980
16. Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
17. Hazardous Wastes (Management & Handling) Rules, 1989 As Amended In 2000 And 2003.
18. Environment Impact Assessment Notification, 2006
19. Policy Statement on Environment & Development, 1992
- 20. National Forest Policy, 1988**
- 21. Forest Commission Report, 2006**
22. Policy Statement for Environment & Development, 1992
23. Policy Statement for Abatement of Pollution, 1992
- 24. National Water Policy, 2002**
- 25. Wildlife Conservation Strategy, 2002**
- 26. National Environment Policy, 2006**

Recommended Readings

1. Ben Richardson and Stephan Wood (Eds.), *Environmental Law and Sustainability: A Reader*, (2006) Hart Publishing.
2. Bharat H. Desai, *Institutionalizing International Environmental Law* (2004) Transnational Publishers
3. Gurdip Singh, *Environmental Law in India* (2005)
4. Gurdip Singh, *Environmental Law in India* (2005) Macmillan.
5. Jane Holder and Maria Lee, *Environmental Protection, Law and Policy: Texts and Materials* (2nd ed., 2007) Cambridge University Press
6. Nomani, Z.M., '*Law & Sustainable Forestry*', Aligarh Muslim University Press, Aligarh, 2011
7. Nomani, Z.M., '*Natural Resources Law and Policy*', Uppal Publishing House: New Delhi; 2003
8. Nomani, Z.M., *Environment Impact Assessment Law in India*, Satyam Books: New Delhi, 2011
9. P. Leelakrishnam, *Environmental Law in India* (2nd ed., 2005) LexisNexis Butterworth.
10. P. Leelakrishnan, *Environmental Law Case Book* (2nd ed., 2006)
11. P. Leelakrishnan, *Environmental Law in India* (3rd ed., 2008)
12. P.S.Jaiswal, *Environmental Law*, Central Law Agency:Faridabad;2011
13. Patricia Birnie and Alen Boyle, *International Law and the Environment* (2nd ed. 2002), Oxford University Press.
14. Philippe Sands, *Principles of International Environmental Law: Frameworks, Standards and Implementation*.(2nd ed., 2003) Cambridge University Press
15. S. Colye & K. Morrow, *Philosophical Foundations of Environmental Law: Property, Rights and Nature* (2004) Hart Publishing.
16. Sanjay Upadhyaya, *Environmental Law in India* Vol. I, II, III Butterworth, New Delhi, 2003
17. Satish Shastri, *Environmental Law*, Eastern Book Company:Lucknow;2011
18. Shyam Diwan & Armin Rosencranz, *Environmental Law and Policy in India: Cases, Materials and Statutes* (2nd ed., 2001)
19. Stuart Bell & Donald Mc Gillivray, *Environmental Law* (7th ed., 2008)
20. Stuart Bell & Donald Me Gillivray, *Environmental Law – The Law and Policy Relating to the Protection of the Environment* (6th ed., 2006) Oxford University Press.

Course Outcomes

1. Students will be able to get basic knowledge of environment, pollution and various principles.
2. Students will be able to get the knowledge about Constitutional provisions for the protection of environment.
3. Students will learn about the legal provisions of the water pollution.
4. Students will also learn about the air pollution.
5. Students will get the knowledge about the Environment (protection) Act, powers of central government and state government to make laws and Environment Tribunals.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
WOMEN & LAW
B.A.LL.B. (HONS) VIIIth SEMESTER

Course Outcome:

After conclusion of study the students are expected to know:

- Constitution of India and provisions regarding women
- Rights of women in their respective personal laws i.e. Hindu, Muslim, Christian and Parsi Family Laws.
- Uniform Civil Code and Women
- Violence against women
- Women, Human rights and Indian Constitution
- Custodial violence-Human Rights of Women Prisoners
- Laws relating to sexual harassment at work place.
- Domestic Violence Act, 2005
- Role of National Commission for Women
- Women and their rights and critical appreciation of Socio-legal issues affecting the Women society & State
- The emerging trends of equality in Feminist Jurisprudence.

UNIT – I:

THE CONSTITUTION OF INDIA AND WOMEN

- A. Preamble and Fundamental Rights- Women.
- B. Rights to Equality – Women
- C. Directive Principles of State Policy-Women
- D. Women Reservation

UNIT – II:

WOMEN IN THEIR RESPECTIVE PERSONAL LAWS (Hindu, Muslim, Christian and Parsi Family Laws)

- A. Marriage
- B. Dissolution of Marriage
- C. Maintenance
- D. Succession

UNIT – III:

UNIFORM CIVIL CODE AND WOMEN

- A. Personal Laws and Discrimination against Women
- B. Uniform Civil Code and Indian Constitution
- C. Civil Code and Indian Judiciary
- D. Adoption and Guardianship

UNIT – IV:

WOMEN AND HUMAN RIGHTS

- A. Women and Human Right under Indian Constitution
- B. Custodial Violence – Human Rights of Women Prisoners
- C. Human Rights and practice of policing
- D. Sexual Harassment at Work Place.

UNIT – V:

DOMESTIC VIOLENCE AND LAW

- A. The Dowry prohibition Act, 1961
- B. Cruelty by Husband and other relatives for dowry
- C. Cruelty and wife beating
- D. Role of National Commission for Women

Prescribed Readings:

- 1. Khan Nuzhat P. (2016) : Women and the Law, Universal Law Publication, Lexis Nexis.
- 2. Jain, M.P. (2001) : Indian Constitutional Law Wadhwa and Company, Law publishers, Nagpur. (4th ed.)
- 3. Dewan, V.K. (2000) : Law Relating to offence Against Women, Orient Law House
- 4. Ratanlal and Dhirajlal (2000): The Code of Criminal procedure, Wadhwa and Company. Law publishers Nagpur (15th ed.)
- 5. Agarwal R.K.(1998) : Hindu Law Central Law Agency, Allahabad (20th ed.)

Suggesting Readings:

- 1. Basu, D.D. (2002) : Introduction to the constitution of Indian Wadhwa and Company, Law publishers Nagpur, (19th ed.)
- 2. Kelar R.V. (1990) : Outline of Criminal procedure, Eastern book Company, Lucknow (2nd ed.)
- 3. Diwan Paras (2001) : Modern Hindu Law Agency, Faridabad, Harayan (14th ed.)
- 4. Mishra S.N. (1998) : The Indian Penal Code, Central law Publications, Allahabad

LAW AND DEVELOPMENT (Optional Paper)

B.A.LL.B. (Hons) VIII Semester

Department of Law

Aligarh Muslim University

COURSE OUTCOME

This course focuses on the relationship between law and development. Students develop a normative and social scientific perspective of the relationship between law and development that encourages students to embrace an external view of the law and legal systems that is atypical in Indian legal education. This trans-disciplinary approach encourages students to go beyond the law, and develop ability in enquiries external to the legal method. Students learn about themes situated at the points of intersection of economic, social and political changes through the lens of law. By critically engaging with various paradigms of development, this course informs students about the capacity of legal system to influence outcomes in these areas; and how these areas in turn impact shaping of law.

TEACHING METHODS:

The course adopts lecture methods blended with classroom discussions and case studies. Audio visual tools and power point presentations are used where relevant. It expects high levels of investment from the students by requiring them to come to class after adequate preparation which will enable them to participate fully and meaningfully in the course.

UNIT I

INTRODUCTION TO LAW AND DEVELOPMENT

- A. What law has to do with development?
- B. What is development?
 - Development as economic growth
 - Development as poverty alleviation
 - Development as freedom
 - Development as happiness
 - Sustainable development
 - Development and culture
 - Development and geography
- C. Globalisation, Development and Law
- D. Theories of development

E. Law and Development Movement

Suggested Readings

- Kevin E. Davis & Michael J. Trebilcock, *Legal Reforms and Development*, Vol 22, No 1, pp 21–36, *Third World Quarterly* (2001)
- Kevin E. Davis & Michael J. Trebilcock, *The Relationship between Law and Development: Optimists versus Skeptics*, 56 AM. J. COMP. L. 895 (2008).
- Tor Krevor, *The Legal Turn in Late Development Theory: The Rule of Law and the World Bank's Development Model*, 52 HARV. J. INT'L L. 287 (2011).
- Robert Archer, *Linking Rights and Development: Some Critical Challenges*, in RIGHTS-BASED APPROACHES TO DEVELOPMENT: EXPLORING THE POTENTIAL AND PITFALLS 21 (Sam Hickey & Diana Mitlin eds., 2009).
- Y. Matsuura, *Role of Law in Development: Past, Present and Future*, Nagoya University CALE Books (2005)
- Hemant Goel, *Law, Poverty and Development*, Universal Law Series (2013).
- Sunanda Sen, *Globalisation and Development*, National Book Trust (2009).

UNIT II

INEQUALITIES, GOVERNANCE AND LEGAL REFORM

- A. Access to Justice
- B. Economic Reforms and Inclusive Growth in India
- C. Panchayati Raj Institutions and Democratic Decentralization
- D. Corporate Social Responsibility

Suggested Readings

- Upendra Baxi, *Access, Development and Distributive Justice: Access Problems of the Rural Population*, Vol 18 No. 3, *Journal of Indian Law Institute*, July-Sep 1976.
- Jean Dreze & Amartya Sen, *An Uncertain Glory: India and its Contradictions*, Penguin Books (2014)
- Harsh Mander, *Looking Away: Inequality, Prejudice and Indifference in new India*, Speaking Tiger Books (2015).
- S. Mahendra Dev, *Inclusive Growth in India*, Oxford University Press (2010).

- Prayaag Akbar, *Leila: A Novel*, Simon & Schuster India (2017).
- M.Aslam, *Panchayati Raj in India*, National Book Trust (2007).
- Mohd. Nasir, *Course Correction in Addressing Inequalities: Rejuvenating Constitutional Decentralized Governance in Public Policy Agenda: Decrypting Sustainability for India* (ed. by KM Baharul Islam and Anas Raushan), Bloomsbury Publication, New Delhi (2016).
- Companies Act, 2013 and Corporate Social Responsibility Rules.

UNIT III

RULE OF LAW AND DEVELOPMENT

- Rule of Law as an indicator of development
- Ambit and Relevance of Rule of Law
- Constitution and Rule of Law
- Rule of Law and Institutions of State

Suggested Readings

- David Kennedy, *The “Rule of Law,” Political Choices, and Development Common Sense, in THE NEW LAW AND ECONOMIC DEVELOPMENT: A CRITICAL APPRAISAL 95* (David Trubek and Alvaro Santos, eds., 2006). Read: 137-139.
- Prof. MC Sharma & Raju Ramachandran, *Constitutionalism, Human Rights and the Rule of Law: Essays in honour of Soli J Sorabjee*, Universal Law Publishing Co. (2005).
- Prof. NR Madhava Menon, *Rule of Law in a Free Society*, Oxford University Press (2008)
- Y. Matsuura, *Role of Law in Development: Past, Present and Future*, Nagoya University CALE Books (2005)

UNIT IV

LAW AND DEVELOPMENT IN INDIA

- Property Rights versus Social and Economic Rights
- Land Acquisition and Development
 - Constitutional and Legal Framework
 - Displacement, Rehabilitation and Resettlement
 - Social Impact Assessment
 - Salient features of Land Acquisition Act, 2013
- Food & Nutritional Security and Law

D. MNREGA

Suggested Readings

- Jairam Ramesh & Muhammad Ali Khan, *Legislating for Justice: Making of the 2013 Land Acquisition Law*, Oxford University Press (2015).
- Namita Wahi, *Land Acquisition, Development and the Constitution*, 642 Seminar, February 2013.
- Prakash Chandra Deogharia, *Development, Displacement and Deprivation*, Shree Publication (2012).
- Namita Wahi, *The Tension between Property Rights and Social and Economic Rights: A Case Study of India* in *Social and Economic Rights in Theory and Practice: Critical Inquiries* (ed. by Helena Alviar García, Karl Klare, and Lucy A. Williams) Routledge, 2014.
- Namita Wahi, *Property* in *The Oxford Handbook of the Indian Constitution* (ed. by Sujit Choudhry, Madhav Khosla and Pratap Bhanu Mehta) Oxford University Press (2016).
- *Land Acquisition, Development and the Constitution*, 642 Seminar, February 2013.
- Forest Rights Act 2006

UNIT V

ENVIRONMENT, LAW AND DEVELOPMENT

- A. Sustainable Development and Rights Discourse
- B. Climate Change and Food Security
- C. Environmental equity, Economy and Businesses
- D. National Green Tribunal and Legal Activism

Suggested Readings

- Stephen Smith, *Environmental Economics: A Very Short Introduction*, Oxford University Press (2011).
- *Climate Change and Food Security: A framework document*, FAO of UN (2008).
- *Climate Change and Food Security: Risks and Responses*, FAO of UN (2016).
- Malancha Chakrabarty, *Climate Change and Food Security in India*, Observer Research Foundation Issue Brief, Sep 2016.
- Prof. Md. Zafar Mahfooz Nomani, *Sustainable Development Law in Public Policy Context: Teasing Illusions, Pragmatic Explanations and Prognostic Alternatives in Public Policy*

Agenda: Decrypting Sustainability for India (ed. by KM Baharul Islam and Anas Raushan), Bloomsbury Publication, New Delhi (2016).

- Jairam Ramesh, *Green Signals: Ecology, growth and democracy in India*, Oxford University Press (2015).
- Mohd. Nasir, *Interfacing Sustainable Development-Environment Protection Debate as Rights Based Concept: Analysis of Juridical Discourse*, Legal Journal Quest for Justice VI (I) 2014.
- Kanchi Kohli and Manju Menon, *Business Interests and the Environmental Crisis*, Sage Publications (2016).

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY
HUMAN RIGHTS LAW (BLLB- 902)
BA.LL.B. (HONS) IX SEMESTER

Course Specific Outcomes:

The objective of the syllabus is to enlighten the students with the contesting conceptions of human rights and its growth and development in subsequent generations. The course seeks to foster knowledge and skills to use local, regional and international human rights instruments and mechanisms for the protection of human rights. The students are expected to analyse the provisions as well as the cases of gross violations of human rights norms and standards.

UNIT – I UNDERSTANDING THE CONCEPT OF HUMAN RIGHTS

- a. Meaning, Nature and Concept of Human Rights;
- b. Western Perspective
- c. Islamic Perspective
- d. Asian and African Traditions

UNIT – II INTERNATIONAL BILL OF HUMAN RIGHTS

- a. Universal Declaration of Human Rights (UDHR)
- b. International Covenant on Civil and Political Rights (ICCPR)
- c. International Covenant on Economic, Social and Cultural Rights (ICESCR)

UNIT – III REGIONAL PROTECTION OF HUMAN RIGHT

- a. European Convention of Human Rights (ECHR)
- b. American Convention of Human Rights (ACHR)
- c. African Charter of Human and Peoples Rights (ACHPR)

UNIT- IV GROUP RIGHTS

- a. Evolution of the Minority Rights under UN; Nature and Scope of Article 27 of ICCPR, The UN Convention on Rights of Persons Belonging to Minorities, 1992.
- b. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- c. Convention on the Rights of the Child (CRC)
- d. Human Rights - Preservation and Violation: An Assessment.

UNIT – V INDIAN STATE AND HUMAN RIGHTS

- a. Constitutional Protection of Human Rights; Fundamental Rights; Directive Principles of State Policy - Article 44; Fundamental Duties.
- b. Rights to Freedom of Speech and Expression (Article 19); Right to Life and Personal Liberty (Article 21); Right to Freedom of Religion(Article 25-28)

- c. Institutional Mechanism for the Protection of Human Rights; National Human Rights Commission (NHRC), National Commission for Minorities(NCM), National Commission for Women (NCW)

Suggested Readings:

A

1. Constitution of India, 1950.
2. Foreigners Act, 1946.
3. Protection of Civil Rights Act, 1955.
4. Human Rights Act, 1993
5. Prevention of Atrocities (Against SCs & STs) Act, 1989.

B

1. Annual Report of NHRC
2. Year Book of United Nations
3. All India Reporter
4. Magazines
5. News papers
6. Journal
7. NGOs Reports (National & International)

C

1. Agarwal, H.O. : Implementation of Human Rights Covenants:Allahabad: Kitab Mahal.
2. Agarwal, O.P. : Fundamental Rights and Constitution & Remedies (Delhi : Metropolitn Book)
3. Agarwal, S.K. : PIL (New Delhi : ILI Publication,)
4. Abston, Phillip,ed. : The UN and Human Rights: A Critical Appraisal (Oxford : Clredon Preso,1)
5. Ankumash, Evelyn A : The African Commissioner of Human Rights and peoples' Rights: Practice and Procedures(The Haque : Martinus Nijhoff, 996).
6. Austin, Granville : The Indian Constitution: Cornerstor ofaNational (Oxford : Clarendon Press 1969)
7. Basu, Durga Das : Human Rights in Constitutional Law, (NewDelhi : Prentice Hall, 1994)
8. Brownlie, Ian, : Principles of Public International (OxfordClarendon, Press, 1990) 4th ed.
9. Dhavan, Rajeev, ed. : Judge and Judicial Power: Essays Honour ofJustice V.R. Krishna Iyer (London: Sweet &Maxwell Ltd. 1995)
10. Qureshi, Ishaq, Bhattacharya M. : International Law (With Special Reference to Human Rights)
11. Hussain, S.Showkat. : Human Rights in Islam
12. Rai, Lal Deosa : Human Rights in the Hindu, Budhist Tradition(New Delhi, 1996)
13. Rajan : Global Environmental Politics

14. Verma R.S. : Human Rights –Burning issues of the World Vol. I,II,III
15. Mohanty, et.al. : Peoples Rights
16. Vijapur, Abdur Rahim.P. : Essays on International Human Rights
17. Vijapur, Abdur Rahim, P. : UN at Fifty - Studies In Human Rights (New Delhi, 1996)
18. Vijapur, Abdur Rahim.P. : Human Rights in International Relations(NewDelhi, 2010)
19. Qaiser Hayat, Ishaque Qureshi : Human Rights & Criminal JusticeAdministration
20. Sanjaobe, N. : Human Rights
21. Jawahar L. Kaul : Human Rights Issues & Perspective
22. Mahmood, Tahir (ed) : Human Rights in Islamic Law (New Delhi, 1993).
23. Freeman, Michael. : Human Rights
24. Haque, Mohibul.M. : International Terrorism and Violence; A Human Rights Perspectives, (New Delhi, 2011)
25. Qasmi, M.Saud Alam. : Human Rights in Islam.

Articles:

1. A.R.Vijapur, "Islamic Concept of Human Rights and the International Bill of Rights", Turkish Year Book of Human Rights, 1993.
2. Iqbal Ali Khan, "Distributive Justice and Muslims under Indian Constitution:Human Rights Perspective" Human Rights in 21st Century (Ed), New Delhi,2008.
3. M.Mohibul Haque, "Virtual Reality of Islamic Terrorism", Journal of IslamicStudies, A.M.U, Aligarh.
4. Shakeel Samdani, "Human Rights Violations of Palestenians in Israeli Prisons andDetention Centres", ALJ Vol XVIII, 2007-08.
5. Shakeel Samdani, " Afghanistan: Human Rigths Challenges Ahead", ALJ Vol.XIX, 2008-09.
6. Shakeel Samdani, "Human Rights Violation in Iraq and the Role of United Nations, Human Rights in 21st Century (Ed), New Delhi, 2008.
7. Rattan Singh, "Dalits and Violations of their Human Rights, Human Rights in 21st Century (Ed), New Delhi, 2008.
8. Shakeel Samdani, " Uniform Civil Code and Judicial Activism" Journal of Objective Studies, Vol. 19& 20 (2007-08)
9. B.C Nirmal, "Genocide in International law and Indian State Practice: A Comparative Panorama", Human Rights in 21st Century (Ed), New Delhi,2008.
10. C.G.Weeranmantry, "Islam and Human Rights", Human Rights in Islamic Law,Tahir Mahmood (Ed), New Delhi ,1993.

List of Cases:

1. A.D.M. Jabalpur v Shivakant Shukla, AIR 1976 SC 207.
2. A.K. Gopal v State of Madras, AIR 1950 SC 27.
3. Ahmadabad Municipal Corporation v Nawab K.G. Khan AIR 1997 SC 152.
4. A.R. Antulay v R.S. Nayak 1988 2 SCC 602.
5. Animal and Environment Legal Defence Fund v U.O.I 1997, 2 SCC 549.
6. Asid Workers Case, AIR 1982 SC 1976

7. Bachan Singh v State of Punjab, AIR 1980 SC 898.
8. Bandwa Mukti Morcha v Union of India, AIR 11084 SC 802.
9. Bank Nationalisation Cases, AIR 1970 SC 564.
10. Bhim Singh v. State of J & K, Air 1986 SC 806.
11. Chanda Raj Kumari v Public Commissioner, Hyderabad, AIR A.P. 309.
12. Charan Lal Sahu v Union of India, AIR 1990 SC 1480.
13. D.K. Basu v. State of West Bengal AIR, 1997 SC 810 para 36.
14. Daryao v State of U.P. Air 1961 SC 1457.
15. Delhi Administration v V.C. Shukla, Air 1980 SC 1382.
16. Dinesh Trivedi v Union of India, 1997, 4 SCC 306.
17. Francis Coralie Mullim v Delhi Administration, 1981, 1 SCC 8 .
18. Ghulam Sarwar v Union of India, AIR 1976 SC 1335.
19. Gajinder Singh v State of Punjab, AIR 1996 SC 1257, paras 19,21,22,27,31,41,42.
20. Golaknath v State of Punjab, AIR 1967, SC 1643.
21. Govin v State of M.P., AIR 1975, SC 1378.
22. Hans Mullaer v Supdt. Presidency Jail, Air 1955, SC 367.
23. Hussain Ara Khatun v Home Secretary, Bihar, AIR 1979, SC 1360.
24. Indian Council for Environmental Legal Action v Union of India, AIR 1996 SC 1446 para 55,56.
25. Kashmi Singh v State of Punjab, AIR 1977 SC 2147.
26. Kasturilal v State of J&K, 1980 4 SCC 1.
27. Kaur Singh v Union of India, AIR 1989 SC 653.
28. Keshavnanda Bharti v State of Kerala, AIR 1973 SC 1461.
29. Kharak Singh v State of U.P., AIR 1963 SC 1295.
30. J.P. Unnikrishnan v State of A.P. AIR 1993 SC 2179.
31. Menka Gandhi v Union of India, AIR 1978 SC 597.
32. Maie Andrelecterc v State, AIR 1983, SC 1092.
33. Md. Hanif Kureshi v State of Bihar, AIR 1958SC 731.
34. Mithu v. State of Punjab, AIR 1983 SC 473
35. M.H. Koskot v State of Maharashtra, AIR 1978 Sc 1578.
36. M. Hasan v Govt. of A.P., AIR 1998 AP 35
37. M. Hongary v Union of India, Air 1984 SC 1826.
38. Minervas Mills Ltd. V Union of India, AIR 1980 Sc 1789.
39. Moti Ram v State of M.P., AIR 1978 SC 1594.
40. Madhu Kishwar v State of Bihar, 1996 SCC 125
41. Narendra Kumar v State of Haryana JT (1994 2 SC 94
42. National Human Rights Commission v State of Arunachal Pradesh, AIR 1996 SC 1234.
43. Nandini Satpathy v P.L. Dani, Air 1964 SC 1952.
44. Prabhakaran Nair v State of Tamil Nadu 1987 4 SCC 231, 261.
45. PUDR v Union of India, AIR 1982 SC 1473.
46. PUCL v Union of India, AIR 1997 SC 568
47. Pilphit Case, 1994, Suppt. SC 192.
48. Ram Manohar Lohia v State of Bihar, AIR 1966 SC 40.
49. R.C. Cooper v Union of India, AIR 1970 SC 564.
50. Rudal Shah v State of Bihar, AIR 1983 SC 1086.
51. State of Arunachal Pradesh v Khudiram Chalenwar 1994 Suppl.1 SCC 615.
52. Saheli v Commissioner of Police, Air 1990 SC 513.
53. S.R. Bommai v Union of India, (1994) 3 SCC.
54. Sajjan Singh v State of Punjab, AIR 1964 SC 464.

55. Sheela Barse v State of Maharashtra, Air 1983 SC 378.
56. S.K. Ghosh v Union of India, AIR 1968 SC 1375.
57. State of Punjab v Mahindra Singh Chawla, AIR 1997 SC 1225.
58. Smt. Indira Gandhi v. Raj Narayan, AIR 1975 SC 2299
59. State of Haryana v Amr Nath Bansal, AIR 1997 SC 718.
60. Snil Batra (I) v Delhi Administration, Air 1978 4 SCC 494.
61. St. Stephen's College v University of Delhi, 1992 I SCC 558
62. Upendra Baxi v State of U.P., 1984 2 SCC 308
63. Union of India v V.P. Prabhakaran, 1997 11 SCC 638.
64. Vellore Citizens Welfare Forum v Union of India, AIR 1996 SC 2715.
65. Vishakha v state of Rajasthan, AIR 1997 SC 3011.
66. Vincernt Ferrer v District Revenue officer, Anantapuram, AIR 1974 AP 313.
67. Nebali Behra Case, 1998.

Course Learning Outcomes:

At the end of this course the students would be familiar with the development of Human Rights Law. It equip the students with the basic knowledge on this subject. It would help the students to analyze the human rights law upon the ground realities. The course shall also felicitate the students evaluate the role and significance of various International, National and State Organizations involved in combating Human Rights violations.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
CRIMINAL PROCEDURE CODE (BLLB-901)
B.A.LL.B. (HONS) IXth SEMESTER

Course Objectives

The Criminal procedure involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously Criminal procedure has to be just, fair and reasonable to the accused as well as to victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure thus makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise the discretion conferred on them in the best manner. Code of criminal procedure, originally enacted year ago, had undergone many trials and experiments, too enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of criminal justice delivery system and should be exposed to the significant riddles of the procedure.

UNIT-I

CRIMINAL TRIALS

- A. Framing of charge (SS. 211-224)**
- B. Types of Criminal Trials**
 - (a) Summon Trial (SS 251-259)**
 - (b) Summary Trial (SS 260-265)**
 - (c) Session Trial (SS 225-237)P**
 - (d) Warrant Trial on Police Report or Otherwise (SS 238-250)**
- C. Security Proceedings (SS 106-122)**

Case laws:

- Dal Chand V/s State 1982 Cr. L.J. 1477
- Bhim Sen V/s State of Punjab – AIR 1976 SC 281
- State of U.P. V/s Man Mohan – AIR 1986 SC 1652
- State of Bihar V/s Ramesh Singh – AIR 1977 SC 2018
- State Bank of India V/s Satyanarain Sarangi – 1992 Cr. L.J. 2635
- Madhu Limaye V/s State of Maharashtra – AIR 1978 SC 47: 1978 SCR (1) 749

UNIT-II

- 1. General Provision of Trial and Inquiries**
 - a. Pleas of Autrefois acquit and pleas of autrefois convict S. 300, Cr.P.C.**
 - b. Compounding of offences. S. 320 Cr. P.C.**
 - a. Withdrawal of prosecution S. 321 Cr. P.C.**
 - b. Summoning Accused who is not facing trials. 319 Cr. P.C.**
 - c. Committal procedure during trial before the Magistrate Court S. 323 Cr. P.C.**
 - 2. a. Limitation for taking cognizance SS. 468 – 473**
 - b. Adjournment of Proceeding S. 309 Cr. P.C.**
 - c. Calling witnesses by court S. 311 Cr. P.C. and Statement of accused by Court S. 313 Cr. P.C.**

Case laws:

- Assistant Custom Collector, Bombay V/s L.R. Malwani – AIR 1970 SC 962: 1970 Cr. L.J. 885: 1969 SCR (2) 438

- Madan Mohan Abbot V/s State of Punjab – 2008 Cr. L.J. 2243 SC AIR 2008 SC 1969: (2008) 4 SCC 58
- Govt. of NCT Delhi V/s Preet Public Secondary School – 1998 Cr. L.J. 1781: ILR 1997 Del. 121
- R.M. Tiwari V/s State of (NCT Delhi) – AIR 1996 SC 2047
- Hareram V/s Tikaram – AIR 1978 SC 1568
- Joginder Singh V/s State of Punjab AIR 1979 SC 339: 1979 Cr. L.J. 333
- Thakur Ram V/s State of Bihar – AIR 1966 SC 911: 1966 SCR (2) 740
- State of Punjab V/s Sarwan Singh AIR 1981 SC 1054: 1981 Cr. L.J. 722
- Mohd. Khalid V/s State of W. Bengal (2002) 7 SCC 334
- State of U.P. V/s Shambhu Nath Singh – AIR 2001 SC 1403: 2001 Cr. L.J. 1740
- Sharad Birdhichand Sarda V/s State of Maharashtra – (1984) 4 SCC 116: AIR 1984 SC 1622, 1985 SCR (1) 88
- Fateh Singh Bhagat Singh V/s State of Madhya Bharat – AIR 1953 SC 468

UNIT-III

APPEAL, REFERENCE, REVISION

1. **Appeal SS. 372 to 384 Cr. P.C.**
 - (a). **No Appeal after plea of guilty S. 372**
 - (b). **Right to Appeal SS. 374 – 378**
 - (c). **Right to Appeal by Government against acquittal SS. 377 Dr. P.C.**
2. **Reference S. 395 Cr. P.C.**
3. **Revision S. 396 to 405 Cr. P.C.**

Case laws:

- Arun Kumar V/s State of U.P. AIR 1989 SC 1445: 1989 Cr. L.J. 1460
- Ajit Singh Thakur V/s State of Gujarat AIR 1981 SC 733: (1981) 1 SCC 495: (1981) Cr. L.J. 293.
- Qazi Mohd. Hanif V/s Smt. Mumtaz Begum – 1990 Cr. L.J. 171 (Bom.)
- Mahabir Singh V/s Emperor AIR 1944 Cal. 17
- State of Rajasthan V/s Fatehkaran Mehdu AIR 2017 SC 796

UNIT-IV

SENTENCING POWERS OF COURT

1. **Sentence in default of fine and several offences SS. 30**
2. **Modes of providing Judgment SS. 354 Cr. P.C.**
3. **Order on 1st offenders SS. 360–361**
4. **Confirmation of Death Sentence SS. 366–371 Cr. P.C.**
5. **Suspension Remission and commutation of Sentence SS. 418–435 Cr. P.C.**

Case laws:

- Surendra Singh V/s State of U.P. AIR 1954 SC 194: 1954 Cr. L.J. 475
- Gulzar V/s State of M.P. – AIR 2008 SC 383 (2007) 1 SCC 619
- Masalti V/s State of U.P. – AIR 1965 SC – 202, 1964 SCR (8) 133

UNIT-V

1. **Provisions relating to Bail & Bonds, Bail during Appeal & Revision SS. 436 to 450 & 389**
2. **Transfer of Cases SS. 406 – 412 Cr. P.C.**
3. **Trial in absence of accused SS. 273 and 317 Cr. P.C.**
4. **Right to speedy trial with special reference to Hussain Ara Khatoun, Antulays, Raj Deo case decided by Hon'ble Supreme Court**
5. **Inherent power of High Court S.482 Cr. P.C.**

Case laws:

- Stat of A.P. V/s Bimal Krishna Kunda AIR 1997 SC 3589: 1997 Cr. L.J. 4056
- State through C.B.I. V/s Amarmani Tripathi (2005) 8 SCC 21
- Ms. X V/s State of Telangana AIR 2018 SC 2466
- Gautam Kundu V/s Manoj Kumar AIR 2016 SC 106
- Hussainara Khatoon V/s State of Bihar AIR 1979 SC 1360
- A.R. Antulay V/s R.S. Nayak AIR – 1992 SC 1701
- Raj Deo Sharma V/s Stat of Bihar AIR 1998 SC 3281: 1998 Cr. L.J. 4596
- Raj Deo Sharma II V/s State of Bihar AIR 1999 SC 3524

STATUTORY MATERIAL

The Criminal Procedure Code-1973 – Bare Act with short notes, (Publication of Lexis Nexis 2019)

PRESCRIBED BOOKS

7. Ratanlal and Dhirajlal, The Code of Criminal Procedure (Lexis Nexis Publication, Gurugram Haryana 23rd edn. 2020).
8. Prof. Hafeezul Rahman: Lectures on Criminal Procedure Code (Eastern Book Company, Lucknow 2nd edn. 1956)
9. R.V. Kelkar, Criminal Procedure (Eastern Book Company, Lucknow, 6th edn. 2014, (Reprinted 2018).

RECOMMENDED BOOKS

5. S.N. Misra, The Code of Criminal Procedure 1973 (Central Law Publication, Allahabad, 21st edn. 2019).
6. Batuk Lal, The Code of Criminal Procedure (Central Law Agency, Allahabad, 3rd edn. 2017)

COURSE OUTCOMES

On successful completion of programme the students will acquire the knowledge about the law of Criminal Procedure. The students will be able to understand the basic tenets of the Court's Trial System. It will help the students after completion of the programme to understand the proceedings to be conducted at the Trial Court.

DEPARTMENT OF LAW
B.A.LL.B. (HONS) IX SEMESTER
ALTERNATIVE DISPUTE REDRESSAL

Programme Outcomes: The recommended course structure is basically meant for B.A.LL.B five year students to get knowledge and better understanding of legal principles.

Programme Specific Outcomes: Arbitration is a method of settlement of disputes as an alternative to the normal judicial method. It is one of the methods of alternative dispute resolution (ADR) of all forms of ADR like conciliation, mediation, negotiations and settlement of disputes by Lok Adalats etc.

The intent of the course is to provide a strong academic understanding of the various theories and principles, but with a strong practical bent. The course will play a pivotal role of arbitration both in resolving disputes and developing the law in that area.

Course Outcomes: To develop the foundation of ADR and its enforceability in the country. To prepare students for becoming effective lawyer. Students learn to frame different forms of dispute settlement. Students become well-versed with different principles of ADR. After completion of this course the students may get benefitted for their jobs in different perspectives like Advocacy, legal Advisor, legal Officer in Defence Forces, legal Consultants in MNCs and different competitive exams.

Unit I: Alternative Dispute Resolution

- a) Concept, Scope and Development, Advantages and Disadvantages
- b) Definition and Origin of ADR
- c) Constitutional Background
- d) Legal Framework:
 - I. Legal Services Authorities Act, 1987
 - II. Code of Civil Procedure
 - III. Arbitration and Conciliation Act, 1996: Object, Development and Salient features

Unit II Dispute Redressal Mechanism

- a) Modes of ADR: Arbitration, Conciliation, Mediation and Negotiations
- b) Lok-Adalat & Permanent Lok-Adalat : Composition and Jurisdiction
- c) International Arbitration: International Commercial Arbitration
- d) Arbitration in Business and Labour Dispute

Unit III: Regulatory mechanism under Arbitration and Conciliation Act, 1996

- a) Composition and Jurisdiction of Arbitral Tribunal
- b) Conduct of Arbitral Proceeding,
- c) Fast Track Arbitration
- d) Making of Arbitral Award
- e) Termination of Proceedings

Unit IV: Enforcement of Award and International Arbitration

- a) Recourse against Arbitral Award, finality and Enforcement of Arbitral Award, Appeal
- b) High Court Jurisdiction related to Arbitral Proceedings
- c) Enforcement of Settlement of Foreign Arbitral Awards
 - i. New-York Convention
 - ii. Geneva Convention

Unit V : Conciliation

- a) Appointment of Conciliators
- b) Commencement of Conciliation Proceedings
- c) Settlement Agreement
- d) Termination of Conciliation Proceedings
- e) Conciliation vs. Arbitration

Recommended Readings:

- a) B.P.Saraf & M Jhunjunwala: Law of Arbitration & Conciliation, Snow White, Mumbai
- b) Gerald R. William : The New Arbitration & Conciliation Law of India
- c) Avtar Singh: Law of Arbitration and Conciliation
- d) P.C.Rao & William Sheffield: Alternative Disputes Resolutions, Universal, Delhi
- e) Johari: Commentary on Arbitration and Conciliation Act, Universal, Delhi
- f) G.K.Kwatra: The Arbitration & Conciliation Law of India, Universal, Delhi
- g) B.D. Singh: ADR system
- h) R.R. Maurya: Law of Arbitration in India.

Statutory Material:

- i) Arbitration and Conciliation Act, 1996
- j) Legal Services Authority Act, 1987

Suggested Case Laws :

- a) Food corporation of India Vs Sreekanth Transport **(1999) 4 SCC**
- b) Bharat Bhusan Bansal vs U.P. Small Industries Corporation Ltd. **(1999) 2 SCC**
- c) Bharat Aluminium Company Ltd v. Kaiser Aluminium Technical Service Inc ("Balco") **(2012) 9 SCC 552**
- d) Reliance Industries Limited & Anr v Union of India **(2014)**

And other related cases

DEPARTMENT OF LAW
Aligarh Muslim University, Aligarh
PLEADING, DRAFTING AND CONVEYANCING
B.A.LL.AB. (HONS) IXth SEMESTER

Objective: To make the students aware regarding practical implications of law by inculcating among the students the art of drafting legal documents Drafting of conveyancing deeds. This paper contains the following components:

The art and importance of drafting will be discussed. The students are required to prepare two registers one for pleadings and another for conveyancing. Both registers will be submitted for evaluation for which 20 marks are reserved.

The Mid Term examination for 20 marks and End Term Examination for 40 marks will comprise of the followings:

A. Register of Pleading:-

Civil Pleading and Applications

- i. At least five plaints of different nature of suits together with their written statements.
- ii. Application for interlocutory orders, Injunction applications, appointments of Guardian and receiver with their respective affidavits, succession certificate Notices.
- iii. Notice to the tenant to terminate tenancy and vacate the rented premises, Notice to the Government, u/s 80 CPC, and Notice for specific performance of contract.

Criminal Applications

- iv. Three criminal complaints, three criminal miscellaneous petitions, Bail applications in Bailable and Non-Bailable offences, memorandum of appeal and revision.
- v. Framing of Charges.

B. Register of Conveyancing: This register will comprise of the following.

Various Deeds:

- i. Sale
- ii. Mortgage
- iii. Wakf
- iv. Gift
- v. Power of Attorney
- vi. Will
- vii. Memorandum of Articles of Association
- viii. Lease deed.

OUTCOME OF THE COURSE

The students will be more prudent in drafting of legal documents which are basically required for the instruction and continuation of a suit. They would also require the knowledge of drafting conveyancing deeds which are necessary for transferring the proprietary or possessory right from one person to another.

Suggested Readings

- The law of pleading, drafting & conveyancing by K.K. Srivastava
- Mogha's pleading

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
TAXATION
B.A.LL.B. (HONS) IX SEMESTER (BLLB-710)

COURSE OBJECTIVES:

1. To make aware about provisions of direct tax with regard to Income Tax Act, 1961 and Income Tax Rules, 1962.
2. To make aware about agriculture income, residential status and incidence/ charge of tax.
3. To understand the provisions and procedure to compute total income and tax payable by an individual, HUF, Firms and AOP/BOI.
4. To understand the provisions and procedure to compute total income under the heads of income i.e. salaries, house property and profit & gains from business and profession.
5. To understand various tax exemptions.
6. To understand various tax deductions.
7. To understand about GST Law.

UNIT-I
Basic Concepts

- I. Overview of Legal Framework
 - i) Income Tax Act, 1961
 - ii) Finance Act, 2019
 - iii) Income Tax Rules, 1961
 - iv) Allied Rules and Laws
- II. Rate of Tax
 - i) Individual, Hindu undivided family (HUF), Association of person (AOP), Body of Individuals (BOI) and Artificial Juridical person.
 - ii) Firm and partnership firm
 - iii) Local Authority, Co-operative society and company
- III. Important Definition
 - i) Assessee
 - ii) Assessment year
 - iii) Previous year
 - iv) Gross total Income
 - v) Total Income
 - vi) Agricultural Income

UNIT-II
Residential Status of person and Incidence of Tax

- I. Residential Status
 - i) Residential Status of an individual
 - ii) Residential Status of a Hindu undivided family
 - iii) Residential Status of firms and association of persons
 - iv) Residential status of Companies
 - v) Residential Status of Local authorities and artificial juridical persons
- II. Income Exempted from Tax
- III. Income Tax Deductions

UNIT-III
Heads of Income

- I. Salary
- II. Income from House property
- III. Profits and gains from business and profession

UNIT-IV
Income Tax Authorities

- I. Appointment and Control
- II. Jurisdiction and Income Tax Authorities
- III. Power of Income Tax authorities

UNIT-V
Goods and Services Tax (GST)

- I. Constitutional Framework for GST, Taxation Powers of Union and State Government.
- II. Major defects in the structure of in Direct Taxes prior to GST; Rationale for GST
- III. Important definition under GST Law, Structure of GST; GST Council and its functions

COURSE OUTCOMES:

After conclusion of study the students are expected to know:

1. Procedure of Direct Tax Assessment.
2. Filling return on individual basis.
3. Computation of total income and define tax complicacies and structure.
4. Amendments made from time to time in Finance Act.
5. Key difference between direct and indirect tax assessments.
6. Tax exemptions and Tax Deductions.
7. Income tax authorities and their powers.
8. Appeal and revision, tax penalties, offences and prosecutions.
9. Goods and Services Tax (GST) and GST Council.

PRESCRIBED READINGS

1. Kailash Rai, Taxation Laws, Allahabad Law Agency, Allahabad, 2018.
2. Atal Kumar, Taxation Laws, Central Law Publication, Allahabad, 2016.
3. V.K. Singhania, Students Guide to Income Tax including GST, Taxmann Publication Pvt. Ltd. 61st Edition 2019-20.
4. Sheetal Kanwal, Principle of Taxation Law, Amar Law Publication, Indore, 2017.

SUGGESTED READINGS

1. B.B. Lal and N. Vashist: Direct Taxes, Income Tax, Wealth Tax and Tax Planning, I.K. International Publishing House Pvt. Ltd. 2012.
2. A.N. Aiyar's, Indian Tax Laws, Company Law Institute of India Pvt.Ltd. 2017.
3. Mahesh Chandra, Income Tax Law and Practice, Pragati Publication 2004.
4. GST (Bare Act), Commercial Law Publishers (India) Pvt. Ltd. Delhi, 2019.
5. V.S. Datey: Indirect Taxes Law and Practice, Taxmann Publications Pvt. Ltd. New Delhi, 43rd Edition 2019.
6. V.K. Singhania: Students Guide to GST and Customs Law, Taxmann Publications Pvt. Ltd. New Delhi, 2018
7. Nitesh Prashar, Anuj Harshwardhan Sharma, Goods & Services Tax (GST) Law & Practice, Bharat Law House, New Delhi 2nd Edition, 2018.
8. B.V. Narayanarao, Taxation Law, Marathi Publication, New Delhi, 2019.
9. Acts/ Statutes / Legislations.

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
INFORMATION TECHNOLOGY LAW
B.A.LL.B. (HONS) IX SEMESTER

Objective:

The purpose behind to introduce the Information Technology Law is just to, aware and impart the basic knowledge to law students about the information technology related law in cyberspace. The course is very useful for the law students. One cannot appreciate and practice information technology law if he does not know technology and its practical aspects. It is also very necessary to understand the current issues involved. Remember, history of technological development is the history of business development. Hence, Information Technology Law has been prescribed as a subject for law students.

The original Information Technology Act, 2000 was passed to facilitate electronic transactions, to provide legal protection to e-commerce, to authenticate electronic records, to prevent cybercrimes and to provide adjudicatory machinery for deciding technology related cases.

UNIT-I

Information Technology Law and its application

- (a) Information Technology and its evaluation growth and significance overview of computer, computer network and its usage.
- (b) Cyber space and its legal implications and laws governing cyber space.
- (c) Information Technology Act 2000, Its purpose, objects, applicability, overriding effect and salient features.
 - *Yahoo! Case: Licra v. Yahoo (Tribunal de grande Instance de Paris, 22 May 2000.*
 - *Sarjeet Singh v. State of Haryana- CRM- M- 46- 2017.*
 - *Dr. Avinash Agnihotry v. Controller of Certifying Authorities and other. Appeal no. 4/ 2009 (May 28, 2010)*

UNIT-II

Authentication of electronic records and its legal recognition.

- (a) E-commerce (UNCITRAL model law).
- (b) Digital signatures, public key, private key hash function.
- (c) Role of certifying authorities and regulations of certifying authorities.
 - *Clarke v. Dunraven 1897 AC. 59*
 - *Carnival Cruise Lines, Inc. v. State, 499 U. S. 585 (1991)*

UNIT-III

Dispute Resolution and Cyber Torts

- (a) Dispute resolution under the IT Act.
- (b) Adjudicating Officer, cyber appellate tribunal.
- (c) Cyber torts, damage to computer, and computer system, cyber defamation, Data protection.
 - *Shreya Singhal v. Union of India 2015, 5 SCCI.*
 - *Preventive Life Care Pvt. Ltd. V. Dr. Rishi Dixit, Complaint no. 17 of 2013. (21/01/2014)*

UNIT-IV
Cyber Crime and Cyber Security

- (a) Cyber-crime, its classification and Indian scheme of cyber offences and punishment.
(b) Cyber-crime under IT Act Hacking, theft, cheating by personation
(c) Obscenity and pornography, cyber stalking, cyber terrorism and cyber security.
- *Regina v. Hicklin* 1868, 3 QB 360.
 - *United States v. One Book Entitled 'Ulysses'* 72NY705, 1934.
 - *Miller v. California* 413 4S 15 (1973)
 - *Ranjit Udeshi* AIR 1965 SC 881.
 - *Director General of Doordarshan v. Anand Patwardhan* AIR 2006 3346
 - *Ajay Goswami v. Union of India* AIR 2007 493
 - *K. S. Puttaswamy v. Union of India* 2017 10 SCC1 at para 144, 145, 1647.
 - *Pam Jethmalani v. Union of India* AIR 2012 SC Cri 184
 - *Sanjay Jha v. State of Chhattisgarh* 2014 3 SCC 202
 - *Dr. Avinash Agnihotry v. Controller of Certifying Authorities and other.* Appeal no. 4/ 2009 (May 28, 2010)

UNIT- V

E-contracts, IPRS and Jurisdictional issues in Cyberspace

- (a) Electronic contracts kinds and its formation validity and enforceability
(b) Copy right protection, copy right in computer software.
(c) Trade mark and domain name, cybersquatting and DNS and Issues of jurisdiction.
- *Panavision International, LP v. Toeppen* 939 F, Supp 616, 9th Cir. 1998
 - *Cyber Sell v. Cyber Cell Inc.* 130 F 3d 414 9th Cir. 1997
 - *Maritz Inc v. Cybergold, Inc* 735 ILCS 5/2- 209 (a)
 - *Minnesota v. Granite Gate Resorts, Inc,* 568 NW 2d. 715 (Minn. Ct. App. 1997)
 - *Titan Industries Ltd v. Prashanth Koorapati and Others, Delhi High Court Suit n. 179 of 1998.*
 - *Yahoo Inc. v. Aakash Arora and Netlink Internet Sevices* 1999 PTC (19) 201
 - *Rediff Communication Ltd v. Cybertooth and another* 2000 PTC 209.
 - *Acqua Minerals Ltd Pramod Bose & another* AIR 2001 Delhi 963 2001 PTC 619
 - *Dr. Reddy's Laboratories Ltd. V. Mary Kasuri & another* 2001 PTC 859
 - *Maruti Udyog v. Maruti Infotech*
 - *Mahindra and Mahindra Ltd v. Neoplanet Solution* WIPO case no. D. 2000- 0263

Prescribed Readings

1. Bainbridge, David, Introduction to Computer Law. (1993).
2. Bainbridge, David, Software copyright Law (1999).
3. Narayana, P., Intellectual Property Law (2001).
4. Reed, Chris and Angel, John, Computer Law (2003).
5. Sharma Vakul: Information Technology Law and Practice (Cyber law and E-commerce), (2004).
6. Thakur & Narayan; Internet marketing E- commerce and Cyber Laws, (2000).
7. Sangal, P.S. 'Trademarks and Domain Names, Some Recent Developments JILI, 1999 Vol. 41.
8. Harish Chander; Cyber Laws and IT Protection, 2012

Suggested Readings

1. Chaudhary Tabassum (2014- 2015): Child pornography and liabilities of intermediaries: A comparative analysis. Aligarh Law Journal, AMU, Aligarh Volume XXII pp. 305- 324 ISSN0568.
2. Chaudhary Tabassum (2014- 2015): Sexual Harassment: Through information and Communication technology with reference to legal perception. Legal Journal Quest for Justice vol. VII, No1 pp. 184- 219 ISSN 2347- 775Y.
3. Chaudhary Tabassum (2013- 2014): Sexual Harassment: Perception and Law, Legal Journal Quest for Justice vol. VII, No1 pp. 164 ISSN 2347- 775Y.
4. Chaudhary Tabassum (2012- 2013): India: A victim of Cyber Terrorism, Aligarh Law Journal, AMU, Aligarh Volume XX pp. 22- 71 ISSN2568- 9996.
5. Chaudhary Tabassum (2012): Exploitation of women in media through communication and Information Technology Human Rights and gender Justice. Chapter XI, pp 155- 171 ISBN 978-93- 313- 1683- 7.
6. Chaudhary Tabassum (2012): Exploitation of women in media through communication and Information Technology, Indian Journal of Social Studies and Humanities vol. 1 issue 2 pp. 206- 212 ISSN 2277- 7458.
7. Chaudhary Tabassum (2012): Protection of trademark and domain name in India, Intellectual Property Law, Chapter 1 pp. 1- 36 ISSN 978-81-313-5000-2.

Course Outcome:

It is suggested that the students will be well equipped with the principles governing Information and Communication Technology now they can deal with matters relating to this field in Bar and Bench. Learning outcomes upon completion of graduated with BALLB gain competencies and skill in Cyber Crime and digital field. The purpose of the Information Technology specialist is to prepare qualified individuals for management and support positions in be able to design, implement and evaluate a computer-based system, process, component.

DEPARTMENT OF LAW
MEDIA & LAW (BLLB-906)
B.A.LL.B. (HONS) IX SEMESTER

Course Outcome:

During the last two and half decades the mass media (consisting of press, radio television and cinema) have grown manifolds. It is playing vital role in almost every aspect of society and influencing human mind. But while it has a potential value to educate the people, it is also susceptible to destructive and harmful uses especially because of ownership pattern whose primary aim is to earn profits. While the positive role of mass media should be encouraged, its harmful potential or tendency must be curbed. The law in this respect plays a dual role. On the one hand, it protects the creative freedom of media on the other hand it regulates the media to avoid its possible abuse. [The syllabus therefore, is intended to deal with such interaction between law and mass media and enable the students to study and assess the importance, role and influence of media in the society and the state].

Unit-I

- i) Development of Media Laws
- ii) Importance of Media
- iii) Constitutional Guarantee**

Unit-II

- 1. Mass Media & the Legislature
 - i) Meaning of Parliamentary Privileges
 - ii) Origin, Development of Parliamentary Privileges
 - iii) The Position in India
- 2. MASS Media & the Court
 - The Contempt of court
 - i) Under the Constitution
 - ii) Under the Act of 1971
- 3. Mass Media & The Individual
 - i) Law of defamation
 - ii) Law of Privacy
 - iii) Media Trial

Unit-III

- i) Mass Media & The Executive
- ii) Mass Media & the Society
- iii) Press Council and its composition
- iv) Powers & Function of the press council

Unit-IV

- i) Composition of Board and Advisory pane
- ii) Certification of the film
- iii) Regulation of Cable T.V. Net-work
 - a. Registration of Cable T.V.
 - b. Seizure and confiscation of equipments
 - c. Miscellaneous powers

Unit-V

- i) Journalistic privileges
- ii) Journalistic Ethics
- iii) Advertising Codes
- iv. Court Room Reporting
- v. Crime Coverage

Statutory Readings

- i. Constitution of India, 1950
- ii. Indian Penal Code, 1860
- III) The Cinematography Act, 1952
- iv. The Official Secret Act, 1923
- v. Indecent Representation of Women Act, 1986
- vi) The Press Council Act, 1978
- vii) The Press and Registration of Books Act, 1867
- viii) The Cable T.V. Network (Regulation) Act,1995)
- ix. Concept of Court Act, 1971

Recommended Readings

- i. Basu D.D. : The Law of Press
- ii. Raghavan G.N.S . : The Press in India :Anew History
- iii. Clark D.G. & Hutchinson G.R. : Mass Media & the Law Freedom & Restraint
- iv. Francois W.E. : Mass Media Law & The Regulation
- v. Jan M.P. : Parliamentary Privileges & the Press
- vi. Ramchandran V.G. : Law of Parliamentary Privileges in India
- vii. Eciskine May : Treatise on the Law, Privileges Proceedings & Usages of Parliament .
- viii. Fox R.C. : The concept of obscenity
- ix. Clor, H.M. : Obscenity and Public Morality
- x. Rana, R.S. : Law of obscenity in India, U.K. & U.S.A.
- xi. Dr. Sukainta k.anda : Media Law
- xii. Madhavi D. Goradia : Media Law

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
PROFESSIONAL ETHICS
B.A.L.L.B. (HONS) Xth SEMESTER
(BLLB-1002)

Programme Outcomes: The recommended course structure is basically meant for B.A.LL. B five year students to get knowledge and better understanding of legal principles.

Programme Specific Outcomes: Specific outcome of this programme is to understand the moral values that ought to guide the legal profession, to resolve the moral issues in the profession, and to justify the moral judgment concerning the profession. It is intended to develop a set of beliefs, attitudes and habits that Professionals should display concerning morality. The prime objective is to increase one's ability to deal effectively with moral complexity in legal practice.

Course Outcomes: To develop the foundation of professional ethics and its enforceability in the country. To prepare students for becoming effective lawyer. Students become well-versed with different principles of professional ethic. After completion of this course the students may get benefitted for their jobs in different perspectives like Advocacy, legal Advisor, legal Officer in Defence Forces, legal Consultants in MNCs and different competitive exams.

UNIT – I

ORIGIN OF PROFESSIONAL LEGAL EDUCATION

- A. Origin and Development of Legal Education from double Degree courses to B.A.LL.B. (Five Years Integrated Course)
- B. Role of Lawyers in National Movement of Independence, deliberations in constituent Assembly and Parliament.
- C. Right to appear on behalf of others-The Advocate Act of 1961 SS-29 & 30
- D. Qualification, Disqualification, Removal and Right to pre-audience. SS-22, 23, 24 A and 26 of the Advocate Act, 1961.

UNIT – II

COMPOSITION AND FUNCTIONING OF BAR COUNCILS

- A. **State Bar Councils**
 - a. Election
 - b. Power and Functions
- B. **Bar Council of India**
 - a. Election
 - b. Power and Functions S-42

C. Committees of Bar Councils

- a. Enrollment Committee
- b. Disciplinary Committee
- c. Executive Committee
- d. Legal Aid Committee

D. Right to Legal Aid

- a. Constitution and Functions of District Legal Aid Committee SS-304 Cr. P.C. Article 394 and 22 (1) of Indian Constitution
- b. State Legal Aid Committee
- c. Central Legal Aid Committee

UNIT – III

Advocate & Professional Ethics

A. Classification of Advocates

- a. Senior Advocate
- b. Other Advocates SS-16 and 17 of the Advocate Act.
- c. Advocates on original side and Advocate on appellate side and solicitors
- d. Retired High Court Judges

B. a. Transferability of Advocate from one Bar Council to another S. 18

- c. Resolution of Dispute regarding seniority of Advocate

C. Misconduct

- a. Definition of Professional Misconduct S.35
- b. Disciplinary proceedings of State Bar Council & Councils of India Ss-36, 37 and 38
- c. Appeal against the order of the Bar Council of India S-38

D. Professional Ethics, Rights and duties of Advocate

UNIT – IV

- a. Supreme Court Rule I & II
- b. General Rule Civil (Allahabad High Court) The students of various states other than U.P. are advised to go through the rules of their state High Courts.
- c. General Criminal Rules for subordinate courts
- d. Contempt of Court (SS. 1 to 12)

UNIT – V

- a. Definition of Court fees, Distinction with Tax
- b. Various other definitions
- c. Computation of fees SS-7 & court fees act
- d. Valuation of Court Fees S-12
- e. Cost of Process SS-20, 21
- f. Collection of Fees

Recommended Readings:

1. Majumdar: Professional Ethics
2. Sociology of Law: K.L. Sharma

Statutory Material:

3. Constitution of India
4. Criminal Procedure Code
5. Advocates Act, 1961
6. Court Fees Act, 1870
7. Contempt of Court Act

Suggested Case Laws:

1. O. P. Sharma & Ors v. High Court of Punjab and Haryana Criminal Appeal No. 1108 Of 2004
2. Daroga Singh & Ors v. B. K. Pandey, 2004 5 SSC 26
3. Radha Mohan Lal v. Rajasthan High Court 2003 SCC 427
4. State of Rajasthan and Another v. Surendra Mohnat and Others

And other related cases

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
Local Laws
B.A.LL.B. (HONS) Xth SEMESTER

Course Outcome

This course of Local Laws is of the utmost importance not only for getting the practical knowledge of the students, but also very useful and essential for the aspirants of Judicial Examinations of UP and other States too. The syllabus of this course consists the five units and each of such unit is relating to a different and distinct local Act prevailing specifically in State of UP containing more or less the same provisions of the similar type of Acts of any other State of India. **Credits.....**

Unit I – U.P. Panchayati Raj Act 1947.

1. Gram Sabha, Gram Panchayat & Land Management Committee. Definition, Constitution, Powers & Functions.
2. Notice : section 106, Compare with Section 80 CPC objects & contents

Unit II – The U.P. Urban Building (Regulation of letting, Rent & Eviction) Act, 1972.

1. Preliminary concept, Definitions and exemptions to certain buildings from operation of this Act.
2. Deemed vacancy, Allotment and release of vacant building and their Appeal.
3. Grounds for eviction of the tenant and release of building under tenancy and their Appeal.
4. Grounds for depositing of rent before the court and powers, procedure of the authorities under the Act.

Unit III – U.P. Urban Planning and development Act.1973

1. Preliminary concept, definitions, and establishment and constitution of development authority.
2. Powers and functions of the development authority and its objects

3. Supplemental and miscellaneous proceedings to be adopted by the authority under the Act.
4. Jurisdiction of the Courts.

Unit IV –U.P. Consolidation of Holdings Act 1953

1. Preliminary concept, definitions, correction and revision of maps and records.
2. Powers and functions of the Officers under the Act
3. Appeal, revision and reference under the Act
4. Jurisdiction of Civil Courts

Unit V- U.P. Municipalities Act 1960

1. Definitions, Establishment and Constitution of Municipalities
2. Powers, Functions and duties of the Municipalities and their objects
3. Appeal and reference under the Act
4. Suits against Municipalities or their officers and jurisdiction of Civil Courts.

Suggested Readings/ Texts /References :

1. H.P. Garg : U.P. Panchayati Raj Act 1947 including to the amendment Acts of 1994 & 2004.
2. V.K.Sirkar : U.P. Urban Building (Regulation of letting, Rent and Eviction) Act,1972.
- 3.Misra : U.P. Urban Planning and Development Act 1973 with Amendment Act 1997
4. P.L.Malik : U.P. Consolidation of Holdings Act 1953
5. Surendra Malik: U.P. Municipality Act 1916

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
INTERPRETATION OF STATUTES
B.A.LL.B. (HONS) Xth SEMESTER (BLLB-1001)

Course Outcome:

This course of Interpretation of Statutes is designed to understand the true meaning, intent of the maker of the statute. To analyze the legislative intent of statute and various principles pertaining to Interpretation of Statutes, the role of courts and guided principles for interpretation of any statutes and will understand the provisions of law, the growth of judicial boundaries and limitations. Further to make the student familiar with various rules of interpretation.

UNIT – I INTRODUCTION

- A.** Meaning, Definition and Importance of interpretation
- B. Classification of statutes*
- C. Approaches to Interpretation*

**UNIT – II AIDS TO INTERPRETATION AND
CONSTRUCTION OF STATUTES**

- A.** Importance Meaning and Relevance of Aids
- B.** Intrinsic Aid
- C.** Extrinsic Aid

**UNIT – III INTREPETATION OF
PARTICULAR STATUTES**

- A.** Interpretation of Penal Statutes
- B.** Interpretation of Taxing Statutes
- C.** Interpretation of Procedural Statutes

UNIT – IV OPERATION OF STATUTES

- A.** Retrospective Operation of Statutes
- B.** Presumption in Statutes
- C.** Expiry and Repeal of Statutes

**UNIT – V INTERPRETATION OF SUBSTANTIVE
STATUTES**

- A.** Interpretation of Constitution of India
- B.** Interpretation of International Conventions and Treaties
- C.** Provisos, Exceptions, Exclamations and savings clauses in statutes

Recommended Readings

1. Maxwell : The Interpretation of Statutes
2. Cross : Statutory Interpretation
3. Crowford : Statutory construction
4. G.P.Singh : Principles of Statutory Interpretation
5. Chakravarthy : Interpretation of Statutes
6. Dias : Jurisprudence
7. Bodenheimer : Jurisprudence

DEPARTMENT OF LAW
ALIGARH MUSLIM UNIVERSITY, ALIGARH
Moot Court & Practical Training
B.A.LL.B. (HONS) Xth SEMESTER

Course Outcome:

The main objective of this paper is to remove the myth that Law in Books is different from law in action by inculcating among the law students awareness about the implementing aspect of laws. So that they may come out from faculty of law as full-fledged advocates. During the course of study the students will attend the Chambers of the Lawyers practicing at District Court Aligarh in both civil and criminal sides to enable themselves to have direct contact with the clients having different problems and cases of different courts; they will discuss the legal problems with the clients and lawyers and will take the dictation, help and assist the lawyers in the preparation of their brief and arguments in the instant case.

Dress, Code is compulsory. The students are required to maintain decorum of the court. The students will maintain a daily diary recording the date of visit and matter, which they came across on that day, and the practical experience or knowledge acquired.

Finally they will prepare in consultation with their teacher and the supervisor lawyer their project report and submit to the teacher concerned for evaluation.

This paper contains the following Components:

A. Practical Training : 40 marks

B. Moot Court

Moot problems will be assigned for preparing arguments by practicing supervisor,

Mid Term Examination – 20 marks

In this examination the students will attempt one moot problem

End Term Examination – 40 marks

In the main End Term Examination. Four problems will be asked out of which three moot problems will be attempted by the students.

Suggested Readings:-

- Clinical legal Education by Madhav Menon
- Moot Court Pre-Trial Preparations and Viva-Voce by Dr. P. Tiwari
- Moot Court and Pre-Trial Preparations by Kailash Rai
- Recently decided cases by Supreme Court and different High Courts.