

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: LL.B.- 401
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.

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: ADMINISTRATIVE LAW

PAPER CODE: LL.B.- 402

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This paper aims at making students of law aware of myriad dimensions of administrative law including quasi-legislative, quasi-judicial and other ministerial functions of administration and control thereof.

MODULE-I: Evolution, Nature and Scope

- a) Movement from Laissez-faire to a Social Welfare State.
- b) Nature, Scope and Development of Administrative Law.
- c) Doctrine of separation of powers and rule of law.
- d) Rule of Law and Administrative Law.
- e) Relationship between Constitutional Law and Administrative Law.
- f) Administrative Law vis-à-vis Privatization.
- g) Classification of functions of Administration.

MODULE-II: Legislative Functions of Administration

- a) Necessity and Constitutionality.
- b) Legislative powers of Administration.
- c) Forms and requirements.
- d) Control
 - i. Legislative.
 - ii. Judicial.
 - iii. Procedural.
- e) Sub-delegation.

MODULE-III: Judicial Functions of Administration

- a) Need for devolution of adjudicatory authority on administration.
- b) Nature of Tribunals- Constitution, Powers, Procedures, Rules of evidence.
- c) Administrative Tribunals.
- d) Principles of Natural Justice
 - i. Rule against bias and right of fair hearing.
 - ii. *Audi Alteram Partem*.
 - iii. Reasoned decisions.
- e) Rules of evidence—No evidence, Some evidence and Substantial evidence.
- f) Institutional Decisions.

MODULE-IV: Administrative Discretion

- a) Need for Administrative Discretion and its relationship with Rule of Law.
- b) Constitutional imperatives and exercise of discretion.

- c) Grounds of Judicial Review
 - i. Abuse of judicial review.
 - ii. Failure to exercise discretion.
- d) Doctrine of Legitimate expectations.

MODULE-V: Judicial Control of Administrative Action

- a) Introduction.
- b) Court as the final authority to determine the legality of administrative action.
- c) Exhaustion of Administrative remedies.
- d) Locus standi.
- e) Laches.
- f) Res judicata.
- g) Judicial review and its extent.
- h) Methods of judicial review
 - i. Statutory appeals.
 - ii. Writs.
 - iii. Declaratory judgments and injunctions.
 - iv. Civil suits for Compensation.

SUGGESTED READINGS

1. Principles of Administrative Law--- M.P. Jain and S.N. Jain.
2. Administrative Law--- I.P. Massey.
3. Administrative Law--- Wade.
4. Lectures on Administrative Law---C.K. Takwani.
5. Administrative Law--- S.P. Sathe.
6. Lectures on Administrative Law--- U.P.D. Kesari.
7. Principles of Administrative Law--- David Scott & Felix Alexandra.
8. Administrative Law Text--- K.C. Davis.
9. Comparative Administrative Law--- D.D. Basu.
10. Administrative Law--- Cann. Steven J. 3rd Ed. 2003.

ESSENTIAL CASE LAWS

1. Ram Jawaya v. State of Punjab (AIR 1955 SC 549)
2. Asif Hameed v. State of J & K (AIR 1989 SC 1899)
3. A.N. Parasoraman v. State of Tamil Nadu AIR 1990 SC 40, (Administrative discretion)
4. State of Punjab v. V.K. Khanna, AIR 2001 SC 343 (Mala fide exercise of power)
5. State of Bombay v. K.P. Krishnan AIR 1960 SC 1322 (irrelevant considerations)
6. Shrilekha Vidyarthi v. State of U.P. (AIR 1991 SC 537) (Reasonableness)
7. Delhi Laws Act case, AIR 1951 SC 332
8. Lachmi Narain v. Union of India AIR 1976 SC 714 (Modification)
9. A.V. Educational Society v. Govt. of A.P. Educational Department (AIR 2002 A.P. 348) (Judicial Control of delegated Legislation)

NAME OF SUBJECT: ENVIRONMENTAL LAW

PAPER CODE: LL.B.- 403

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This paper aims at acquainting the students with the environmental issues and the measures taken for its protection along with the norms prevailing at national and international level.

MODULE-I: Environmental Law: International and National Perspective

a) Introduction

- i. Environment- Meaning.
- ii. Environmental Pollution- Meaning and Issues.
- iii. Protection of Environment- Issues and Problems.
- iv. Constitution of India vis-à-vis Environment.

a) International Norms

- i. Sustainable Development- Meaning and Scope.
- ii. Precautionary Principles.
- iii. Polluter pays Principle.
- iv. Public Trust Doctrine.

b) Constitutional Mandate

- i. Right to Wholesome Environment- Evolution and Application.
- ii. Relevant Provisions- Art. 14, 19(1), 21, 48A, 51-A(g).
- iii. Environment Protection through Public Interest Litigation.

c) Other Laws

- i. Law of Torts.
- ii. Law of Crime.
- iii. Environmental Legislations.

MODULE-II: Prevention and Control of Water and Air Pollution

a) The Water (Prevention and Control of Pollution) Act, 1974

- i. Water Pollution-Definition.
- ii. Central and State Pollution Control Boards- Constitution, Powers and Functions.
- iii. Water Pollution Control Areas.
- iv. Sample of effluents- Procedure; Restraint Order.
- v. Consent requirement- Procedure, Grant/ Refusal, Withdrawal.
- vi. Citizen Suit Provision.

b) Air (Prevention and Control of Pollution) Act, 1981

- i. Air Pollution- Definition.

- ii. Central and State Pollution Control Boards- Constitution, Powers and Functions.
- iii. Air Pollution Control Areas.
- iv. Sample of effluents- Procedure; Restraint Order.
- v. Consent requirement- Procedure, Grant/ Refusal, Withdrawal.
- vi. Citizen Suit Provision.

MODULE-III: Protection of Forests and Wild Life

- a) Indian Forest Act, 1927
 - i. Kinds of Forests- Private, Reserved, Protected and Village Forests.
 - ii. The Forest (Conservation) Act, 1980.
- b) The Wild Life (Protection) Act, 1972
 - i. Authorities to be appointed and constituted under the Act.
 - ii. Hunting of Wild Animals.
 - iii. Protection of Specified Plants.
 - iv. Protected Areas.
 - v. Trade or Commerce in wild animals, animal articles and trophies; Its prohibition.

MODULE-IV: General Environmental Legislations

- a) Environmental (Protection) Act, 1986.
 - i. Meaning of 'Environment', 'Environment Pollutant', 'Environment Pollution'.
 - ii. Powers and Functions of Central Government.
 - iii. Citizen Suit Provision.
- b) Principle of 'No Fault' and 'Absolute Liability'
 - i. Public Liability and Insurance Act, 1991.
 - ii. The National Environment Tribunal Act, 1995.
- c) The National Appellate Environmental Authority Act, 1997
 - i. Constitution, Powers and Functions.

MODULE-V: Noise Pollution

- a) Noise Pollution and its control.
- b) Noise Pollution (Control and Regulation) Rules, 2000.
- c) Noise Pollution and Judicial Approach.

SUGGESTED READINGS

1. Environmental Law & Policy in India – Shyam Diwan, Armin Rosencranz
2. Environmental Law in India – P. Leelakrishnan
3. Environmental Law in India – Gurdip Singh
4. Environmental Administration, Law and Judicial Attitude – Paras Diwan, Peeyushi Diwan.
5. The Environmental Law in India--- P. Leela Krishnan. Butterworths- India.
6. Environmental Law--- P.S. Jaswal, Allahabad Law Agency.
7. Environmental Law--- Stuart Bell and Donald McGillicray. Oxford.

8. Environment Pollution and the Laws--- V.R. Krishna Iyer. 1984.
9. Protect Global Environment--- A.B. Srivastava. 1984. Chugh Publications, Allahabad.
10. Legal Control of Environmental Pollution--- S. Agarwal.
11. Law on Protection of Environment--- R.G. Chaturvedi.

STATUTES

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Air (Prevention and Control of Pollution) Act, 1981
3. The Indian Forest Act, 1927
4. The Forest (Conservation) Act, 1980
5. The Wild Life Protection Act, 1972
6. The Environment (Protection) Act, 1986
7. The Public Liability Insurance Act, 1991
8. The National Environment Tribunal Act, 1995
9. The National Environment Appellate Authority Act, 1997

Essential Case Law

1. Subhash Kumar v. State of Bihar, AIR 1991 SC 420
2. M.C. Mehta v. Union of India, AIR 1997 SC 734
3. M.C. Mehta v. Kamal Nath, AIR 2000 SC 1997
4. M/s Abhilash Textiles v. Rajkot Municipal Corprn., AIR 1988 Guj. 57
5. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446
6. Vellore Citizen Welfare Forum v. Union of India, AIR 1996 SC 2715
7. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812
8. Narmada Bachao Andolen v. Union of India, AIR 2000 SC 3751
9. M.C. Mehta v. Union of India, AIR 2002 SC 1696
10. M.C. Mehta v. Union of India, AIR 1988 SC 1037
11. M.c. Mehta v. Union of India, AIR 1988 SC 1115
12. M/S. Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution, AIR 1986 Del. 152
13. Tata Tea Ltd. v. State of Kerala, 1984 K.L.T. 645
14. M.C. Mehta v. Union of India, AIR 2001 SC 1948
15. M.C. Mehta v. Union of India, 1998 (4) SCALE 196
16. Orissa State Pollution Control Board v. M/s. Orient paper Mills, AIR 2003 SC 1966
17. Tarun Bharat Singh v. Union of India (1994) 2 SCALE 68
18. T.N. Godavarman Thirumulypad v. Union of India, AIR 1998 SC 769
19. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715
20. S. Jagannath v. Union of India, AIR 1997 SC 811
21. M.C. Mehta v. Union of India, AIR 2002 SC 1696
22. M.C. Mehta v. Union of India, AIR 1987 SC 965
23. M.C. Mehta v. Union of India, AIR 1987 SC 982
24. M.C. Mehta v. Union of India, AIR 1987 SC 1086
25. M.C. Mehta v. Union of India, (Relocation of Industries in Delhi), AIR 1996 SC 2231
26. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812

NAME OF SUBJECT: INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

PAPER CODE: LL.B.- 404

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes.

MODULE-I: Principles of Interpretation

- a) Meaning and Need of Interpretation.
- b) Law making- the legislature, executive and the judiciary.
- c) Principles of Utility.
- d) Relevance of John Rawls and Robert Nozick- Individual Interest to Community Interest.
- e) Operation of these principles upon Legislation.
- f) Distinction between Morals and Legislation.

MODULE-II: Interpretation of Statutes

- a) Meaning of the term 'statutes'.
- b) Different parts of a Statute.
- c) Commencement, operation and repeal of statutes.
- d) Purpose of interpretation of statutes.

MODULE-III: Aids to Interpretation

- a) Internal aids.
- b) Title.
- c) Preamble.
- d) Headings and Marginal notes.
- e) Sections and sub-sections.
- f) Punctuation marks.
- g) Illustrations, exceptions, provisions and saving clauses.
- h) Schedules.
- i) Non-obstacle clause.
- j) External aid.
- k) Dictionaries.
- l) Translations.

- m) Travaux Preparatoires.
- n) Statutes in pari material.
- o) Contemporanea Exposito.
- p) Debates, inquiry commission reports and Law Commission reports.

MODULE-IV: Rules of Statutory Interpretation

- a) Primary Rules.
- b) Literal Rule.
- c) Golden Rule.
- d) Mischief Rule (Rule in the Heydon's case).
- e) Rule of Harmonious Construction.
- f) Secondary Rules.
- g) Noscitur a sociis.
- h) Eiusdem generis.
- i) Reddendo singula singulis.
- j) Ul Res Magis Valent Quam Preat.
- k) Expresso Unis Est exclusion alterius. Etc.

MODULE-V: Presumption in Statutory Interpretation

- a) Statutes are valid.
- b) Statutes are territorial in operation.
- c) Presumption as to jurisdiction.
- d) Presumption against what is inconvenient or absurd.
- e) Presumption against intending injustice.
- f) Presumption against impairing obligations or permitting advantage from one's own wrong.
- g) Prospective operation of statute.

MODULE-VI: Maxims of Statutory Interpretation

- a) Construction of Penal Statutes.
- b) Mens rea in Statutory Offences.
- c) Interpretation of Fixing of Statutes.
- d) Strict Construction of Taxing Statutes and its limitations.
- e) Delegatus non potest delegare.
- f) Expressio unius exclusion alterius.
- g) Generalia specialibus non derogant.
- h) In pari delicto potior est condition possidentis.
- i) Utres valet potior quam preat.
- j) Expressum facit cessare tacitum.
- k) In bonam partem.

MODULE-VII: Interpretation with reference to the subject matter and purpose

- a) Restrictive and beneficial construction.
- b) Taxing statutes.
- c) Penal statutes.
- d) Welfare legislation.
- e) Interpretation of substantive and adjunctival statutes.
- f) Interpretation of directory and mandatory provisions.
- g) Interpretation of enabling statutes.
- h) Interpretation of codifying and consolidating statutes.
- i) Interpretation of statutes conferring rights.
- j) Interpretation of statutes conferring powers.

MODULE-VIII: Principles of Constitutional Interpretation

- a) Harmonious construction.
- b) Doctrine of pith and substance.
- c) Colourable Legislation.
- d) Ancillary powers.
- e) "Occupied field".
- f) Residuary Power.
- g) Doctrine of Repugnancy.

SUGGESTED READINGS

1. Interpretation of Statutes--- Maxwell.
2. Interpretation of Statutes--- G.P. Singh.
3. Interpretation of Statutes--- Craies.
4. Interpretation of Statutes--- Crawford.
5. Interpretation of Statutes--- Bindra.
6. Interpretation of Statutes--- V.P. Sarathi.
7. Interpretation of Statutes--- I. Sarup
8. Principles of Statutory Interpretation--- G.P. Singh. 7th Edition. 1999. Wadhwa, Nagpur.
9. M.P. Singh , (ed.) V.N. Shukla's --- Constitution of India. 1994. Eastern, Lucknow.
10. Upendra Baxi, Introduction to Justice K.K. Mathew's--- Democracy Equality and Freedom. 1978. Eastern Lucknow.

NAME OF SUBJECT: ALTERNATE DISPUTE RESOLUTION

PAPER CODE: LL.B.- 405

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: The major concern of law is conflict resolution. Familiarization with the modalities and techniques of resolution of conflict is a necessary component in the endeavours of developing expertise in juridical exercise. The traditional justice delivery system through adjudication by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries.

MODULE-I: Arbitration: Meaning, Scope and Types

- a) Alternate Dispute Resolution—Concept and Need.
- b) Distinctions.
- c) 1940 Law and 1996 Law: UNCITRAL model law.
- d) Arbitration and Conciliation.
- e) Arbitration and Expert Determination.
- f) Extent of Judicial Intervention.
- g) International Commercial Arbitration

MODULE-II: Arbitration Agreement

- a) Essentials.
- b) Kinds.
- c) Who can enter into arbitration agreement?
- d) Validity.
- e) Reference to Arbitration.
- f) Interim Measures by Court.

MODULE-III: Arbitration Tribunal

- a) Appointment.
- b) Challenges.
- c) Jurisdiction of Arbitral Tribunal.
- d) Powers.
- e) Grounds to Challenge.
- f) Procedure.
- g) Court Assistance.
- h) Arbitration: Arbitration agreement / Applicable Law; IIC, UNCITRAL, KSID.
- i) The Arbitration and Conciliation Act, 1996.

MODULE-IV: Award

- a) Rules of Guidance.
- b) Form and Content.
- c) Correction and Interpretation.
- d) Grounds of setting aside an award.
- e) Can misconduct be a ground?
- f) Incapacity of a party, invalidity of arbitration agreement.
- g) Want of proper notice and hearing.
- h) Beyond the scope of reference.
- i) Contravention of composition and procedure.
- j) Breach of confidentiality.
- k) Impartiality of the arbitrator.
- l) Bar of limitation, *Res judicata*.
- m) Consent of parties.
- n) Enforcement.

MODULE-V: Appeal and Revision.

MODULE-VI: Enforcement of Foreign Awards

- a) New York Convention Awards.
- b) Geneva Convention Award.

MODULE-VII: Conciliation

- a) Distinction between 'Conciliation', 'Negotiation', 'mediation' and 'arbitration'.
- b) Appointment.
- c) Statements to Conciliator.
- d) Interaction between conciliator and parties.
- e) Communication.
- f) Duty to the parties to Co-operate.
- g) Suggestions by parties.
- h) Confidentiality.
- i) Resort to Judicial Proceedings.
- j) Costs.

MODULE-VIII: Rule-Making Power

- a) High Court.
- b) Central Government.

MODULE-IX: Legal Services Authorities Act.

SUGGESTED READINGS

1. International Dispute Settlement--- J.G. Merrills.
2. Legal Services Authority Act, 1987.
3. Law of Arbitration and Conciliation--- B.P. Saraf and M. Jhunjhunwala. Snow White, Mumbai, 2000.
4. The New Arbitration and Conciliation Law of India--- Gerald R.Williams (ed.). Indian Council of Arbitration. 1998, New Delhi.
5. Law of International Commercial Arbitration--- A.K. Bansal. 1998. Universal, New Delhi.
6. Alternative Dispute Resolution-What it is and How it works?--- P.C. Rao & William Sheffield. Universal, Delhi, 1997.
7. The Arbitration and Conciliation Law of India--- G.K. Kwarta. Universal, Delhi.
8. Commentary on Arbitration and Conciliation Act, 1996--- Johari. Universal, Delhi. 1999.
9. Law and Arbitration and Conciliation--- N.D. Basu. Universal, Delhi. 9th Edition, reprint 2000.
10. Law Relation to Arbitration and Conciliation--- P.C. Markanda. Universal, Delhi. 1998.

(This course requires to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercises at least a significant part of the evaluation)