

BBALLB VI SEMESTER

NAME OF SUBJECT: LAW OF CRIME-PAPER- II: CRIMINAL PROCEDURE CODE INCLUDING PROBATION OF OFFENDERS ACT & JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT

PAPER CODE: Law- 601

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Procedural Law providing for a fair procedure is significant for a just society. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organization of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The students will also undertake the study of two cognate Acts as a part of this course viz.; Juvenile Justice Act and Probation of Offenders Act. In addition, the course teacher shall endeavor to familiarize the students with the case paper like FIR, Police statement, charge sheet, etc.

MODULE-I: Introduction

- a. Concept and types of Criminal Justice Systems.
- b. Meaning of Procedure- The functionaries under the Code: Their duties, functions and powers.
- c. First Information Report.
- d. Complaint.
- e. Arrest.
- f. Types of Trial.
- g. Constitution and Powers of Trial Courts and Offices.
- h. An Overview of Criminal Justice System.

MODULE-II: Provision for Investigation

- a) Arrest, Search and Seizure.
- b) Processes to compel appearance.
- c) Information to Police.
- d) Power to investigate.
- e) Preventive action by the police.

MODULE-III: Processes to Compel Appearance and Production of things.

- a) Summons for Appearance
- b) Warrant of arrest
- c) Proclamation and attachment
- d) Other rules regarding processes
- e) Summons procedure

- f) Search Warrants
- g) General provisions as to search
- h) Miscellaneous.

MODULE-IV: Proceedings before Magistrate

- a) Conditions requisite for initiation of proceedings
- b) Complaints to Magistrates
- c) Commencement of proceedings before Magistrates
- d) Provisions as to enquiry and Trial
- e) Security Proceedings

MODULE-V: Introduction to Trial Procedures

- a) The charge
 - i. Form of charges
 - ii. Joinder of charges
- b) Evidence in inquiries and trials
- c) General provisions as to inquiries and trials.
- d) Provisions as to accused persons of unsound mind.

MODULE-VI: Trials and Execution Proceedings

- a) Trial before a court of session
- b) Trial of warrant cases by magistrates
- c) Trial of summons – cases by Magistrates
- d) Summary Trials
- e) Judgement/ Provision as to Bail.
- f) Submission of death sentences for confirmation
- g) Execution, suspension, remission and commutation of sentences

MODULE-VII: Review Procedure

- a) Appeals
- b) Reference and Revisions.

MODULE-VIII: Miscellaneous

- a) Maintenance of wives, children and parents
- b) Transfer of criminal cases
- c) Irregular proceedings
- d) Limitations for taking cognizance
- e) Compounding of Offences and Plea-bargaining
- f) Security for peace and good behavior
- g) Transfer of cases
- h) Maintenance of Public order and Tranquility.

MODULE-IX: Probation of Offenders Act, 1958

- a) Concept of Probation system-Origin and Development in India
- b) Admonition under the P.O. Act
- c) Release of offenders on Probation

- d) Release of young offenders
- e) Removal of Disqualification in attached to probation
- f) Appeal & Revision
- g) Removal of disqualification attached to conviction

MODULE-X: Juvenile Justice (Care and Protection of Children) Act, 2000.

- a) Power, composition ,functions and procedure to be followed by the Juvenile
- b) Justice Board.
- c) Order that may or may not be passed regarding or against juvenile
- d) Offences against Children
- e) Institutions under J. J. Act
 - Observation Home
 - Special Home
 - Children Home
 - Shelter Home
- f) Child Welfare Committee – its power, functions and procedures; persons
- g) entitled to produce a child in need of care and protection
- h) Rehabilitation and Social Rehabilitation of ‘child in need of Care and Protection’

SUGGESTED READINGS

1. Rattan Lal & Dhirajlal--- Code of Criminal Procedure
2. R.V. Kelkar --- Code of Criminal Procedure
3. Chandrasekharan Pillai, Kelkar--- Lecturer on Criminal Procedure, 1998 Eastern Book Co.
4. Woodroffe--- Commentaries on Criminal .Procedure Code, 2000 Universal
5. Sarkar--- On Criminal Procedure Code
6. N.K. Chakrabarti- Probation System in the Administration of Criminal Justice
7. Ved Kumari- Juvenile Justice System.
8. S.N. Mishra--- Code of Criminal Procedure.
9. Ganguly--- Criminal Court, Practice and Procedure.

NAME OF SUBJECT: CONSTITUTIONAL LAW-II

PAPER CODE: Law-602

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Founding fathers of the Constitution of India through “we the people of India” constituted India into a Sovereign, Democratic, Socialist, Secular, Republic to secure equality, justice, liberty, fraternity and dignity of the individual. In this backdrop it is imperative for the law students to know the genesis of fundamental rights and duties and Directive Principle of State Policies and their interpretation in right perspective. The concept of secularism must be interpreted progressively in a pluralistic society like India. Constitutional interpretation is influenced by one’s social, economic and political bearings and hence a law student must learn how a different interpretation of the Constitution is possible and why a particular interpretation was adopted by the Supreme Court. A critical analysis is sine qua non for a better understanding of the Constitutional Law.

Judicial review is an important aspect of Constitutional Law of India and it monitors Legislative and Executive anomie. In India judiciary has power to review even judicial amendments.

MODULE I

1. Parliament (Article 73-88)
2. Parliamentary privileges (Article 105 and 194)
3. Legislative Procedure in Parliament and States Assemblies (Article 107-111 and A117, A196 -201)

MODULE II

1. Union Judiciary
 - a) Composition and Qualification of Judges (Art. 124)
 - b) Jurisdiction and Powers (Art 129, Art.131 – 137, Art. 141- 143, Art 32, Art 129)
2. High Courts
 - a) Composition and Qualification of Judges (Art. 214,216, 217)
 - b) Jurisdiction and Powers (Art 226, 227, 230, 231)

MODULE III

1. Legislative relations between Union and State (Art 245-255)
2. Administrative relation between Union and State Art (256 -261)
3. Financial relations (Art 268--276)
4. Indian co-federalism and GST

MODULE IV

1. Trade, Commerce and intercourse within the territory of India (Art. 301- 307)
2. Constitutional safeguards to Civil Servants (Art.308-311)

MODULE V

1. Emergency Provisions (Art.352- 360)
2. Protection of President and Governors (Art. 361)
3. Amendment of the Constitution and amenability of Fundamental Rights (Art. 368)

SUGGESTED READINGS

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

NAME OF SUBJECT: LABOUR AND INDUSTRIAL LAW-II

PAPER CODE: Law- 603

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This paper focuses on wage policies, compensation for injuries caused during the course of employment and working conditions of employees.

UNIT-1: MINIMUM WAGES ACT, 1948

- A. Concept of minimum wages, fair wage, living wage and need based minimum wage
- B. Constitutional validity of Minimum Wages Act 1948
- C. Procedure for fixation and revision of minimum wages
- D. Fixation of minimum rates of wages by time rate or by piece rate
- E. Procedure for hearing and deciding claims

UNIT- 2: Payment of Wages Act, 1936

- A. Object, scope and application of the act
- B. Definition of wages
- C. Responsibility of payment of wages
- D. Fixation of wages period
- E. Time of payment of wages
- F. Deduction which may be made from wages
- G. Maximum amount of deduction

UNIT-3: Workmen's Compensation Act, 1923

- A. Definition of dependant, workman, partial disablement and total disablement
- B. Employer's liability for compensation
 - a) Scope arising out of and in the course of employment
 - b) Doctrine of Notional Extension
 - c) When employer not liable
- C. Employers liability when employee is employed under any contract or is engaged independently or by independent contractor
- D. Amount of compensation
- E. Distribution of compensation

- F. Procedure in proceedings before commissioner
- G. Appeals

UNIT-4: (A) - Factories Act, 1948

- A. Concept of “factory”, “manufacturing process” “worker” and “occupier”
- B. General duties of occupier
- C. Measures to be taken in factories for health, safety and welfare of workers
- D. Working hour for adults
- E. Employment of young person and children
- F. Annual leaves with wages
- G. Additional provisions regulating employment of women in factories

(B) – Maternity Benefits Act, 1961 (30 sec)

- A. Aims, objects and Application, Definitions
- B. Restriction of work
- C. Right of payment
- D. Forfeiture of maternity benefits
- E. Other provisions (Leaves etc)
- F. Authorities
- G. Power and Duties of Inspector
- H. Penalty

Suggested Readings:

1. S.C. Srivastav, Commentaries On Factories Act, 1948, Universal Law Publishing House, Delhi
2. H.L. Kumar, Workmen’s Compensation Act, 1923
3. Dr. S. C. Srivastav, Labour Law And Industrial Relations
4. Dr. S. K. Puri, Labour Law And Industrial Laws
5. Dr. V. G. Goswami, Labour Law Industry

NAME OF SUBJECT: HUMAN RIGHTS LAWS AND PRACTICE INCLUDING PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT

PAPER CODE: Law.- 604

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Human Rights is a hotly debated issue the world over. UN bodies and NGOs are concerned about the implementation of Human Rights. The Law of Human Rights is a contemporary topic of International Law. With the establishment of the United Nations, the recognition and the realization for protection and promotion of Human Rights and Fundamental Freedom is deemed necessary of International peace and security. In the year 1966, the General Assembly adopted the Covenants which recognized the inherent dignity and the equal and inalienable rights of all human beings. These rights have been regarded as the foundation for freedom, justice and peace in the World. Violation of Human Rights continued to take place on a large scale in most of the countries of the World. Human Rights are fundamental to human nature without which people cannot live as human beings.

MODULE-I: Introduction

- a) History, Evolution and Growth
 - i. Meaning and Concept of Human Rights
 - ii. Ancient Indian Perspectives--- *Dharma, Sarva Dharma Sambhava and Vasudev Kutumbkam.*
 - iii. League and Nations and Human Rights.
 - iv. Universal Declaration of Human Rights and its Legal Significance.

MODULE-II: UN Charter and Human Rights

- a) International Bill of Human Rights.
- b) Universal Declaration of Human Rights, 1948.
- c) Covenants of 1966.
- d) International Conventions on Human Rights.
- e) International Conferences on Human Rights.
- f) Optional Protocols.

MODULE-III: Human Rights under Indian Constitution and their Enforcement

- a) Fundamental Rights.
- b) Directive Principles of State Policy

MODULE-IV: Role of Judiciary

- a) National Human Rights Commission.
- b) Protection of Human Rights Act, 1993.
- c) Role of NGOs in the Promotion and Protection of Human Rights.

MODULE-V: Group Rights

- a) Prisoners
- b) Women and Children.
- c) Indigenous People.
- d) Disabled.

MODULE-VI: International Humanitarian Law- IHL

- a) Introduction to International Humanitarian Law.
- b) Development of International Humanitarian Law.
- c) IHL and Human Rights Law.
- d) Geneva Conventions of 1949 and Additional Protocol of 1977 and IHL.
- e) Implementation of IHL- International Perspectives.
- f) International responsibility for Violations of IHL.
- g) Implementation of IHL.
- h) National measures for the Implementation of IHL- Indian perspectives.

MODULE-VII: Refugee Law

- a) International Refugee Law- IRL.
 - i. Introduction, Origin and Development.
 - ii. Determination of refugee status.
 - iii. Definition, Rights and Protection.
 - iv. UNHCR.
 - v. Asylum.
 - vi. Rights and Duties of Refugees.
 - vii. Causes of refugee flows and the Law of State Responsibility and Durable solutions.
 - viii. Internally Displaced Persons.
 - ix. Refugee Convention of 1951 and 1967 Protocol.
- b) Refugee Law in India
 - i. Protection of refugee- Indian perspectives.
 - ii. India and International Conventions.
 - iii. Refugees in India.
 - iv. Law relating to refugee in India.
 - v. Policy of Indian Government.

- vi. Judicial Trends.
- vii. Model National Law on Refugee.

RECOMMENDE READINGS

1. UN Charter.
2. Constitution of India.
3. Human Rights Act, 1993.
4. M.K. Sinha--- Implementation of Non-Derogational Human Rights. Delhi, 1999.
5. D.D. Basu--- Human Rights.
6. Upendra Baxi--- Human Rights.
7. Thomas Buergenthal--- Human Rights.
8. Henry Steiner & Philip Alston--- International Human Rights Law.
9. B.G. Ramchandran--- International Human Rights. Oxford, 1998.
10. Y.K. Tyagi--- British Year Book. 2001.
11. Rama Jois--- Human Rights in Ancient India.
12. F. Kazmi--- Human Rights.
13. Nagender Singh--- Human Rights and International Cooperation.
14. J. Swarup--- Human Rights and Fundamental Freedom.
15. S.C. Khare--- Human Rights and United Nations.
16. A.B. Kailash--- Human Rights in International Law.
17. I. Menon (Ed.)--- Human Rights in International Law.
18. A.B. Robertson (Ed.)--- Human Rights in International Law.
19. E. Lauterpacht--- International Law and Human Rights.
20. Sohn Levis & Burgenthal--- International Protection of Human Rights.
21. M.K. Barachandran & Verghese Rose--- Introduction to International Humanitarian Law. ICHR Publication.
22. H.O. Agarwal--- International Law and Human Rights. CLP, Allahabad. 1999.

NAME OF SUBJECT: FRENCH LANGUAGE-II

PAPER CODE: LANGUAGE- 605

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This course in French Language aims at the developing the skills to master the current social communication skills in oral and written; to enrich the formulations, the linguistic tools and vary the sentence construction without repetition; to develop the strategies of comprehension of texts of different origins and to present facts, projects, plans with precision.

MODULE-I: Se faire plaisir

- a) Acheter: exprimer ses choix, decrier un objet (forme, dimension, poids et matières) payer.
- b) Parler de la nourriture, deux façon d'exprimer la quantité, commander un repas au restaurant.
- c) Parler de la différentes occasions de faire la fête.

MODULE-II: Cultiver ses relations

- a) Maîtriser les actes de la communication sociale courante (Salutations, presentations, invitations, remerciements)
- b) Annocer un événement, exprimer un souhait, remercier, s'excuser par écrit.
- c) Caractérise une personne (aspect physique et caractère)

MODULE-III: Découvrir le passé

- a) Parler du passé, des habitudes et des changements.
- b) Parler de la famille, raconter une suite d'événements / préciser leur date et leur durée
- c) Connaître quelques moments de l'histoire.

MODULE-IV: Entreprendre

- a) Faire un projet de la realizations: (exprimer un besoin, précier les étapes d'une réalisation)
- b) Parler d'une enterprise.
- c) Parler du future.

MODULE-V: S'informer

- a) Demander / donner des informations sur un emploi du temps passé.
- b) Donner une explication, exprimer le doute ou la certitude.

- c) Découvrir les relations entre les mots.
- d) Savoir s'informer.

MODULE-VI: Découvrir son environnement

- a) Situer un lieu.
- b) S'orienter, s'informer sur un itinéraire.
- c) Chercher, decrier un logement.
- d) Connaître les rythmes de la vie.

MODULE-VII: Contenu Grammatical

- a) Adjectifs démonstratifs.
- b) Adjectifs possessifs / exprimer la possession à l'aide de:
 - i. "de"
 - ii. A+nom / pronom disjoint.
- c) L'adjectif Qualificatif.
- d) L'adjectif Interrogatif.
- e) Conjugaison pronominale- negative, interrogative- construction à l'infinitif.
- f) Impératif/ exprimer l'obligation/ l'interdiction à l'aide de:
 - i. Il faut.....
 - ii. It ne faut pas....
- g) Les Auxiliaires.
- h) Les Prépositions.
- i) Passé composé.
- j) Questions directs/ indirects.
- k) Imparfait.
- l) Le Futur.
- m) Le Futur proche.
- n) Discours rapport au present.
- o) Passé récent.
- p) Présent progressif.
- q) Le Conditionnel.
- r) Less Style indirects.
- s) Négation.

RECOMMENDED READINGS

1. Le livre à suivre: Tome I
2. Nouveau Sans Frontières-I
3. Le Français du droit- J.L. Penfornis.
4. Le livre à suivre: Campus: Tome 1