

NAME OF SUBJECT: LAW OF CRIME-PAPER- I: PENAL CODE

PAPER CODE: Law- 512

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Criminal Law maintains law and order in the society and to protect the life and liberty of people. Common men rely on this for protection against all injuries that human conduct can inflict on individuals and institutions. Therefore, penal code cannot afford to be weak, ambiguous and ineffective. Application of criminal law has to be uniform regardless of any discrimination on grounds of class, caste, religion, sex or creed etc. of either criminal or victim. Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law.

MODULE-I: Punishment Theories

Deterrent, Retributive, Preventive, Expiatory and Reformatory Theory
Punishment under the IPC: Fine, Life-Imprisonment, Death Sentence

MODULE -II: Introduction to Substantive Criminal Law

Extent and operation of the Indian Penal Code

Definition of crime

Fundamental elements of crime

Stage of a crime; Intention, Preparation, Attempt, Commission (i) Essentials of the attempt, impossible attempt, attempt and preparation distinguished

MODULE -III: General Explanations and Exceptions (Sec.76-106)

(i) Definition (ii) Constructive joint liability (iii) Mistake (iv) Judicial and Executive acts (v) Accident (vi) Necessity (vii) Infancy (viii) Insanity (ix) Intoxication (x) Consent (xi) Good faith (xii) Private defense

MODULE -IV: Abetment and Criminal Conspiracy (Sec.107 to 114; Sec 120-A, B)

MODULE-V: Offences affecting the Human Body

offences affecting life, causing of miscarriage or injuries to unborn children offences of hurt, of wrongful restraint and wrongful confinement offences of Criminal Force and Assault, offences of kidnapping and abduction

MODULE -VII: Offences against Property

Theft, Extortion, Robbery and Dacoit Criminal misappropriation and Criminal breach of

trust, Cheating, Mischief Criminal trespass Defamation, Forgery, Counterfeiting

MODULE-VIII: offences relating to documents, property and Marriage
Counterfeiting, Criminal intimidation, making false documents, Bigamy, Adultery
and Cruelty

ACT

The Indian Penal Code 1860

SUGGESTED READINGS

1. Pillai, PSA, Criminal Law
2. Jeroma Hall, Principles of Criminal Law
3. R.C.Nigam, Criminal Law
4. Ratan Lal & Dhiraj Law, Indian Penal Code
5. K.D.Gaur, Criminal Law cases and materials Iminology

NAME OF SUBJECT: LABOUR AND INDUSTRIAL LAW-I

PAPER CODE: Law- 510

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This course on Labour and industrial law aims at delineating the aspect of management of labour relations and dispute settlement bodies and techniques.

MODULE-1: Trade Union Act, 1923

- a) Trade Unionism in India.
- b) Definition of trade union and trade dispute.
- c) Workers' Right to form Union *vis a vis* Indian Constitution: the membership of trade union, closed shop and Union shop.
- d) Registration of Trade Union- Remedies in case of non-registration and cancellation of registration of union.
- e) Privileges and protection of registered trade union from certain Acts and Omissions.
- f) Unfair labour practices and victimization.

MODULE-II: Collective Bargaining

- a) Concept and importance of Collective Bargaining.
- b) Pre-requisite for Collective Bargaining.
- c) Process of administering Collective Agreement (Negotiation, Mediation & Voluntary Arbitration & Compulsory Arbitration).
- d) Duration and Enforcement of Bipartite Agreement (Secs. 18, 19, Industrial Dispute Act, 1947).
- e) Pressurization: Strike, Go-slow, Work-to-Rule, Gherao and Lock-out.

MODULE-III: Standing Orders.

- a) Concept, Nature and Scope of Standing Orders under Industrial Employment (Standing Order) Act, 1946.
- b) Formulation of Standing Orders and its Certification Process.
- c) Modification and Temporary application of model Standing Orders.
- d) Interpretation and enforcement of Standing Orders.
- e) Penalties and procedure.

MODULE-IV: Regulations of Industrial Disputes: The Industrial Disputes Act, 1947

- a) Definition of the concept of the Industry, Industrial Dispute and Workman.

- b) **Arena of interaction and participants- Industry, Workman and Employer.**
- c) **Power of Government to refer Industrial Disputes for Adjudication.**
 - i. **The adjudicatory machinery.**
 - ii. **Award and its binding nature.**
 - iii. **Judicial review of awards.**
- d) **Concept of Lay-Off, Retrenchment, Procedure and Compensation relating to lay-off and retrenchment.**

MODULE-V: Discipline in Industry.

- a) **Doctrine of Hire and Fire vis a vis Social Welfare- Fairness in Disciplinary Process.**
- b) **Right to know: the chargesheet.**
- c) **Right to Defend: Domestic enquiry notice, evidence, cross-examination, unbiased enquiry officer and reasoned decision.**
- d) **Punishment of misconduct.**
- e) **Management's prerogative during the pendency of proceedings.**
- f) **Notice of Change.**

SUGGESTED READINGS

1. **Law of Industrial Disputes--- O.P. Malhotra.**
2. **Report of National Commission on Labour, 1969--- Indian Law Institute.**
3. **Law of Trade Union--- R.B. Sethi & R.N. Dwivedi.**
5. **Commentary on Industrial Employment (S.C) Act, 1946.**
6. **Industrial Relations and Labour Law--- S.C. Srivastava.**
7. **Statutory Material- Trade Union Act, 1926; Industrial Employment (Standing Orders) Act, 1946 and Industrial Dispute Act, 1947.**

NAME OF SUBJECT: JURISPRUDENCE

PAPER CODE: Law- 502

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE OF THE COURSE: Concept of law is central to the legal enterprise. In the absence of a comprehensive understanding of this concept neither legal education nor legal practice can be set towards attaining justice in the society. Pedagogy is merely teaching of rules without the knowledge of cognitive and teleological foundations of the discipline and it would not be possible to present a synchronization of various statutes, cases, procedures, practices and customs in the form of a 'systematic body of knowledge' nor it would be possible to show the interconnectivity among various branches of law.

A course in Jurisprudence should primarily induct students into a world of questions concerning law so as to enable the student to toy with their complexity and perplexity and is driven to seek answers for himself such as questioning- "Who says what to whom under what circumstances and for what purpose" which shall in turn unfold mysteries of law before them.

MODULE-I: Introduction

- a) **Meaning of Jurisprudence/Legal Theory, Nature, Need and Scope.**
- b) **Linkages between Jurisprudence and other sciences-**
 - a. **Law and Justice.**
 - b. **Law and Morality.**
- c) **Nature and definition of Law.**
- d) **Definition of State.**
- e) **Elements of State.**

MODULE-II: Schools of Jurisprudence

- a) **Analytical Positivism, Pure Theory.**

[Limits on legislative authority: There are no limits (Positivism)]

These theories comprise of

- i. **Command Theory of Law: Utilitarianism (John Austin).**
- ii. **Normative Theory of Law: Pure Theory (Hans Kelsen).**
- iii. **Rule theory of Law: Law as system of rules- combination of primary and secondary rules (H.L.A Hart).**

- b) **Natural Law**

- a. **Divine and prophetic theories of law e.g. Hebrew Law, Law of Manu and the Islamic Law.**
- b. **Natural Law theories: An Overview**
 - i. **Natural Law as Virtue (dharma)--- Hindu.**

- ii. Natural Law as justice by nature--- Aristotle.
- iii. Natural Law as Right reason--- Cicero.
- iv. Natural Law as Law of God--- St. Thomas Aquinas.
- v. Natural Law as inner morality of law--- Fuller
- c) **Historical Jurisprudence:** Historical theories arose out of revolt against Rationalism and the power of human will and tradition:
- d) **Sociological Jurisprudence:**
 - a. Sociological Theory: Functions of law- Law as a means of social control. Jurisprudence of Interests- Roscoe Pound
 - b. Realist Movement.
- e) **Indian Jurisprudence:**
 - a. Classical Approach.
 - b. Medieval Approach.
 - c. Modern Trends.

MODULE-III: Sources of Law

- a) Ancient: Customs etc.
- b) Modern: Precedents and Legislation.

MODULES-IV: Concepts of Law.

- a. Rights and Duties: Theories and Classification
- b. Legal Personality
- c. Possession, Ownership and Property

MODULE-V: Principles of Liability

- a) Liability and Negligence.
- b) Absolute Liability.
- c) Immunity.

SUGGESTED READINGS

1. Legal Theory--- W. Friedmann.
2. Salmond on Jurisprudence--- Fitzgerald (ed.).
3. Jurisprudence--- Dias R.W.N
4. The Concept of Law--- H.L.A. Hart.
5. Introduction to the Philosophy of Law--- Roscoe Pound.
6. Jurisprudence: A Study of Indian Legal System--- S.N. Dhyani.
7. Jurisprudence: Paton G.W.
8. Jurisprudence and Legal Theory--- V.D. Mahajan.
9. B.N. Maini Tripathi--- Legal Theory.
10. N.V. Paranjape: Legal Theory.

NAME OF SUBJECT: CONSTITUTIONAL LAW-I

PAPER CODE: Law- 504

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Constitution of India is the highest norm of public law. It embodies the main principles of the Democratic Government. Understanding of the Constitution and law is imperative for law students such as how it came into being, what are its powers, functions, responsibilities, obligations and how power is limited and distributed. Therefore a deep understanding of the Constitution of India which developed through constitutional amendments, judicial decisions, constitutional practice and conventions is essential for law students. Students should know the evolution of the Constitution of India, philosophy of federalism especially Centre- State relations, Constitutional process of adoption and alteration and services under the Constitution. Constitutional law highlights its never ending growth in above mentioned areas. Students are also expected to know the myriad interpretations of Constitution and why a particular interpretation was adopted by the Supreme Court. A critical analysis is of prime importance for the study of the Constitution

MODULE 1

1. The Indian Constitution a historical retrospect, its framing and the nature of the Constitution.
2. The Preamble of Indian Constitution.
3. The Union and its territory (Article 1 to 4)
4. Citizenship (Article 5 to 11)

MODULE 2

1. Definition of the term 'State' in context of Fundamental Rights (Article 12)
2. Laws inconsistent with Fundamental Rights (Article 13)
3. Right to Equality (Article 14 to 18)
4. Fundamental Freedoms (Article 19)

MODULE 3

1. Protection in the respect of conviction for offences (Article 20)
2. Right to life and personal liberty (Article 21)
3. Protection against arrest and detention (Article 22)

MODULE 3

1. Right against exploitation (Article 23-24)
2. Right to freedom of religion (Article 25-28)
3. Cultural and educational rights (Article 29- 30)
4. Exception to non -violability of Fundamental rights (Article 31-B)

MODULE 4

1. Rights to constitutional remedies (Article 32)
2. Directive principles of State Policy (Article 37- 51)
3. Fundamental Duties (Article 51 A)

MODULE 5

1. President and Vice President of India (Article 52-70)
2. Powers of President and Governor to grant pardons etc.(Article 72 &161))
3. Central Executive (Article 73-75)
4. The Governor (A153-154)
5. Promulgation Ordinance by President and Governor(Art.123- 213)

SUGGESTED READINGS

1. Constitution of India ----- Dr. V.N. Shukla
2. Indian Constitutional Law -----M.P. Jain
3. Constitutional and Administrative Law in -----Nutsels.
4. Constitutional Law of India Vol. 1-3(1986) -----M. Hidayatullah
5. Constitutional Law of India –M.V. Pylee
6. Shorter Constitution of India-----D.D. Basu
7. Constitutional Law of India—H.M. Seervai