

IILM UNIVERSITY GURUGRAM –

Law of Contracts-I

BBA LLB (Hons) and BA LLB (Hons)

Semester: 1

Credits:4

Module Name: Law of Contracts-I

Course Code: SLL-BALLB-CL101

Brief Module Description:

The purpose of this module is to enable students to understand the legal framework for formulation of trade, business and commercial relations and transactions in which contract is involved. Contract law is fascinating as most people will have unknowingly formed a legally binding contract at some point in their life. It is important that each section is learned, as many of the principles operate in tandem and are better understood through the provisions. It is scattered over several legislations. There are various laws that contains certain special provisions for particular situations. The law of contracts touches equally upon the lives of individuals and business entities. It is essential to understand the underlying principles of contract to excel in the subject.

The Law of Contracts is divided in two parts 1 and II. In this Term, Law of Contracts I will help the students to learn the general provisions of The Indian Contract Act, 1872. This module deals with law relating to offer, acceptance promises, formation, performance and enforceability in and of contracts. The sessions spread across the module will include a study of general principles of contracts spelt out in sections 1 to 75 on the Indian Contract Act, 1872.

Learning Outcomes

Module Learning Outcomes

- MLG-1. Understand the mechanism of Making and Discharge of Contracts;
- MLG-2. Demonstrate a clear understanding of the legal obligations arising from the contracts;
- MLG-3. Analyze the Law of Contracts and to be able to provide with a reasoned solution to the question in hand by application of correct case laws and relevant sections.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills

2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - History – Formation of Contract – Agreement and Contract

Proposal - Proposals acceptable by conduct, Communication of Proposal, Communication when Complete, Intention to Contract, Family & Social matters, Business matters, Offer and invitation to treat, Acceptance- Communication of acceptance, when communication not necessary, Lapse of offer, Consideration- Requirements of sec 2(d) An Agreement without Consideration is void, Sec 25 Privity of consideration, Privity of Contract-exceptions

MODULE II- Capacity to Contract, Free Consent, Void Agreements.

Age of Majority- Nature of Minor's agreement, Effect of Minor's agreement, Persons of unsound mind, Coercion, Undue influence, Fraud, Misrepresentation, Mistake Rescission- Limits of Rescission, Unlawful Agreements Void Agreements. Agreements in which a part of consideration or object is unlawful Agreements in restraint of marriage, void, Agreements in restraint of trade, Agreements in restraint of Legal – Proceedings, void Unmeaning agreements, Wagering Agreements, void Contingent contracts

MODULE III Unit –III Discharge of Contracts – Modes

By performance of contracts ,Time and Place of Contract ,By Impossibility of performance- Doctrine of frustration –decided case laws Appropriation of Payments By Agreement – Novation ,By Breach

MODULE IV Remedies for Breach of Contracts

Introduction Damages-over all Remoteness of damages, Measure of damages, Ascertainment of damages, General damages Special damages,, nominal damages Liquidated damages and Penalty, Quasi Contracts- Theory of unjust enrichment Five kinds of Quasi – Contracts under Indian Law

Text Books

1) ***Avtar Singh***, Law of Contract and Specific Relief

E-Book link - <https://pdfcoffee.com/contract-amp-specific-relief-by-avtar-singh-12th-editionpdf-pdf-free.html>

2) ***Pollock & Mulla***, Indian Contract & Specific Relief Act

3) ***Dr. R.K. Bangia***, Contract-I

E- Book link - <https://manoutalge.amebaownd.com/posts/19979114/#bangia%20contract%20pdf>

4) **H.K. Saharay, Dutt on Contract** – The Indian Contract Act, 1872

5) Bare Act **Indian Contract Act, 1872**

Link- <https://legislative.gov.in/sites/default/files/A1872-09.pdf>

Case laws

- Carlill v. Carbolic Smoke Ball Co. (1891-4) All ER Rep.127 1
- Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd. (1952) 2 All ER Rep. 456
- Balfour v. Balfour (1918-19) All ER 860 (CA) 11
- Lalman Shukla v. Gauri Datt (1913) XL ALJR 489 (All.)
- Bhagwandas Goverdhandas Kedia v. M/s. Girdharilal Parshottamdas & Co., AIR 1966 SC 543
- Harvey v. Facey (1893) AC 552 28
- Felthouse v. Bindley (1862) 11 CB 869
- Kedarnath Bhattacharji v. Gorie Mahomed (1886) 7 I.D. 64 (Cal.)
- Doraswami Iyer v. Arunachala Ayyar (1935) 43 LW 259 (Mad.)
- Abdul Aziz v. Masum Ali, AIR 1914 All.
- Venkata Chinnaya Rau v. Venkataramaya Garu (1881) 1 ID 137 (Mad.)
- Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam
- Mohori Bibee v. Dhurmodas Ghose (1903) 30 I.A. 114 65
- Khan Gul v. Lakha Singh, AIR 1928 Lah. 609 69
- Ajudhia Prasad v. Chandan Lal, AIR 1937 All. 610
- Raghunath Prasad v. Sarju Prasad (1923) 51 I.A. 101 87
- Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib, AIR 1967 SC 878
- Lakshmi Amma v. T. Narayana Bhatta, 1970 (3) SCC 159
- Tarsem Singh v. Sukhminder Singh (1998) 3 SCC 471
- State of West Bengal v. B.K. Mondal & Sons, AIR 1962 SC 779
- P R Transport Agency v. Union of India, AIR 2006 ALL 23
- Timex International Fze Ltd Dubai v. Vedanta Aluminium Ltd. (2010) 3 SCC 1

IILM UNIVERSITY GURUGRAM –

Written and Oral Communications

BBA LLB (Hons) and BA LLB (Hons)

Term: 1

Credits: 4

Course Code: SSL-BALLB(H)LE1-103 and SSL-BBALLB(H)LE1-103

Brief Module Description:

This course is aimed to help students learn the basics of communicating effectively in English in professional contexts. The emphasis is this course is to expand English vocabulary, improve ability to write and speak in both social and professional interactions, and learn terminology and skills that can be applied to business negotiations, telephone conversations, written reports and emails, and professional presentations. The objective of the course is to help students learn the basics of informative writing, effective business presentations, and research writing. They will improve their critical thinking skills through completing a range of foundation writing assignments. Students will complete mini-report designed to enhance their research gathering and writing abilities. To aid students in preparing for real-world work CV and cover letter composition will be addressed as will job interviewing techniques. The course will continuously work on improving vocabulary, grammar and correct usage of English in business settings

Learning Outcomes

Module Learning Outcomes

1. MLG 1 Demonstrate an advanced understanding of the basic legal terminologies, maxims and expressions
2. MLG 2 Increase the intellectual understanding of students regarding communication as a legal professional in words or writing.
3. MLG 3 Know the judicial rationale behind the linguistic deviations.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

Unit-I: Comprehension and Composition

- a. Reading Comprehension of General and Legal Texts
- b. Paragraph & Précis Writing
- c. Abstract Writing
- d. Note Taking
- e. Drafting of Reports and Projects
- f. Petition Writing

Unit-II: Language, Communication and Law (Lectures-10)

- a. Meaning and Communication Approaches
- b. Types, Directions and Challenges
- c. Formal & Informal Communication
- d. Barriers to Communication
- e. Culture and Language Sensitivity
- f. Non-verbal Communication: Importance, Types (Paralanguage, Body Language, Proximity etc.)
- g. Legal Maxims
- h. Foreign Words, Urdu and Hindi Words
- i. Legal Counselling and Interviewing

Unit-III: Legal Communication

- a. Legal Communication
- b. Mooting
- c. Reading and Analysis of Writings by Eminent Jurists (Cases, Petitions and Judgements)

Unit-IV: Literature and Law

- a. Play "Justice" by John Galsworthy (Justice was a 1910 crime play by the British writer John Galsworthy) and Arms and the Man by George Bernard Shaw
- b. Play "Final Solutions" by Mahesh Dattani
- c. Mahashweta Devi's story "Draupadi" on Gender Inequality
- d. "The Trial of Bhagat Singh"
- e. Biography/Autobiography of Martin Luther and Nelson Mandela

Textbooks

J.S.Singh and Nishi Bahl, ***Legal Language, writing and General English***

N.R.Madhav Menon ***Clinical Legal Education***

IILM UNIVERSITY GURUGRAM

LAW OF TORTS & CONSUMER PROTECTION

Semester: 2

Credits: 4

SSL-BALLB(H)/BBALLB(H)- TL- 201

BRIEF DISCRIPTION: Law of Torts is of wider ramification and provides for remedies for physical injury, property damage, personal insult independent of criminal or contract law. Along with the Law of tort, the students will gain understanding of the Consumer Protection Laws, which are governed by the Consumer Protection Act in India. The Act provides the Law related to the protection of consumers, their rights and the remedies that they might seek in cases of infringement of those rights.

Module Learning Goals

This course has the general objective of developing students' understanding of the relevance of knowing the law of torts and its relevance. The following learning objectives will be emphasized:

1. An Understanding of the Law of torts and its relationship with other existing civil and criminal laws in the country.
2. Understanding the sources and policy objectives of tort law.
3. Identifying and analyzing the elements of various substantive torts and related privileges/defences.
4. Understand the Principles behind the Consumer Protection laws in India.

Programme Learning Goals

1. Develop critical and analytical thinking skills.
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I: Introduction and Principles of Liability in Tort

1. Introduction and Historical Background
2. Definition and Difference of Law of Tort, Crime and Contract
3. Essentials:
 - 1) Injuria sine damnum

- 2) Damnum sine Injuria
 - 3) Malice in Law
 - 4) Malice in Fact
 - 5) Remoteness of Damage
4. General Defences:
- 1) Volenti Non Fit Injuria
 - 2) Plaintiff, the wrongdoer
 - 3) Act of God
 - 4) Private defence
 - 5) Mistake
 - 6) Necessity
 - 7) Inevitable accident
 - 8) Statutory Authority

MODULE II: Specific Torts - I

1. Tort of Nuisance: Meaning, essentials and defences
2. Tort of Negligence and Res Ipsa Loquitur
3. Tort of Malicious Prosecution: Meaning and stages
4. Tort of Defamation: Libel, Slander and defences
5. Tort of Trespass

MODULE III: Specific Torts - II

1. Tort of Vicarious Liability
2. Tort of Vicarious Liability of the State: Position of India and England
3. Strict Liability and the Absolute Liability
4. Contributory & Composite Negligence

MODULE IV: Consumer Protection Act, 2019

1. Consumer Protection Act, 2019: Introduction and Meaning
2. Consumer: Meaning and Scope
3. Consumer Dispute Redressal Agencies: Jurisdiction, Composition, Disqualification, Term of office and differences
 - 1) District Forum
 - 2) State Commission
 - 3) National Commission

Module Readings:

I. Text Books

1. Law of Torts, Dr. R K Bangia, (Allahabad Law Agency, Haryana)
(<https://clatpath.in/pdf/Law%20of%20Torts%20by%20R.K%20Bangia.pdf>)
2. Introduction to the Law of Torts and Consumer Protection, Avtar Singh & Harpreet Kaur (Lexis)

Nexis)

*Please note that E-books version of essential reading is available.

II. Desired Readings:

1. Ratanlal & Dheerajlal, Law of Torts, 2019, Lexis Nexis
2. Introduction to the Law of Torts & Consumer Protection, Avtar Singh & Harpreet Kaur (Lexis Nexis, 3rd ed.)

Case Law (by way of illustration):

- Ashby v White
- Bhim Singh v State of Jammu and Kashmir
- Gloucester Grammar School Case
- Mogul Steamship Co. v McGregor Gow & Co.
- Town Area Committee v Prabhu Dayal
- Greenland v Chaplin
- Re Polemis and Furness, Withy & Co.
- Hall v Brooklands Auto Racing Club
- Lakshmi Rajan v Malar Hospital Ltd.
- Haynes v Harwood
- Nichols v Marshland
- Brown v Kendall
- Bird v Holbrook
- Cope v Sharpe
- Smith v London and South Western Railway Co.
- Struges v Bridgman
- Radhye Shyam v Gur Prasad
- Struges v Bridgman
- Bills v Hall
- Jacob Mathew v State of Punjab
- R. v Caldwell
- Andrews v Director of Public Prosecutions
- Donoghue v Stevenson
- Glasgow Corporation v Muir
- S. Dhanaveni v State of Tamil Nadu
- Morgan v Sim
- Municipal Corporation of Delhi v Subhagwanti
- Chairman, MPEB, Rampur, Jabalpur v Bhajan Gond
- West Bengal State Electricity Board v Dilip Kumar Ray
- Nagenda Nath Ray v Basanta Das Bairagya
- D.N. Bandopadhyaya v Union of India
- T.S. Bhatta v A.K. Bhatta

- Manik Das v Subal Chandra Dhar
- SNM Abdi v Prafulla Kumar Mohanta
- D.P. Choudhary v Manjulata
- Cassidy v Daily Mirror Newspapers Ltd
- Morrison v Rithie
- Hulton Co. v Jones
- Newstead v London Express Newspapers Ltd.
- Radheshyam Tiwari v Eknath
- K.S. Sundra v S Viswanathan
- Madhav Vithal Kudwa v Madhavdas Vallabhdas
- Wood v Leadbitter
- Lloyd v Grace, Smith & Co.
- State Bank of India v Shyama Devi
- Omrond v Crosville Motor Service Ltd.
- Royster v Cavey
- Peninsular and Oriental Steam Navigation Co. v Secretary of State for India
- Nobin Chander Dey v Secretary of State for India
- Secretary of State for India in Council v Hari Bhanji
- Vidyawati v Lokumal
- Kasturi Lal v State of UP
- Nagendra Rao v State of AP
- Rylands v Fletcher
- M.C. Mehta v Union of India
- Municipal Corporation of Greater Bombay v Laxman Iyer
- Davies v Mann
- Karnataka State Road Transport Corporation v Krishnan
- Hira Devi v Bhaba Kanti Das
- Prayagadatta v Mahendra Singh

IILM UNIVERSITY GURUGRAM –

BBA LLB (Hons) and BA LLB (Hons)

Term: 2

Credits:4

Module Name: Law of Contracts II

Course Code: SLL-BALLB-CL101

1. **Brief Module Description:**

2.

3. Law of Contracts II is an imperative extension of the Law of Contracts I paper of the 1st Term which dealt with the general principles of contract. Since the commercial activities are ever increasing, the present paper aids in understanding the application of the general principles of contract in specific circumstances which are the footholds for business associations and commercial transactions. Such specific contracts range from contracts of Indemnity and Guarantee, Bailment, Pledge, Agency, Partnership and Sale of Goods. This branch of law deals with law relating to promises, their formation, performance and enforceability.

4. This module is scattered over several legislations. There are special legislations dealing with parties and some special types of Contracts under Indian Contract Act, 1872 as well as other kinds of contractual relationships, e.g. The Sale of Goods Act, 1930, The Partnership Act, 1932. Along with these, there are various laws that contain certain special provisions for particular situations.

5.

6. The present course is aimed at a study of the Law relating to Agency particularly the provisions of sections 182-238 of the Indian Contract Act, 1872, the Indian Partnership Act, 1932, Limited Liability Partnership Act, 2008 and Sale of Goods Act, 1930 in the light of judicial pronouncement

Module Learning Outcomes

By the end of this course, students should be able to:

7. MLG 1 Demonstrate an advanced understanding of the underlying legal principles, laws and institutions which regulate special contracts.

8. MLG 2 Increase the intellectual understanding of students regarding rights and duties of seller, buyer, partner, agent, debtor, surety and other parties under various special contracts.

MLG 3 Know the rationale behind the formation of partnership agreements, limited liability partnerships and appreciate their contribution in organizations.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills

2. Enhance verbal and written communication skills.

3. Ability to make clear and ethical judgments.

4. Inculcate the ability to seek innovative solutions to real-world problems.

5. Foster the ability to collaborate and work effectively in a team.

6. Develop an interdisciplinary approach to address socio- economic and organizational issues.

7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.

8. Understanding of the dictates of substantive and procedural law for their enforcement.

9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE 1:- INDEMNITY

- The concept
- Need for indemnity to facilitate commercial transactions.
- Methods of creating indemnity obligations.
- Nature and extent of liability of the indemnifier
- Commencement of liability of the indemnifier. Situations of various types of indemnity creations.
- Documents/agreements of indemnity. Nature of indemnity clauses.

MODULE 2:- GUARANTEE

- Definition of guarantee: as distinguished from indemnity.
- Basic essentials for a valid guarantee contract.
- Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- Continuing guarantee.
- Nature of surety's liability. Duration and termination of such liability
- Creation and identification of continuing guarantees.
- Letters of credit and bank guarantees as instances of guarantee transactions
- Rights of surety: Position of surety in the eye of law
- Various judicial interpretations to protect the surety.
- Co-surety and manner of sharing liabilities and rights.
- Extent of surety's liability.
- Discharge of surety's liability

MODULE 3: BAILMENT

- Identification of bailment contracts in day today life.
- Manner of creation of such contracts
- Commercial utility of bailment contracts
- Definition of bailment.
- Kinds of bailees Law
- Duties of Bailor and Bailee towards each other
- Rights of bailor and bailee
- Finder of goods as a bailee.
- Liability towards the true owner.
- Obligation to keep the goods safe
- Right to dispose off the goods

MODULE 4: PLEDGE

- Pledge: comparison with bailment
- Commercial utility of pledge transactions.
- Definition of pledge under the Indian contract Act.
- Other statutory regulations(State & Centre)regarding pledge, reasons for the same.
- Rights of the pawner and pawnee.
- Pawnee's right of sale as compared to that of an ordinary bailee
- Pledge by certain specified persons mentioned in the Indian Contract Act

MODULE 5:- AGENCY

- Identification of different kinds of agency transactions in day to day life in the commercial world
- Kinds of agents and agencies.
- Distinction between agent and servant.
- Essentials of a agency transaction.
- Various methods of creation of agency.

- Duties and rights of agent.
- Scope and extent of agent's authority.
- Liability of the principal for acts of the agent including misconduct and tort of the agent
- Liability of the agent towards the principal. Personal liability towards the parties.
- Methods of termination of agency contract
- Liability of the principal and agent before and after such termination

MODULE 6:- SALE OF GOODS

- Concept of sale as a contract.
- Illustrative instances of sale of goods and the nature of such contracts.
- Essentials of contract of sale.
- Essential conditions in every contract of sale.
- Implied terms in contract of sale.
- The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
- Changing concept of caveat emptor
- Effect and meaning of implied warranties in a sale.
- Transfer of title and passing of risk.
- Delivery of goods: various rules regarding delivery of goods.
- Unpaid seller and his rights.
- Remedies for breach of contract

MODULE 7:- PARTNERSHIP

- Nature of partnership: definition.
- Distinct advantages and disadvantages vis-à-vis partnership and private limited company.
- Mutual relationship between partners.
- Authority of partners.
- Admission of partners.
- Outgoing of partners.
- Registration of Partnership
- Dissolution of Partnership

CASE LAWS

- K.D. Kamath & Co. v. CIT (1971) 2 SCC 873
- Cox v. Hickman (1860) 8 H.L.C. 268
- Haldiram Bhujawala v. Anand Kumar Deepak Kumar (2000) 3 SCC 250
- CIT v. Mysore Chromite Ltd. (1955) 1 SCR 849 : AIR 1955 SC 98
- Commr. of Sales Tax, M.P. v M.P. Electricity Board, Jabalpur, AIR 1970 SC 732 : (1969) 1 SCC 200
- Coffee Board, Karnataka v. Commr. of Commercial Taxes, AIR 1988 SC 1487
- Larsen & Toubro Ltd. v. State of Karnataka, (2014) 1 SCC 708 167 Kone Elevators v. State of Tamil Nadu (2014) 7 SCC 1
- Miles v. Clarke (1953) 1 All ER 779
- Trimble v. Goldberg (1906) AC 494 (PC)
- Holme v. Hammond (1872) L.R. 7 Ex. 218 : 41 L.J. Ex. 157
- Rhodes v. Moules (1895) 1 Ch. 236 (CA).

Reference Books

- Chitty, Contracts, Vol. 1I, 29th Ed., Sweet & Maxwell, 2004.
- V.K. Rao, Contract II - Cases and Materials, Butterworths, 2004.
- M. Krishnan Nair, Law of Contracts, 1998.
- Dutt on Contract, H.K. Saharay, Universal, 2000.
- Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
- Avtar Singh, Law of Partnership
- Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
- Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
- Saharay, H. K. Indian Partnership and Sale of Goods Act. New Delhi: Universal Publishing Co., 2000
- Mulla, Negotiable Instrument Act, Tripathy

IILM UNIVERSITY GURUGRAM –

Family Law- II

BBA LLB (Hons) and BA LLB (Hons)

Semester: 3

Credits:4

Module Name: Family Law- II

Course Code: SLL-BALLB-CL201 / SLL-BBALLB-CL201

Brief Module Description:

Family Law –II has been introduced to make the students to identify and understand the scheme of succession under the Hindu and Muslim Laws. Further, with reference to unmodified Hindu Law, the matters relating to joint family system, competency, Karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the parsing of the Hindu succession Act, 1956 and other related laws. Under Muslim Law the matters relating to wakfs, wills, Gifts and pre-emption are given in separate chapters in addition to the Sunni and Shia Law of Inheritance.

Learning Outcomes

Module Learning Outcomes

1. On completion of the class students will be able to:
2. Critically assess the impact of developing case law on current legal practices.

3. Analyze the impact of relevant Family Law statutes on current legal practices in a succinct manner.
4. Apply current legal principles to succession law issues.
5. Demonstrate effective communication, providing persuasive arguments to justify realistic solutions to family law issues.
6. Be able to effectively apply the knowledge to build cohesive and logical arguments and solve practical problems.

Program Learning Outcomes:

L1 - An understanding of perspectives and broader contexts within which legal issues arise.

L2. Knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

L3. Ability to create solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

L4. Ability to express and apply the ethical and professional standards towards clients and the legal system

L5. Critical thinking and informed judgment leading to problem solving, decision-making and negotiating skills.

L6. Emotional intelligence and people's skills in communicating, working in teams and with people.

L7. Being cognizant of the impact of individual and corporate actions on society, recognizing responsible and inclusive business practices and sensitivity to the social, economic and environmental responsibilities of profession.

Module – I Institution of joint family

- (a) Mitakshara and Dayabhaga Schools of thought
- (b) Formation and Incident under the Coparcenary Property under Dayabhaga and Mitakshara: Extent and Mode of Succession
- (c) Karta of Joint Family: Position, Powers and Privileges
- (d) Debts: Doctrine of Pious Obligation and Antecedent Debts

Module- II Partition in Hindu Personal Law

- (a) Partition- Meaning, Division of Right and Division of Property
- (b) Persons Entitled to Demand Partition
- (c) Partition how Effected; Suit for Partition
- (d) Re-opening of Partition; Re-union

Module- III Principles of Inheritance under Hindu and Muslim Law

- (a) General Rules of Succession of a Hindu Male and Female dying Intestate under the Hindu Succession Act
- (b) Stridhan and Women's Estate

(c) Principles of Inheritance under Muslim Law (Sunni Law)

Module- IV Muslim Law of Property

- (a) Hiba: Concept, Formalities, Capacity, Revocability
- (b) Wasayat: Concept, Formalities
- (c) Waqf

Textbooks

- Paras Diwan, Modern Hindu Law, Allahabad Law Agency, 2019
- Mulla, Principles of Hindu Law, Lexis Nexis, 2018

LIST OF CASE LAWS

- *The commissioner of Income Tax v. Gomedalli Lakshminarayan* AIR 1935 Bom.412
- *Moro Vishvanath v. Ganesh Vithal* (1873)10 Bom.444
- *Muhammad Hussain Khan v. Babu Kishva Nandan Sahai* AIR 1937 P.C.233
- *Smt. Dipo v. Wassan Singh* (AIR 1983 SC846)
- *M/s. Nopany Investments (P) Ltd. V. santokh Singh (HUF)* 2007 (13)JT 448
- *Hanooman Prasad v. Babooee Munraj* (1856 6 MIA 393)
- *Balmukund V. Kamlawati* AIR 1964,SC 1385
- *Sunil Kumar v. Ram Prakash* (1988)2 SCC 77
- *Subhodkumar v. Bhagwant Namdeorao Mehetre* (AIR 2007 SC 1324)
- *Dev Kishan v. Ram Kishan* (AIR 2002 Rai 370)
- *Makhan Singh v. Kulwant Singh* (AIR 2007 SC 1808)
- *Arvind v. Anna* (AIR 1980 SC 645)
- *Raghavamma v. Chenchamma* (AIR 1964 SC 136)
- *Puttrangamma v. M.s. Ranganna* AIR 1968 SC 1018
- *M.L. Subbaraya Setty v. M.L. Nagappa settee* (AIR 2002SC 2066)
- *Namdev Vyankat Ghadge v. Chandrakant Ganpat Ghadge* (2003) 4 SCC 71
- *Sushila Bai Vs. Narayan Rao* AIR 1975 Bom 257 (F.B.)
- *Gurupad V. Hirabai* AIR 1978 SC 1239
- *Vellikannu V. R.Singaperumal* (2005) 6 SCC 62
- *S. Narayanan V. Meenakshi* (AIR 2006 Ker.143)
- *Jagannathan Pillai V. Kunjihapadam Pillai* (AIR 1987 SC 1493)
- *Ghumpha V. Jaibai* (1994) 2 SCC 511
- *V. Tulsamma V. Shesha Reddy* (AIR 1977 SC 1944)
- *Bhagat Ram V. Teja Singh* (AIR 2002 SC I)
- *Mimuna Bibi V. Rasool Mian* (AIR 1991 Pat.203)
- *Hesabuddin v. Md. Hesaruddin* (AIR 1984 Guwahati 41)

- *Musa Miya v. KadarBux AIR 1928 PC 108*
- *Abdul Hafiz Beg V. Sahebbi AIR 1975 Bombay 165*
- *Hayatuddin V. Abdul Gani AIR 1976 Bom.23*
- *The State of Bihar and ors. Charusila Dasi AIR1959SC1002; [1959]Supp(2)SCR601*
- *Mangilal V. Shri Chaturbhauja Mandir AIR1999SC1527;*
- *Punjab Wakf Board V. Shakur Masih 1996VIIIAD(SC)64;*

IILM UNIVERSITY GURUGRAM

Module Name: Legal English and Communication Skills –II

Batch- B.A.LL.B (H.) & BBA. LL.B (H.)

Semester II

Credits: 4

Course Code: SLL-BALLB-109

Brief Module Description:

English is the established language of the legal profession and it is therefore an essential tool for any legal professional, particularly when working in a diverse environment. This Legal English course has been designed to develop the students language and communication skills in a legal context by focusing on the forms of English, and the use of skills such as drafting, interpreting and communicating, in order to assist in developing the effective and accurate use of legal English in practice. The focus of this course is on bringing out profound legal professionals through listening, reading, writing, and speaking. An emphasis on learning correct grammar, expanding vocabulary, increasing use of latin maxims and expressions and correct pronunciations and improve their inter-personal communication skills and also to enhance the professional attributes of the student.

Learning Outcomes

Module Learning Outcomes

1. Communicate more effectively in writing, use of grammar and be able to give good presentations.
2. Use critical thinking skills in analysing research data, and organization of material & demonstrate effective writing techniques.
3. Deliver successful presentations in academics, employ their research skills as well as in litigation

using public speaking techniques, including awareness of body language

4. Get the basic understanding of drafting techniques and the use of legal terminologies in the same.

Program Learning Outcomes:

1. Awareness
2. Global & Multicultural Perspectives
3. Critical & Integrative Thinking
4. Communication: Oral & Written
5. Teamwork

MODULE I - Basic understanding of Legal English

- Application of Legal maxims and legal glossary
- Legal dictionaries like *Blacklaw*, *Websters* etc
- Customs and Precedents
- Jurists writings on law

MODULE II - Literature and Legal Writing

- Legal articles, legal news, headnotes
- Literature Review in research, projects
- Law reports by various committees
- Drafting of contracts, wills, petitions and other legal documents
- Legislative drafting
- Order/Judgment writing

MODULE III - Oral Communication in Legal Education

- Local languages, pronunciations and translations
- Reading of statutes, provisions and clauses
- Legal Counselling and interviewing
- Mooting and Court Ethics, body-language
- Mediations and Negotiations

MODULE IV - Interpretation of Statutes in Legal Education

- Definition of interpretation and construction of statutes
- Statutory and constitutional interpretation
- Rules of interpretation
- Aids to construction

Textbooks and References:

1. Legal Language, Legal English, and General English by B.M Gandhi, 1st Ed 2009 Reprinted 2022, published by Eastern Book Company
2. Legal Language and Legal Writing by Dr. S. R. Myneni, 2nd Ed Rp 2012, published by Asia Law House
3. Principles of Statutory Interpretation by Justice G. P Singh, 14th Ed 2015, published by Lexis Nexis
4. Interpretation of Statutes by Vepa P. Sarathi, 5th Ed 2015, published by Eastern Book Company
5. S.P. Agarwal, Pleadings, LexisNexis, New Delhi,2003.
6. A.S. Hornby, Guide to Patterns and Usage in English, OUP, Delhi, 1999.
7. David Green, Contemporary English Grammar Structures and Composition, Macmillan, Chennai, 1999.
8. Geoffrey Leech and Jan Svartvik, A Communicative Grammar of English, Longman, Delhi, 2001.
9. Developing Communication skills by Mohan and Banerji
10. Legal language, legal writing general English. Dr. S.C. Tripathi. Central Law Publications. 2005. 3rd ed.

IILM University, Gurugram

Semester: 3

Credits: 4

Module Name: Property Law

Course Code: SLL-BALLB-CL203 / SLL-BBALLB-CL203

Brief Course Description:

Right to property has always been considered a very important jurisprudential right to attain economic freedom. Right to transfer of property is also as important if not more, as right to property. Quality of property right is tested by as to how the right can be fully or in parts be transferred and the manner to do so. It is this factor that shall be kept in mind while examining the various incidents arising out of transfer of property. The objective of this course is to focus on concept and classification of property as

well as principles governing transfer of immovable property. Also it focuses to create an understanding about the rules affecting the ownership, possession, and use of property. It is also to elucidate the recent developments in property law in India.

Module Learning Goals

After successful completion of this module students will be able to:

1. Analyze and understand the concept and nature of immovable property.
2. Understand and differentiate between the different modes of transfer of property.
3. Understand the doctrines related to transfer of property and their applicability in India.
4. Understand the concepts similar to those of transfer of property.

Text Books

1. Mulla, Transfer of Property Act, Lexis Nexis, 13th edition, 2018
2. Poonam Pradhan Saxena, Property Law, 2019

Desired Readings:

1. James Charles Smith, Property and Sovereignty (Law, Property and Society), Ashgate, 2014
2. Avtar Singh, Transfer of Property Act, Universal Publishing Pvt Ltd.
2. Sandeep Bhalla, Digest of Cases on Transfer of Property in India

Module I: Concept of Property and General Principles Relating to Transfer of Property

1. Concept of Property: Distinction between Movable and Immovable Property
2. Transferable and Non-Transferable Property
3. Transfer to an Unborn Person and Rule against Perpetuity
4. Vested and Contingent interest
5. Rule of Election

Module II: General Principles Governing Transfer of Immovable Property

1. Transfer by Ostensible Owner
2. Rule of Feeding Grant by Estoppel
3. Rule of Lis pendens
4. Fraudulent Transfer
5. Rule of Part Performance
6. Transfer by non-owners and Co-owners

Module III: Specific Transfers – I

1. Sale
2. Exchange
3. Gift

Module III: Specific Transfers – II

1. Mortgage
2. Charge
3. Lease and License
4. Actionable Claims

Case Law (by way of illustration)

1. Dorab Cawasji Warden v. Coomi Sorab Warden, AIR 1990 SC 867
2. Laxmamma v State of Karnataka AIR 1983 Kant 237
3. Gautam Paul v Debi Rani Raul (2000) 8 SCC 330 207
4. Arjun Lal Gupta v Mriganka Mohan Sur AIR 1975 SC
5. SunilD Chedda v Suresh Babsilal Seth & others AIR 1992 SC1200
6. Kedernath Lal & another v Sheonarain & others AIR 1970 SC 1717
7. AMA Sultan & Others v Seydu Zohra Beevi AIR 1990 Ker 186
8. Bhaskar Waman Joshi v Narayan Rambilas Agarwal AIR 1960 SC 301
9. Tamboli Ramanlal Motilal v Ghanmchi Chamanlal Keshavlal AIR 1992 SC 1236
10. Nana Tukuram v Sonabai AIR 1982 Bom 437
11. Harihar Prasad Singh v Deonarain Prasad AIR 1956 SC 305
12. Dattatraya Mote v Anand Datar (1974) 2 SCC 799
13. Dipak Banerjee v Smt Lilabati Chakraborty AIR 1987 SC 2055
14. Jattu Ram v Hakam Singh AIR 1994 SC 1653
15. Union of India v Sri Sarada Mills Ltd (1972) 2 SCC 877
16. Bal Niketan Nursing School v Kesari Prasad AIR 1987 SC 1970

**IILM UNIVERSITY GURUGRAM –
CONSTITUTIONAL LAW II**

BA.LLB (Hons.)/ BBA.LLB (Hons.)

Semester: 4

Credit: 4

Course Code: SLL-BA LLB- 205

Course description in brief:

This course aims at introducing the student to several methods of construing the meaning of constitutional provisions. The course is designed primarily to assist the student in developing knowledge of constitutional doctrine and to acquaint him/her with the basic legal principles under-girding the

Indian Constitutional Law. This further aims to introduce the constitutional law of India to students from all walks of life and help them understand the constitutional principles as applied and understood in everyday life. The students will learn about the fundamental right constitution guarantees through the great rights revolution, the relationship between fundamental rights and fundamental duties, the futuristic goals of the constitution as incorporated in directive principles and the relationship between fundamental rights and directive principles along with fundamental duties.

2.1 Module Learning Goals

By the end of this course, students should:

1. The course will enable the student to contribute to higher reaches of legal academics and policy making in Constitutional Law - research and teaching. It will equip them to critically analyse constitutional issues.
2. The student will be able to apply an in depth understanding of fundamental rights jurisprudence to complicated issues in the constitutional courts and contribute to evolving constitutional jurisprudence in India.
3. The student will be able to appreciate the critical interface between Fundamental Rights and Directive Principles of State policy and apply the rationale to emerging issues and challenges.
4. The course is designed primarily to assist the student in developing knowledge of constitutional doctrine and to acquaint him/her with the basic legal principles under-girding the Indian Constitutional Law,
5. To make students examine and analyse the various interpretations given to Constitutional provisions by the Supreme Court of India and the High Courts.
6. To understand the amending powers and limitation on of the parliament as per Indian Constitution

PROGRAM LEARNING OUTCOMES:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.

5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context

CONSTITUTIONAL LAW – II

Module – I Introduction to Indian constitution

- 1.1 Evolution of Fundamental Rights
- 1.2 Difference between Fundamental Rights, Legal Rights and Natural Right
- 1.3 Preamble of Constitution
- 1.4 Definition of State (Article 12)
- 1.5 Laws inconsistent with Fundamental Rights (Article 13)

Module – II Fundamental Rights – I

- 2.1 Right to Equality (Article 14-18)
- 2.2 Freedom of Speech & Expression (Art. 19)
- 2.3 Protection in respect of conviction of offences (Art. 20)
- 2.4 Protection of Life & Personal Liberty (Art. 21)

Module – III Fundamental Right – II

- 3.1 Safeguards against arbitrary arrest & detention (Art. 22)
- 3.2 Right against Exploitation (Art. 23-24)
- 3.3 Right to Freedom of Religion (Art. 25-28)
- 3.4 Cultural & Educational Right (Art. 29-30)
- 3.5 Right to Constitutional remedies (Art. 32- 35)

Module – IV Directive Principles & Fundamental Duties

- 4.1 Directive Principles of State Policy (Art. 36-51)
- 4.2 Fundamental Duties (Art. 51A)

Module – V Judicial Structure and Amendment

- 5.1 Composition of High Court
- 5.2 Composition of Supreme Court
- 5.3 Basic Features of Constitution & Procedure for Amendment of Constitution

List of Cases

1. *Kesavananda Bharati v. State of Kerala* 1973 (4) SCC 225
2. *S. R. Bommai v. Union of India* 1994 (3) SCC 1 08
3. *State of West Bengal v. Union of India* AIR 1963 SC 1241 25
4. *Rai Sahib Ram Jawaya Kapur v. State of Punjab* AIR 1955 SC 549 40
5. *Kuldip Nayar v. Union of India* 2006 (7) SCC 1
6. *State of Haryana v. State of Punjab* 2002 (2) SCC 507
7. *P.A. Inamdar v. State of Maharashtra* 2005 AIR(SC) 3226
8. *M. Nagraj & Ors v. Union of India and Ors.* AIR 2007 SC 71
9. *T.M.A.Pai Foundation v. State of Karnataka* (2002) 8 SCC 481
10. *State of Kerala Vs N. M. Thomas* AIR 1976 SC 490 : (1976) 2 SCC 310
11. *I.R. Coelho v. State of Tamil Nadu* 2007(2) SCC 1
12. *Union of India v. Sankalchand Himatlal Sheth* (1997) 4 SCC 193
13. *S. P. Gupta v. President of India* (1981) Supp SCC 87 176
14. *SC Advocates on Record Association v. UOI* (1993) 4 SCC 441
15. *In re Special Reference No. 1 of 1998* (1998) 7 SCC 739 193
16. *SC Adv. on Record Association v. Union of India* 2016 (5) SCC 1 213
17. *Shanti Bhushan v. Supreme Court of India through its Registrar* (2018) 8 SCC 396 18.
18. *National Judicial Appointment Commission*
19. *Rupa Ashok Hurra v. Ashok Hurra* (2002) 4 SCC 388
20. *I.C. Golak Nath v. State of Punjab*, AIR 1967 SC 1643

21. *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299

22. *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789

List of Book

1. H.M. Seervai, Constitutional Law of India (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (2019 Rep.))
2. M.P. Jain, Indian Constitutional Law (8th ed., 2018)
3. M. P. Singh, V. N. Shukla's Constitution of India (13th ed., 2019)
4. D.D. Basu, Shorter Constitution of India (15th ed., 2018)
5. Constitutional Law of India By Narender Kumar [Edn. 2019-2020], Allahabad Law Agency
6. PM. Bakshi, The Constitution of India, Universal Law Publishing Co., 2014
7. Bare Text of constitution of various countries including India, USA, UK etc.

IILM UNIVERSITY GURUGRAM – HISTORY-II (Legal and constitutional History)

BA LLB (Hons)

Semester: 4

Credit: 4

Course Code: SLL-BA LLB- 205, SLL-BA LLB- 405, SLL-BA LLB- 605

Brief Module Description:

Study of law relating to a particular country is not complete without understanding the history and development of the laws and legal institutions. India is a country rich in history and traditions. A student of law should be exposed to the ancient social order and religious philosophy as well as to the systems of dispute settlement mechanisms existing in those days. The medieval period had influence in the development of legal system.

The advent of the British was an event, which also had its influence. The growth of judicial and legislative institutions after this event has to be taught in order to give an insight and awareness of how the present system had emerged from the ancient and medieval times.

MODULE LEARNING GOALS

1. To study about various Judicial Plans introduced by Britishers and the reforms associated with them.
2. To study about various Charters introduced by Britishers and the reforms associated with them.

3. To study about various nationalist movements led to independence of India.
4. To study about various Government of India act introduced by Britishers and the reforms associated with them.
5. To understand the constitutional developments in India.

PROGRAM LEARNING OUTCOMES:

10. Develop critical and analytical thinking skills
11. Enhance verbal and written communication skills.
12. Ability to make clear and ethical judgments.
13. Inculcate the ability to seek innovative solutions to real-world problems.
14. Foster the ability to collaborate and work effectively in a team.
15. Develop an interdisciplinary approach to address socio- economic and organizational issues.
16. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
17. Understanding of the dictates of substantive and procedural law for their enforcement.
18. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

SYLLABUS

Module-I

Early Changes in legal and Judicial system

- 1.1 The early Charters (Charters of 1600 and 1687)
- 1.2 Administration of Justice in Madras, Bombay and Calcutta before 1726
- 1.3 Charter of 1687, 1726 and 1753 - Establishment of Mayor's Court
- 1.4 Judicial Plans of Warren Hastings and Lord William Bentinck
- 1.5 Adalat System under Lord Cornwallis, Judicial Plans of 1787, 1790, 1793
- 1.6 The Regulating Act, 1773 and the Establishment of Supreme Court at Calcutta - Cases: Trial of Raja Nand Kumar, Patna Case
- 1.7 Charter Act of 1833 & 1853 and Codification of laws
- 1.8 Federal court and Privy Council- an appraisal

Module II-

Social awakening and law reforms

2.1 Socio Religious reform movement in the 19th Century, Struggle against caste and the efforts made for the emancipation of women .

2.2 Progressive social reforms - The Abolition of Sati Act, 1828, Abolition of slavery Act, 1833, Caste Disability Removal Act, 1850, Infanticide act

Module –III

Rise and Growth of the Indian National Movement

3.1 The revolt of 1857 and its impact

3.2 Causes of the rise of Indian Nationalism & Social basis of Indian National Movement

3.3 Indian National Congress- its genesis, aims and objectives

Moderates and extremists in 1885

3.4 Partition of Bengal in 1905 and Swadeshi movement

3.5 The 1st world war and its effect on India

3.6 Rowlatt Act and Jallianwala Bagh Massacre

3.7 Non Co-operation and Khilafat movement 1919-1922

3.8 Growth of Communalism

3.9 Civil Disobedience Movement 1930-1934

3.10 Quit India movement in 1942

3.11 Crispp Mission

3.12 The Cabinet Mission 1946

3.13 Lord Mountbatten's plan

3.14 Partition of India

3.15 The Independence act, 1947

Module IV:

Constitutional development

4.1 Establishment of High Courts under the Indian High Courts Act, 1861

4.2 Indian Councils Act, 1861

4.3 Indian councils Act, 1892

4.4 Government of India Act,1909

4.5 Government of India Act,1919

4.6 Government of India Act, 1935

4.7 Making of Indian Constitution

List of Cases

- Raja Nand Kumar case,
- Patna case,
- Cossijurah case

RECOMMENDED READINGS:

1. Kailash Rai- History of Courts, Legislative and Legal Profession
2. M.P.Jain- Indian Legal History
3. Mahajan, V. D. – Modern Indian History.
4. Bipan Chandra - India's Struggle for Independence - Penguin Books 1998
5. Bipan Chandra - Nationalism and Colonialism in Modern India-Orient Longman,1987
6. Courtney Ilbert, Government of India (1962) Courtney Ilbert
7. Tripathi Constitutional Law of India (1987)
8. M. Rama Jois, Legal and constitutional History of India (1984) (Two volumes)
9. A.B.Keith, Constitutional History of India 1600-1936 (1936) Rankin.G.C. Background to Indian Law (1946)
10. V.D.Kulshreshtha's, Landmarks in Indian Legal History (1992), Eastern Lucknow.
11. Eric Stakes, The English Utilitarians and India 1992), Oxford, Delhi

IILM UNIVERSITY GURUGRAM –

BBA LLB (Hons) and BA LLB (Hons)

Semester: 4

Credits:4

Module Name: Administrative Law

Course Code: SLL-BALLB-CL209 / SLL-BBALLB-CL209

Brief Module Description:

The study of Administrative Law involves analyzing the concept, nature, scope and principles of administrative law. Administrative law is the law governing the Executive, to regulate its functioning and protect the common citizenry from any abuse of power exercised by the Executive or any of its instrumentalities. Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rule making, adjudication, or the enforcement of a specific regulatory agenda. Administrative Law as a law is limited to concerning powers and procedures of administrative agencies. It is limited to the powers of adjudication or rule-making power of the authorities. It is a new branch of law which has evolved with time and shall continue to evolve as per the changing needs of the society. The aim of administrative law is not to take away the discretionary powers of the Executive but to bring them in consonance with the 'Rule of law'.

Learning Outcomes

Module Learning Outcomes

1. Demonstrate knowledge and understanding of the concepts and principles of administrative law.
2. The function and scope of judicial review of administrative action, with particular attention to the constitutional, statutory and common law sources of judicial review jurisdiction
3. Different ways to think about the reach of administrative law in the context of the changing nature of contemporary governance
4. The role played by administrative law in the context of important constitutional principles such as the separation of powers and the rule of law
5. Demonstrate advanced skills in statutory interpretation and in analyzing case law as well as the ability to identify and analyses relevant secondary sources

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.

9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

Module – I Evolution and Scope of Administrative Law

- (a) Evolution of Administrative Law in various countries
- (b) Nature, Scope of Administrative Law
- (c) Development of Administrative Law
- (d) Rule of Law- Dicey's Rule of Law & Droid administration
- (e) Classification of Functions
- (f) Separation of Powers and its Relevance
- (g) Relationship between Constitutional Law and Administrative Law

Module - II Legislative Functions of Administration

- (a) Meaning and Concept of Delegated Legislation
- (b) Legislative Functions of Administration: Constitutionality of Delegated Legislation; Sub-Delegation,
- (c) Control Mechanism: Parliamentary Control of Delegated Legislation, Judicial Control of Delegated Legislation, Procedural control of Delegated Legislation

Module – III Introduction to Judicial Functions of Administration

- (a) Need for Devolution of Adjudicatory Authority on Administration
- (b) Problems of Administrative Decision Making
- (c) Nature of Administrative Tribunals: Constitution, Powers, Procedures, Rules of Evidence
- (d) Principles of Natural Justice

Module – IV Administrative Discretion and Judicial Control of Administrative Action:

- (a) **Judicial Control of Administrative Action need** and its Relationship with Rule of Law
- (b) Judicial Review of Administrative Action and Grounds of Judicial Review
- (c) Doctrine of Legitimate Expectations
- (d) Evolution of Concept of Ombudsmen
- (e) Doctrine of Proportionality
- (f) Public Accountability

Textbooks

- *C.K. Takwani, Lectures on Administrative Law 5th edition(2012),*
- *M.P. Jain and S.N. Jain's Principles of Administrative Law Revised by Amita Dhanda (7th ed., 2017)*
- *I.P. Massey, Administrative Law (7th ed., 2008)*
- *S.P. Sathe, Administrative Law (7h ed., 2004)*
- *H.W.R. Wade and C.F. Forsyth, Administrative Law (8th ed., 2000);*
- *S.N. Jain, Administrative Tribunals in India (1977).*

LIST OF CASE LAWS

- *Rai Sahib Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549.
- *Asif Hameed v. State of J. & K.*, AIR 1989 SC 1899.
- *State of M.P. v Bharat Singh*, AIR 1967 SC 1170.
- *ADM Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207. *Indira Gandhi (smt.) v Raj Narian* AIR 1975 SC 22
- *In re Delhi Laws Act*, AIR 1951 SC 332.
- *Lachmi Narain v. Union of India*, AIR 1976 SC 714.
- *Darshan Lal Mehra v. Union of India*, AIR 1992 SC 1848.
- *Govind Lal v. A.P.M. Committee*, AIR 1976 SC 263.
- *Sonik Industries, Rajkot v. Municipal Corpn. of the City of Rajkot (1986) 2 SCC 608 : AIR 1986 SC 1518.*
- *Atlas Cycle Industries Ltd. v. State of Haryana*, AIR 1979 SC 1149.
- *Rajnarain Singh v. Chairman, Patna Administration Committee*, AIR 1954 SC 519.
- *Dwarka Prasad Laxmi Narain v. State of U.P.*, (1954) SCR 803: AIR 1954SC 224.
- *A.N. Parasuraman v. State of Tamil Nadu*, AIR 1990 SC 40: (1989) 4 SCC683.
- *J. R. Raghupathy v. State of A. P.*, AIR 1988 SC 1681.
- *Coimbatore District Central Cooperative Bank v. Coimbatore District Central Co-op. Bank Employees Assn.*, (2007) 4 SCC 669.
- *Om Kumar & Others v. Union of India*, AIR 2000 SC 3689
- *R. v. Secretary of State for the Home Department, Ex Parte Daly*, 2001] UKHL 26
- *G. Sadananadan v. State of Kerala*, AIR 1966 SC 1925: (1966) 3 SCR 590.
- *Express Newspapers (Pvt.) Ltd. v. Union of India*, AIR 1986 SC 872.
- *State of Bombay v. K.P. Krishnan*, (1961) 1 SCR 227: AIR 1960 SC 1223.
- *Ranjit Singh v. Union of India*, AIR 1981 SC 461.
- *Nandlal Khodidas Barot v. Bar Council of Gujarat and others* AIR 1981 SC 477.
- *Shri Rama Sugar Industries Ltd. v. State of Andhra Pradesh*, (1974) 1 SCC534: AIR 1974 SC 1745.
- *Associated Provincial Picture Hose Ltd. V Wednesbury Corporation*(1947)
- *DM Aravali Golf Club v Chander Hass*, 2007 (14) SCALE 1.
- *A.K. Kraipak v. Union of India*, AIR 1970 SC 150. 166
- 28. *Ashok Kumar Yadav v. State of Haryana*, AIR 1987 SC 454. 172
- 29. *G.N. Nayak v. Goa University*, AIR 2002 SC 790. 188
- 30. *Amar Nath Chowdhuary v. Braithwaite & Co. Ltd.*, (2002) 2 SCC 290: AIR 2002 SC 678.
- *Hira Nath Mishra v. Principal, Rajendra Medical College*, (1973) 1 SCC 805: AIR 1973 SC 1260.
- *J.K. Aggarwal v. Haryana Seeds Development Corpn. Ltd.* , (1991) 2 SCC 283: AIR 1991 SC 1221. 201
- *Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union*, (1999) 1 SCC 626.
- *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.
- *H.L. Trehan v. Union of India*, AIR 1989 SC 568.
- *K I Shepherd v. Union of India*, AIR 1988 SC 686.
- *S.N. Mukherjee v. Union of India*, AIR 1990 SC 1984.

- *Managing Director, ECIL, Hyderabad v. B. Karunakar, (1993) 4 SCC.*
- *Syed Yakoob v. K.S. Radha Krishanan (1964) 5 SCR 64: AIR 1964 SC 477.*
- *Surya Dev Rai v. Ram Chander Rai, AIR 2003 SC 3044: (2003) 6 SCC 675.*
- *Anadi Mukta Sadguru S.M.V.S.S.J.M.S. Trust v. V.R. Rudani, (1989) 2 SCC 691 : AIR 1989 SC 1607.*
- *Common Cause v. Union of India, AIR 2003 SC 4493.*
- *Rupa Ashok Hurra v. Ashok Hurra, AIR 2002 SC 1771.*
- *L. Chandra Kumar v. Union of India and others, AIR 1997 SC 1125 314*
- *Union of India v. R. Gandhi, President, Madras Bar Association 2010 (5)SCALE*

IILM UNIVERSITY GURUGRAM –

Law of Crimes I - Indian Penal Code

BBA LLB (Hons) and BA LLB (Hons)

Semester: 4

Credits:4

Module Name: Law of Crimes I – Indian Penal Code

Course Code: SLL-BBA/BA LLB- CL207

Brief Module Description:

The Indian Penal Code (IPC) is the official criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The Code has since been amended several times and is now supplemented by other criminal provisions. The objective of the Indian Penal Code is to lay what is right and what is wrong and to lay down the punishment for committing such wrong. In this course, we will focus on the element of criminal liability, general exceptions, Offences against the human body, and offences against women & property.

Learning Outcomes

Module Learning Outcomes

4. To make the students familiar with the key principles of criminal liability as incorporated in the

Indian Penal Code.

5. MLG2 To help students in understanding the range of mental states that constitute mens rea and the criminal conduct, causation forming part of actus reus essential for committing crime.
6. MLG3 To acquaint the students with the judicial rationale behind various judgments and understanding the ingredients of several crimes.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - INTRODUCTION TO CRIMINAL LAW

- Nature and concept of crime
- Distinction between crime and other wrongs.
- Salient features of IPC
- Extent, scope and applicability of IPC(Section 1-4, 18, 40) IPC
- Mens Rea & Actus Reus – Motive & Intention; Knowledge and the Reasonable Test; Rashness & Negligence; Strict Liability Offences; Chain of Causation of an Act; Voluntary and Involuntary Acts; Positive Acts and Illegal Omissions {ss. 39, 32 -33 IPC}
- General Explanations(Chapter II IPC)
- Punishments under IPC (Chapter III IPC)

MODULE II INCHOATE CRIMES AND GROUP LIABILITY

- Common Intention & Common Object - Participation or Presence of Accused as Sine Qua Non for Criminal Responsibility; Unlawful Assembly & Common Object (Ss. 34 - 38, 141 - 149 IPC)
- Abetment & Criminal Conspiracy - Abetment by Aid & Illegal Omission; Abetment by Instigation; Abetment by Conspiracy & Criminal Conspiracy (Ss. 107-120, 120-A,120-B,511,307,309)
- Agency in Criminal Law – Responsibility of Acts done through Different Persons; Principals and Accessories

MODULE III GENERAL EXCEPTIONS UNDER IPC

- Mistake of fact (S.76, 79)

- Judicial acts (S.77 and S. 78)
- Accident (S.80)
- Necessity
- Absence of criminal intent (Ss.81-86 & 92-94)
- Consent (Ss.87- 90)
- Trifling acts (S.95)
- Private Defence (Ss.96-106)

MODULE IV OFFENCES AGAINST STATE

- Waging war against the state (Ss 121, 121A, 122, 123)
- Sedition (Section -124A IPC), Constitutionality of sedition laws.
- Offences Promoting Enmity Between Different Groups (Section 153A & section 153B)

MODULE V OFFENCES AGAINST HUMAN BODY

- Culpable Homicide & Murder, Homicide & Suicide –; Special Exceptions to Murder; Death by Rash or Negligent Act in Road Incidents, Negligence (Medical and Corporate); Dowry Death; Abetment/Attempt of Murder/Suicide; Attempt to Suicide (Ss. 299 - 309 IPC)
- Abortion & Criminal Responsibility; Miscarriage of Pregnant Women, Child in Womb as a Person; Hurt & Grievous Hurt Physical & Emotional Hurt; (Ss. 39, 312 - 326B IPC);
- Wrongful Restraint & Wrongful Confinement (Ss. 339 -342 IPC)
- Criminal Force & Criminal Assault (Ss. 349 - 353 IPC)
- Kidnapping & Abduction - Age and Consent of Victim in Kidnapping; Trafficking of Women and Children (Ss. 359 - 374 IPC)

MODULE VI-OFFENCES AGAINST PROPERTY

- Theft and Extortion (Ss. 378 and 383)
- Robbery and Dacoity (Ss. 392 and 395)
- Criminal Misappropriation and Breach of Trust (Ss. 403 and 405)
- Cheating and Mischief (Ss. 415-420, 425)
- Criminal Trespass (Ss. 441-445)

MODULE VII-SEXUAL OFFENCES & OFFENCES AGAINST MARRIAGE

- Sexual Assault - Modesty of a Woman; 2013 Criminal Law Amendments; Sexual Harassment; Voyeurism (Ss. 354, 354A - 354D IPC), Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
- Rape and Unnatural Offences – Evolution of Definitions of Penetration and Consent in Rape; Consent based on Promise of Marriage; Statutory Rape; Marital Rape; Custodial Rape; Homosexuality and Criminal Responsibility (Ss. 375 - 377 IPC)
- Sexual Offences against Children –Presumption of Guilt of Accused; Criminal Responsibility for Sexual Activities between Minors (POCSO Act 2012)
- Cruelty to Wife, Adultery & Bigamy - Protection of Legally Wedded Wife and Live – In Partners;

Decriminalization of Adultery; Bigamy and Personal Laws (Ss. 494 -498A IPC)

Textbooks

1. Ratanlal Dhiraj Lal, *The Indian Penal Code*
2. K.D. Gaur, *Textbook on Indian Penal Code*, Universal Law Publishing Co.
3. Indian Penal Code, by Prof. S.N Mishra

LIST OF CASE LAWS

- *Mobarak Ali Ahmed v. State of Bombay* AIR 1957 SC 857
- *Fatma Bibi Ahmed Patel v. State of Gujarat* (2008) 6 SCC 789
- *State of Maharashtra v. M.H. George* AIR 1965 SC 722
- *Om Parkash v. State of Punjab* (2001) 2 AICLR 623
- *State of Gujarat v. Hon'ble High Court of Gujarat* (1998) 7 SCC 392
- *Muthuramalingam v. State of Tamil Nadu* (2016) 8 SCC 313
- *K. Veeraswami v. Union of India* (1991) 3 SCC 655
- *State of Orissa v. Ram Bahadur Thapa* AIR 1960 Ori 161
- *Emperor v. Dhirajia* AIR 1940 All 486
- *Govindaswamy v. State of Kerala* (2016) 16 SCC 295
- *State of Maharashtra v. K.M. Nanavati* AIR 1962 SC 605
- *Gian Kaur v. State of Punjab* AIR 1996 SC 946
- *State of Maharashtra v. Mohd. Yakub* AIR 1980 SC 1111
- *Republic of Italy v. Union of India* (2013) 4 SCC 721
- *Om Hemrajani v. State of U.P.* 2004 (9) SCALE 655
- *Nathulal v. State of Madhya Pradesh* AIR 1966 SC 43
- *Suleman Rahiman Mulani v. The State of Maharashtra* AIR 1968 SC 829
- *Abhayanand Mishra v. State of Bihar* AIR 1961 SC 1698
- *Malkiat Singh v. State of Punjab* (1969) 1 SCC 157
- *Sarjoo Prasad v. State of UP* AIR 1961 SC 631
- *Standard Chartered Bank v Directorate of Enforcement* (2005) 4 SCC 530
- *Suresh v. State of U.P.* AIR 2001 SC 1344
- *Palani Goundan v. Emperor* 1919 ILR 547 (Mad)
- *King v. Mushnooru Suryanarayana Murthy* 1904 ILR 32 Cal 73
- *Reg. v. Govinda* 1876 ILR Bom 342
- *Virsa Singh v. State of Punjab* AIR 1958 SC 465
- *P. Rathinam v. Union of India* AIR 1994 SC 1844
- *Faguna Kantha v. State of Assam* [1959] Supp. 2 SCR 1
- *Badri Rai v. State of Bihar* AIR 1958 SC 953
- *Raj Kapoor v. Laxman* (1980) 2 SCR 512 (SC)

- *Girish Saikia v. State of Assam* 1993 CriLJ 3808
- *Arun Ramchandra Shanbaug v. Union of India* 2011 (4) SCC 454
- *Nandu Rastogi v. State of Bihar* (2002) 8 SCC 9
- *Tej Singh v. State of Rajasthan* 2001 (4) WLN 500
- *R. v. Dudley* (1884) 14 QBD 273 DC
- *R. v. M'Naghten* (1843) 8 E.R. 718
- *Sheralli v. State of Maharashtra* 1972 CrLJ 1523
- *Jai Lal v. Delhi Administration* AIR 1969 SC 15.
- *State of Maharashtra v. Sindhi* AIR 1975 SC 1655
- *Basdev v. State of Pepsu* AIR 1956 SC 488
- *Tukaram Dange v. State of Maharashtra* (2014) 4 SCC 270
- *State v. Sanjeev Nanda* (2012) 8 SCC 450
- *Sushil Ansal v. State* (2014) 6 SCC 173
- *Jacob Matthew v. State of Punjab* AIR 2005 SC 3180
- *R. v. Prince* (1875) LR 2 CCR 154
- *Kavita Chandrakant Lakhani v. State of Maharashtra* (2018) 6 SCC 664
- *Common Cause v. Union of India* (2014) 5 SCC 338
- *Dr. Suresh Gupta v. Govt. of N.C.T. of Delhi* AIR 2004 SC 4091
- *State of Punjab v. Major Singh* AIR 2015 SC 2081
- *Manikadan v. State (Govt. of NCT of Delhi)* 2017 DLT 176
- *Wahid Khan v. State of MP* (2010) 2 SCC 9
- *Tuka Ram v. State of Maharashtra* AIR 1979 SC 185
- *Uday v. State of Karnataka* 2003 (4) SCC 46
- *Sakshi v. Union of India* AIR 2000 SC 3479
- *Independent Thought v Union of India* (2017) 10 SCC 800
- *Nipun Saxena v. Union of India* 2019 (2) SCC 703
- *Naz Foundation v. Govt. of NCT of Delhi* 2010 CriLJ 94 (Del)
- *Suresh Kumar Koushal v. Naz Foundation* (2014) 1 SCC 1
- *Justice K.S. Puttuswamy v. Union of India* (2017) 10 SCC 1
- *Navtej Singh Johar v. Union of India* (2018) 10 SCC 1
- *R. v. Hicklin* (1868) 3 QB 360
- *Sarla Mudgal v. Union of India* AIR 1995 SC 1531
- *Lily Thomas v. Union of India* AIR 2000 SC 1650
- *Joseph Shine v. Union of India* AIR 2018 SC 4898
- *Sushil Kumar Sharma v. Union of India* AIR 2005 SC 3100
- *D. Velusamy vs D.Patchaiammal* (2010) 10 SCC 469

IILM UNIVERSITY GURUGRAM –

Public International Law

BALLB/BBALLB

Semester:5

Credits:4

Module Name: Public International Law

Course Code: SLL-BALLB-CL303 /SLL-BBALLB-CL303

Brief Module Description:

International Law plays a vital role in maintaining healthy relationship among the nations. It emphasises on set of rules, norms, standards that governs the relationship between the states and individuals and relations with the international organizations. This results in protection and safety of human rights, promoting good trade relations and focuses on international relations in organized manner.

Module Learning Outcomes

1. A thorough and contextual knowledge of public international law, principles and the role of legal institutions, in the areas covered during the course.
2. The capacity to identify contentious issues in public international law, and apply legal doctrine to solve problems.
3. A critical perspective on the relationship between public international law and the politics of the international community.
4. A reflective understanding of the significance of notions of justice, sovereignty and rights within the international legal framework.

Program Learning Outcomes:

9. 1.Develop critical and analytical thinking skills.
10. 2.Enhance verbal and written communication skills.
11. 3.Ability to make clear and ethical judgments.
12. 4.Inculcate the ability to seek innovative solutions to real-world problems.
13. 5.Foster the ability to collaborate and work effectively in a team.
14. 6.Develop an interdisciplinary approach to address socio- economic and organizational issues.
15. 7.Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
16. 8.Understanding of the dictates of substantive and procedural law for their enforcement.
17. 9.Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - INTRODUCTION TO INTERNATIONAL LAW

- Nature of International Law
- Subjects of International Law
- Relationship between International Law and Municipal Law

MODULE II – SOURCES OF INTERNATIONAL LAW

- Customs
- Treaties
- General Principles
- General Assembly Resolutions
- Juristic Works
- Other Sources

MODULE III – RECOGNITION OF STATE

- Recognition of State and State Responsibility
- Modes of Acquisition
- Modes of Loss of Territory

MODULE IV – THE LAW OF THE SEA

- Territorial Waters
- Contiguous Zone
- Archipelagic Waters
- Continental Shelf
- Exclusive Economic Zone
- The High Seas

MODULE IV – LAW OF EXTRADITION, ASYLUM & UNIVERSAL PROTECTION OF HUMAN RIGHTS

- Extradition: Concept, State Jurisdiction, Customary Law, Treaty Law
- Asylum: Concept and Types
- Universal Protection of Human Rights: Preamble, Scheme, Influence

MODULE V – WAR

- Pacific Means of Settlement
- Legal Regulation of War
- Effects of Outbreak of War

MODULE VI – INTERNATIONAL COURT OF JUSTICE & INTERNATIONAL CRIMINAL COURT OF JUSTICE

- International Court of Justice: Purpose, Establishment, Jurisdiction
- International Criminal Court of Justice: Purpose, Establishment, Jurisdiction, Applicable Law, Composition, Penalties, Appeal and Revision

Textbooks

1. Dr. S.K. Kapoor, *International Law & Human Rights*, Central Law Agency, Allahabad, 22nd Edition, 2021.
2. J.G. Starke, *Introduction to International Law*, Oxford University Press, New Delhi, 2020.
2. H. Oppenheim, *International Law*, Pearson Edu., New Delhi, Vol.I and II, 9th Edition, 2005,
3. J.L. Brierly, *Law of Nations*, Oxford University Press, New Delhi, 6th Edition, 2008.

4. Blackstone, *Documents on International Law and Human Rights*, Universal Law Publication, 2001.

LIST OF CASE LAWS

- *France v. Turkey* PCIJ, Series A No. 10 (1927)
- *Colombia v. Peru* ICJ Rep. (1950)
- *Portugal v. India* ICJ Rep. (1960)
- *Cambodia v. Thailand* ICJ Rep. (1962)
- *Lawless v. Ireland* 56 AJIL (1960) 187
- *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715
- *West Rand Central Gold Mining Company Ltd. v. R* (1905) KB 291
- *R v. Keyn* (1876) Ex D 63
- *Luther v. Sagor* (1921) 3 KB 532
- *Civil Air Transport Inc. v. Central Air Transport Corpn.* (1952) 2 All ER 733 18.

IILM UNIVERSITY GURUGRAM –

International Relations

BALLB (Hons)

Semester:5

Credits:4

Module Name: International Relations

Course Code: SLL-BALLB-CL301

Brief Module Description:

International Relations play a significant role in the present world. It emphasises on understanding the study of world politics as well as relationship between the nations. This results in understanding the origin and the historical perspective concerning the evolution of International Relations. By studying the theoretical frameworks and reflecting on the key concepts one can understand the vital role played by the actors and non-actors state. This will be beneficial in locating and understanding the contemporary issues and the challenges that are faced under international politics domain.

Module Learning Outcomes

19. 1.A thorough and contextual knowledge of International Relations, principles and the role of legal institutions, in the areas covered during the course.
20. 2.The capacity to identify contentious issues International Relations, and apply legal doctrine to solve problems.
21. 3.A critical perspective on the relationship between International Relations and International Politics.

22. 4.A reflective understanding of the significance of notions of uniformity, transparency and confidentiality within the international legal framework.

Program Learning Outcomes:

23. 1.Develop critical and analytical thinking skills.
24. 2.Enhance verbal and written communication skills.
25. 3.Ability to make clear and ethical judgments.
26. 4.Inculcate the ability to seek innovative solutions to real-world problems.
27. 5.Foster the ability to collaborate and work effectively in a team.
28. 6.Develop an interdisciplinary approach to address socio- economic and organizational issues.
29. 7.Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
30. 8.Understanding of the dictates of substantive and procedural law for their enforcement.
31. 9.Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - INTRODUCTION TO INTERNATIONAL RELATIONS

- International Relations: Meaning, Evolution, Nature, Scope
- Subjects of International Relations
- Concept of International Politics

MODULE II – THEORIES OF INTERNATIONAL RELATIONS

- Liberalism
- Neo-Liberalism
- Realism
- Neo-Realism
- Dependency Theory
- World System Theory

MODULE III – INTERNATIONAL SYSTEM & BALANCE OF POWER

- Role of State and Non-State
- National Power
- National Interest
- Balance of Power

MODULE IV – COLD WAR & EVOLUTION

- Cold War: Meaning, Origin, Phases
- International System in the Post-Cold War Era
- The Third World
- Non-Aligned Movement

MODULE V – LAW OF EXTRADITION, ASYLUM & UNIVERSAL PROTECTION OF HUMAN RIGHTS

- Extradition: Concept, State Jurisdiction, Customary Law, Treaty Law
- Asylum: Concept and Types
- Universal Protection of Human Rights: Preamble, Scheme, Influence

MODULE VI – REGIONAL ARRANGEMENTS, UNITED NATIONS & FOREIGN POLICY

- European Union
- South Asian Association for Regional Cooperation
- Association of South-East Asian Nations
- Organs of United Nations: Membership, Composition, Jurisdiction, Functions and Powers
- Foreign Policy: Objectives, India's Role

Textbooks

1. Peu Ghosh, *International Relations*, PHI Learning Pvt. Ltd., Delhi, 5th Ed., 2021.
2. V. N. Kumar, *International Relations*, Vikas Publishing House Pvt. Ltd., Delhi, 5th Ed., 2015.

IILM UNIVERSITY GURUGRAM –

Environmental Law

B.A LL.B (Hons) and B.B.A LL.B (Hons)

Semester: 6

Credits:4

Module Name: Environmental Law

Course Code: SSL-BALLB(H)/BBALLB(H)-EL-601

Brief Module Description:

This course will help students to understand the importance of clean and healthy environment. The objective of this course is to provide students with an exhaustive understanding of the significance of environment and challenges it is facing due to pollution. Upon completion of the course, the students will possess an understanding of the statutory framework work governing the protection of environment and management of environmental pollution.

Learning Outcomes

Module Learning Outcomes

On successful completion of this course, students will have the following learning outcomes:

Understanding of how the legal framework under the Environment (Protection) Act, 1986 governs environment protection and improvement in India.

Understanding the concepts relating to Noise, Bio-Medical Waste, Coastal Zone Management, Environmental Impact Assessment, and Hazardous Chemicals Management Rules.

Understanding the concepts relating to protection of Forest, Wildlife and attaining the goal of Sustainable development.

Understanding the current policy trends and developments in environment protection and of the likely impact of these trends and developments.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
8. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - International Environment Law

- Stockholm Declaration, 1972 & Rio-Declaration,1992
- General Principles and Doctrines: Sustainable Development: Meaning & Scope
- Precautionary Principle, Polluter Pays Principle
- Public Trust Doctrine
- Intergenerational Equity

MODULE II Environmental Law and Policy in India

- Historical development of Environmental Law in India
- Constitutional Provisions pertaining to Environmental Law
- Article 21, Article 47, Article 48-A and Article 51(a)(g)
- Law of Torts and Environment
- Law of Crimes and Environment
- Emergence of environmental Legislations

MODULE III Law relating to Water and Air Pollution

- Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981
- Aims and Objectives, Consent Mechanism, Control areas and restraint Orders.
- Pollution Control Boards: Powers and Functions

- Offences and Penalties
- Judicial Decisions

MODULE IV Law relating to Environment Protection

- Environment Protection: Key Concepts
- Aims and Objectives of the Environment Protection Act, 1986
- Role of Authorities in Prevention, Control and Abatement of Environmental Pollution.
- Offences & Penalties – Environmental Clearances & Compliances.
- Rules under the Act.

MODULE V Forest Conservation in India

- Evolution and Historical Development
- Indian Forest Act, 1927: Objectives, reserved forests, protected forests, penalties and procedure.
- Forest Conservation Act, 1980: Aim and Objectives, Restriction on the de-reservation of forests or use of forest land for non-forest purpose, Penalty and Offences.
- National Forest Policy, 1988

MODULE VI-Waste Management Law and Policy

- Rules, Regulations and Policy Initiatives regarding waste management of:
- Municipal Solid Waste: Collection, Storage, Disposal, Role of Pollution Control Boards
- Bio-Medical Waste: Segregation, packaging, transportation, storage, Treatment and Disposal
- Salient features of E-waste Management Rules, 2016
- Hazardous waste Management Rules, 2016. Importance of Proper Hazardous Waste Management.

MODULE VII-Judiciary and Environmental Justice

- Role of Supreme Court in developing environmental jurisprudence
- Public interest litigation and cases
- Journey of the National Green Tribunal
- NGT Act, 2010: Aims and Objectives, Establishment and Constitution
- Jurisdiction and Powers, Award of Compensation.

Textbooks and References

1. Shyam Diwan & Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, 2nd Ed., 2001
2. Richard L.Riversz, Environmental Law, the Economy and Sustainable Development (2000), Cambridge
3. S.C. Shastri, Environmental Law, Eastern Book Company, 4th Ed., 2012.
4. Gurdip Singh, Environmental Law in India, MacMillian Publisher, 2005.
5. Upendra Baxi, The Environment Protection Act. An agenda for implementation (ILI Publication)
6. P. Leela Krishnan, Environmental Law in India.
7. V.R. Krishna Iyer, Environmental Pollution & the Law.

8. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
9. Centre for Science and Environment, The State of India's Environment 1999-2000, and The State of Indian Environment 2022.

Journals

1. Harvard Environmental Law Review, <https://harvardelr.com>
2. ILLI Law Journal Review, <https://www.illi.ac.in/ilr.html>
3. Environmental Law, Policy and Development, <https://nlsenlaw.org/publications-and-resource-materials/>
4. International Journal of Environment and Pollution, <https://www.inderscience.com/jhome.php?jcode=ijep>
5. Water and Environment Journal, <https://onlinelibrary.wiley.com/journal/17476593>
6. The Journal of Environment and Development, <https://journals.sagepub.com/home/jed>
7. Environmental Science and Pollution Research, <https://www.springer.com/journal/11356>
8. Transnational Environmental Law, <https://www.cambridge.org/core/journals/transnational-environmental-law/latest-issue>
9. Journal of Environmental Law, <https://academic.oup.com/jel>

Central Legislations

1. The Water (Prevention & Control of Pollution) Act, 1974.
2. The Air (Prevention & Control of Pollution) Act, 1981.
3. The Environment Protection Act, 1986.
4. Bio-Medical Waste Management Rules, 1998
5. Hazardous Waste Management Rules, 1989.
6. Indian Forest Act, 1927.
7. National Green Tribunal Act, 2010

LIST OF CASE LAWS

- 1. *Subhash Kumar Vs State of Bihar*, AIR 1991 SC 420.
- 2. *M C Mehta Vs Union of India*, AIR 1997 SC 734.
- 3. *M C Mehta Vs kamalnath*, AIR 2000 SC 1997.
- 4. *M/S Abhilash textiles Vs Rajkot Municipal corpn.* AIR 1988 Guj 57.
- 5. *Indian Council for Enviro-Legal Action Vs Union of India*, AIR 1996 SC 1446.
- 6. *Vellore Citizen Welfare Forum Vs Union of India*, AIR 1996 SC 2715.
- 7. *A.P. Pollution Control Boards Vs. M.Y. Nayudu*, AIR 1999 SC 812.
- 8. *Narmada Bachao Andolen Vs Union of India* AIR 2000 SC 3751.
- 9. *M.C. Mehta Vs. Union of India* AIR 2002 SC 1696.
- 10. *M.C. Mehta Vs. Union of India* AIR 1988 SC 1037.

IILM UNIVERSITY GURUGRAM –

Law of Evidence

BBA LLB (Hons) and BA LLB (Hons) 2019-2024

Academic Session: 2021-2022

Term: 6

Credits: 4

Course Code: SLL-BBALLB-CL308

Brief Module Description:

The present course approaches the subject of Evidence law from a doctrinal as well as practical perspective. It will cover the principles upon which the subject matter has developed, and its application through the Indian Evidence Act, 1872. Care has been taken to ensure that students are introduced to both theoretical and historical themes of the subject matter, as well also to ensure sufficient understanding and expertise develops through this course to be able to apply the law. Readings for the course range from case law to commentary on the Indian Evidence Act by its author. We also focus on several established textbooks on the law, as well as articles on specific issues. There will be thorough discussion of at least three trial court judgments and the recording and evaluation of evidence that occurs at the first level of adjudication.

Learning Outcomes

Module Learning Outcomes

7. MLG 1 Demonstrate an advanced understanding of the underlying legal principles, laws and institutions which regulate Adjective criminal laws in India.
8. MLG 2 Increase the intellectual understanding of students regarding evidence, witness, Admissions and examinations in the court room.
9. MLG 3 Know the judicial rationale behind various judgments under Indian Evidence Act, 1872 and understanding the Admissibility of evidences.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.

4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - Introduction and Relevancy of Facts

- Definitions – Court, Fact, Fact in Issue, Relevant Facts, Evidence, Document, Proved, Disproved & Not Proved, Oral, Documentary & Hearsay Evidence
- Standard or Degree of Proof in Civil / Criminal Proceeding
- May presume, Shall Presume & Conclusive Proof
- Res Gestae
- Facts which are Occasion, Cause & Effect
- Motive, Preparation & Conduct
- Explanatory or Introductory facts & Test Identification Parade
- Evidence to Prove Conspiracy
- Inconsistent Facts (Plea of Alibi)

MODULE II Admissions & Confessions

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

MODULE III Statements by Persons who cannot be called as Witnesses

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

MODULE IV Proof

- Facts which need not be proved

- Oral Evidence
- Documentary Evidence
- Admissibility of Electronic Record
- Exclusion of Oral by Documentary Evidence

MODULE V Production & Effect of Evidence

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

Textbooks

- Monir, *Law of Evidence*, Universal Law Publishing Co. Pvt. Ltd, 2006
- Rattan Lal Dheeraj Lal, *Law of Evidence*, Lexis Nexis, 2011
- Avtar Singh, *Principles of Law of Evidence*, Central Law Publications, 2013
- Batuk Lal, *Law of Evidence*, Central Law Agency, 1990
- Sarkar and Manohar, *Sarkar On Evidence* (Nagpur: Wadhwa & Co., 1999).
- Polein Murphy, *Murphy On Evidence* (New Delhi: Universal, 2000).

LIST OF CASE LAWS

- *Ritesh Sinha vs State Of U.P.& Anr 2019 SC*
- *Jayanti bhai Bhenkaarbhal Vs State of Gujarat 2002 SC*
- *Sudhakar & Anr vs State Of Maharashtra on 2000 SC*
- *Murarilal Vs. State of M.P. 1979 SC*
- *The State (Delhi Administration) Vs. Pali Ram 1978 SC*
- *Aghnoo Nagesia vs State Of Bihar 1965 SC*
- *Smt. Paniben vs State Of Gujarat 1992 SC*
- *Balkishan A. Devidayal Etc vs State Of Maharashtra 1980/81 SC*
- *Jail vs The State Of Maharashtra 2009 Bombay High Court*
- *Vijay Pal vs State (Gnct) Of Delhi 2015 SC*
- *Pakala Narayana Swami Vs. Emperor (1939) 41 BOMLR 428*
- *Mirza Akbar Vs. King-Emperor (1941) 43 BOMLR 20*
- *R.M. Malkani Vs. State of Maharashtra 1973 SCR (2) 417*
- *Anvar P.V.V.P.K. Basheer 2014 SC*
- *K.C. Sonrexa V. State Of Uttar Pradesh And Ors. 1961 (Allahabad High Court defamation by*

advocate)

- *Ms. Eera Through Dr. Manjula v. State (Govt. Of Nct Of Delhi) Supreme Court of India 2017. Patna High Court*
- *Shyam Bahadur Koeri And Ors. vs The State Pat. HC AIR 1967.*
- *Kamlesh Singh & Others vs State Of U.P. Alld. 2017. (113B)*
- *Nandlal Wasudeo Badwaik V. Lata Nandlal Badwaik and Anr. 2014 SC. (112)*
- *Raghubir V. Bharto Devi and Ors. Punj and Har 2017. (112)*
- *Preeti Jain Vs. Kunal Jain & Another 2016 Raj. HC (122 and 65B)*
- *Prem Chand (Paniwala) vs Union Of India (Uoi) And Ors. 1981 SC (stock witness)*
- *Chander Singh Vs. State Decided Delhi High Court 2016. (119)*
- *Bannari Amman Sugars Ltd. V. Commercial Tax Officer and Ors. 2004 SC. (115)*
- *Bai Hira Devi And Others vs The Official Assignee Of Bombay Supreme Court of India 1958. 91, 92*
- *Arjun Pandit Rao Case 2020 SC. (Electronic evidence)*

IILM UNIVERSITY GURUGRAM –

Code of Civil Procedure, 1908

BBA LLB (Hons) and BA LLB (Hons) 2019-2024

Academic Session: 2021-2022

Term: 6

Credits: 4

Course Code: SLL-BBALLB-CL310

Brief Module Description:

The present course approaches the subject of Code of Civil Procedure from a doctrinal as well as practical perspective. It will cover the principles and procedures followed by the courts. Care has been taken to ensure that students are introduced to both theoretical and historical themes of the subject matter, as well also to ensure sufficient understanding and expertise develops through this course to be

able to apply the law. Readings for the course range from case law to commentary on the Code of Civil Procedure by its author. We also focus on several established textbooks on the law, as well as articles on specific issues.

Learning Outcomes

Module Learning Outcomes

10. MLG 1 Demonstrate an advanced understanding of the underlying legal principles, laws and institutions which regulate Civil laws in India.
11. MLG 2 Increase the intellectual understanding of students regarding the procedure followed in the courts.
12. MLG 3 Know the judicial rationale behind various judgments under Code of Civil Procedure, 1908.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I

Definition of Key Words (Section-2), Courts to try all civil suits unless barred (Section-9), Principle of Res-Subjudice (Section-10), Principle of Res-Judicate (Section-11), Place of Suing (SS-15 to 20), Parties to the Suit (O-1), Framing of Suits(O-2), Institution of Suits (O- 4), Summon(O-5) & (SS-27 to 32), Pleading (O-6).

MODULE II

Plaint(O-7), Written Statement and Counter Claim(O-8), Appearance of Parties(O-9), Examination(O-10), Settlement of Issues (O-14), Commission(O-26) & (Ss 75 to 78), Suit by or against Govt. & Public Officer (SS-79 to 82), Examination of Witnesses(O-16), Judgment and Decree (O-20 & S-33), Abatement of Suits(O-22), Withdrawal of Suits(O-23), Suits by or against Minor(O-33), Cost (Ss-35 A-35 B)

MODULE III

Execution of Decree (O-21 & Ss 36 to 42), Execution against Legal Representatives and Transfer (Ss-49 to 50), Stay of Executions, Modes of Execution (Ss 51 to 54), Arrest and Detention (Ss 55 to 59 & O-21 Rules 37 to 40), Attachment of Property (Ss-58 to 64), Sales of Attached Property (O-21 Rules 64 to 69), Appeal from Original Decree (O-41) & (SS-96- 99), Appeal from Appellate Decree (O-42) & (Ss-100 to 103), Appeal to the Supreme Court (O-45)

MODULE IV

Injunction (Os-38 to 39), Appointment of Receiver (O-40), Reference (O-46) & (S-113). Review (O-47 & S-114), Limitation Act: Limitation of Suits, Appeal and Application (SS 3- 9), Computation of period of limitation (Ss-12 to 20).

Textbooks

- Mulla, Code of Civil Procedure, (Lexis Nexis 19th Ed. 2011)
- MP Jain, Code of Civil Procedure, (Lexis Nexis 4th Ed. 2016)
- JK Das, Code of Civil Procedure, (Prentice Hall India Learning Private Ltd. Ed. 2013)
- DN Mathur, Code of Civil Procedure, (Central Law Publication 5th Ed. 2017)
- C.K. Takwani, Code of Civil Procedure, (Eastern Book Co. 8th Ed 2016)
- Avtar Singh, Code of Civil Procedure, (Central Law Publication 4th Ed. 2015)

LIST OF CASE LAWS

- State of UP V Nawab Hussain AIR 1977 SC 1680.
- NDMC V Satish Chandra AIR 2003 SC 3137
- Reena Mehta V R. R. Mehra AIR 2003 SC 1002
- Begam Sahiba Sultan V Nawab Mohammad Mansoor Ali Khan (2007) 4 SCC 343
- Hasam Abbas Sayyad V Usman Abbas Sayyad (2007) 2 SCC 355
- Bar Association Tamil Nadu V Union of India AIR 2003 SC 179
- Union of India V Adani Exports Ltd. AIR 2002 SC 126
- National Institute of Mental Health V C Permeshwara AIR 2005 SC 212

IILM UNIVERSITY GURUGRAM –

Law of Crimes-II (Criminal Procedure Code)

BBA LLB (Hons) and BA LLB (Hons) 2019-2024**Academic Session: 2021-2022****Term: 6****Credits: 4****Course Code: SLL-BBALLB- CL310****Brief Module Description:**

The Code of Criminal Procedure provides the machinery for the detection of crime, apprehension of suspected criminals, collection of evidence, determination of the guilt or innocence of the suspected person, and the imposition of suitable punishment on the guilty. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused. With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial. The provision relating to plea bargaining has been included to critically examine its operation under the criminal law which may be oppressive unless all the stakeholders are equally positioned.

Learning Outcomes**Module Learning Outcomes**

1. To familiarize the students with the crucial aspects relating to investigation and trial of offences (like initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts)
2. To sensitize the students about critical issues in administration of criminal justice (like protection of human rights of accused, victims, principles of fair trial)

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.

9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

Module – I Introduction

- Definitions
- Constitution & Powers of Criminal Courts & Offices
- Arrest of Persons & Rights of arrested persons
- Processes to Compel appearance of persons

- Summons
- Warrant
- Proclamation & Attachment of Property
- Processes to Compel production of things
- Summons to Produce & Search Warrants
- General provisions relating to Search

Module – II Pre-Trial Proceedings

- Information to Police & their Powers to investigate
- Jurisdiction of Criminal Courts in Inquiries & Trials
- Conditions requisite for Initiation of proceedings
- Complaints to Magistrates
- Commencement of proceedings before Magistrates
- Provisions as to Bail & Bonds

Module – III Trial Proceedings

- Framing of Charge & Joinder of Charges
- Trial before a Court of Session
- Trial of Warrant cases by Magistrates
- Trial of Summons cases by Magistrates
- Summary Trials
- Evidence in Inquiries & Trials & General provisions

Module – IV Miscellaneous

- Appeals
- Reference & Revision
- Transfer of Criminal cases & Execution, Suspension, Remission & Commutation of Sentences

- Irregular Proceedings & Limitation for taking Cognizance of certain offences
- Plea Bargaining

Suggested Reading:

1. N. Chandrasekharan Pillai, *R.V. Kelkar's Lectures on Criminal Procedure*, Eastern Book Company, 2013
2. N. Chandrasekharan Pillai, *Criminal Procedure*, Eastern Book Company, 2004
3. Aiyer, Mitter, *Law of Bails- Practice and Procedure*, Law Publishers(India) Pvt. Ltd., 2012
4. V. Ramakrishna, *Law of Bail, Bonds, Arrest and Custody*, Lexis Nexis, 2008
5. P.K. Majumdar, *Law of Bails, Bonds and Arrest*, Orient Publication, 2012
6. Justice P.S. Narayana, *Code of Criminal Procedure*, ALT Publications, 2012
7. *Bare Act of Code of Criminal Procedure*, 1973
8. S.C. Sarkar, *The Law of Criminal Procedure*, Wadhwa & Co. , Nagpur, 2007
9. Ratanlal & Dhirajlal, *Criminal Procedure*, Lexis Nexis Butterworths Wadhwa, Nagpur, 2012

LIST OF CASE LAWS

- *State v. Captain Jagjit Singh*, (1962) 3 SCR 622 46
- *Moti Ram v. State of M.P.*, (1978) 4 SCC 47 49
- *Gurcharan Singh v. State (Delhi Admn.)*, (1978) 1 SCC 118
- *Sanjay Chandra v. Central Bureau of Investigation*, (2012)1 SCC 40 57 67
- *Shri Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565 84
- *State (Delhi Administration) v. Sanjay Gandhi*, (1978) 2 SCC 411
- *Zahira Habibulla H. Shiekh v. State of Gujarat*,(2004) 4 SCC 158 133
- *Mohammed Hussain v. State (Govt. of NCT Delhi)*,(2012) 9 SCC 408 170
- *Mohd. Ajmal Amir Kasab v. State of Maharashtra*,(2012) 9 SCC 1 172
- *Hardeep Singh v. State of Punjab*,(2014) 3 SCC 92 178
- *Mehmood Nayyar Azam v. State of Chhattisgarh*, (2012) 8 SCC 1 (2012) 9 SCC 1 190
- *Mrs. Neelam Katara v. Union of India*, ILR (2003) II Del 377
- *Jail vs The State Of Maharashtra 2009 Bombay High Court*

