**LLB**

**4th Semester**

**Jurisprudence – II**

**(Basic Concepts)**

**Paper I [Code –LB401C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Jurisprudence. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective:***The objective of the paper is to sensitise the students about the various concepts like legal personality, rights and duties, possession and ownership and the idea of justice.*

**Unit I - Legal Rights & Duties**

1. Meaning and Concept
2. Theories of Rights.
3. Essentials of Legal Rights.
4. Kinds of Rights and Duties.
5. Relation between Rights & Duties.

**Unit II - Personality**

1. Concept of Legal Person
2. Theories of Legal Personality: – Fiction Theory, Concession Theory, Bracket Theory, Realist Theory, Purpose Theory and Kelson’s Theory.
3. Legal Status ofDead Person, Unborn Child, Mosque, Idol and Corporation.

**Unit III - Possession**

1. Possession: Meaning, Concept and Development.
2. Theories of Possession.
3. Kinds of Possession.
4. Possession in Fact and Possession in Law.
5. Modes of Acquisition of Possession.

**Unit IV – Ownership**

1. Meaning
2. Theories
3. Kinds
4. Modes of Acquisition
5. Distinction between Possession and Ownership.
6. Relation between Possession & Ownership.

**Unit V – Justice**

1. Meaning and Concept
2. Theories of Justice
3. Kinds of Justice
4. Administration of Justice: Growth and Development

**Recommended Readings**

1. Bodenheimer, Jurisprudence – The philosophy and Methods of Law (1996), Universal Publication, Delhi.
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999).
3. Tripathi, Bombay W. Friedman, Legal Theory (1999) Universal Pub., Delhi.
4. V. D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern Books, Lucknow.
5. M.D.A. Freeman (ed.), Lloyd’s Introduction to Jurisprudence, (1994), Sweet and Maxwell.
6. Paton G. W. Jurisprudence (1972), Oxford, ELBS.
7. H.L.A. Hart, The Concept of Law (1970), Oxford, ELBS.
8. Rescoe Pound, Introduction to the Philosophy of Law (1998 Re-print), Universal Pub., Delhi.
9. Dias, Jurisprudence (1994), Adithya Books, New Delhi.
10. Dhyani S. N. Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.
11. M.P. Tondon, Jurisprudence Legal Theory, Allahabad Law Agency.
12. Dr. Vijay Ghormade, Jurisprudence and Legal Theory, Hind Law House.
13. N.V. Pranjape, Studies in Jurisprudence and legal theory, Central Law Agency.
14. N.V. Jayakumar, Lectures in Jurisprudence, 2nd Ed., Lexis-Nexis.
15. Dr. B.N. Mani Tripathi, Jurisprudence Legal Theory, Allahabad Law Agency.
16. P.S. AtchthewPillai, Jurisprudence and Legal Theory, Eastern Book Company.
17. Prof. G.C. VenkataSubbaRao, Jurisprudence and Legal Theory, Eastern Book Comp.

**ConstitutionalLaw**-**II**

**Paper II [Code –LB402C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of constitutional law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective**: *The objective of this paper is to provide understanding of various organs created by the Constitution including their functions.*

**Unit - I**

1. President of India- Position & Powers.
2. Election, Qualifications, Impeachment.
3. Cabinet System, Collective responsibility- Individual Responsibility.
4. President- Prime Minister Relationship.
5. Legislative Privileges - Privileges v. Fundamental Rights.

**Unit - II**

1. Distribution of Legislative Powers-- Arts. 245, 246, and 254.
2. Doctrine of Pith and Substance.
3. Doctrine of Delegated Legislation: Subordinate Legislation & Colourable Legislation.
4. Failure of Constitutional Machinery (Art.356).
5. J&K Special Status (Art. 370).

**Unit - III**

1. Constitutional Amendment- Meaning and Scope.
2. What cannot be Amended: Doctrine of Basic Structure Theory.
3. Freedom of Trade and Commerce- Position in other countries, Position in India.
4. Regulatory and Compensatory measures (Articles 301-304).

**Unit - IV**

1. Articles 141 & 143.
2. Appointment and Impeachment of the Judges of the High Courts and Supreme Court.
3. Services under the Constitution- Doctrine of Pleasure [Article 310], Restrictions [Article 311].

**Unit – V**

1. Emergency Provisions: Articles 352 to 354, 356, 358 and 359.
2. Interpretation of Constitution (Article 366).

**Recommended Readings**

1. D.D.Basu, Commentary on Constitution of India

2. M.P.Jain, Indian Constitutional law.

3. M.P.Singh, Shukla’s Constitutional law.

4. H.M.Seervai, Constitution of India.

5. K.C. Wheare, Modern Constitution.

6. Dicey, Law of the Constitution.

 7. Annual Survey of Indian Law, Indian Law Institute, New Delhi.

**LawofEvidence**

**Paper III [Code – LB403C]  Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of law of evidence. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective:** *The objective of this paper is to orient students with importance of law of evidence for establishment of claims and related rules and principles.*

**Unit**-**I**

1. Definitions (Sections 3-4).
2. Relevancy of Facts (Sections 5,6,8,11).
3. Admission and Confession (Sections 17-19,24-27, 30).
4. Dying Declaration (Section 32).
5. Judgments when Relevant (Sections 40,41).
6. Third Party Opinion (Section 45,47A, 52, 54).

**Unit**-**II**

1. Oral Evidence (Section 59, 60).
2. Documentary Evidence (Sections 61-73).
3. Public Documents (Sections 74, 76).
4. Exclusion of Evidence – Oral and Documentary (Sections 91- 92).

**Unit**-**III**

1. Burden of Proof (Sections 101, 112,114).
2. Estoppel (Section 115).
3. Privileged Communication (Sections 124,126).

**Unit-IV**

1. Witnesses (Sections 118-120, 122,129, 132).
2. Accomplice (Section 133).
3. Examination of Witnesses (Sections 135-138).
4. Witnesses to character (Sections 140-142).

**Unit**-**V**

1. Lawful Questions in Cross Examination (Section 145).
2. Questions asked by Courts (Sections 149- 150, 165).
3. Question by Party to Own Witness (Section 154).
4. Refreshing Memory (Section 159).
5. Improper Admission and Rejection of Evidence (Section 167).

**Recommended Readings**

1. M. Monir: Text book on the Law of Evidence, Universal Law Publishing Company
2. RatanLalDeerajLal: Law of Evidence
3. Avtar Singh: Principles of the Law of Evidence, Central Law Publications

**Administrative Law**

**Paper IV [Code – LB404C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Administrative Law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective**: *The objective of this paper is to make students aware of various aspects of administrative law including quasi-legislative, quasi-judicial and other ministerial functions of administration.*

**Unit – I Introduction**

1. Meaning, Definition, Scope and Significance of Administrative Law.
2. Relationship between Constitutional Law and Administrative Law.
3. Rule of Law – Dicey’s Concept and modern formulations.
4. Doctrine of Separation of Powers and its relevance in contemporary times.

**Unit II – Administrative Actions**

1. Administrative Actions- Meaning and Classification.
2. Meaning of Delegated Legislation and its Growth.
3. Constitutionality of Delegated Legislation.
4. Control Mechanism of Delegated Legislation.
5. Judicial Control.
6. Legislative Control.
7. Meaning of Administrative Adjudication and its Growth and Problems.
8. Administrative Tribunals- Definitions, Constitutional Status, Rules and Principles.

**Unit III- Principles of Natural Justice**

Concept, Evolution and Importance of Natural Justice.

Application of Principles of Natural Justice- Statutory Provisions.

Rule of Fair Hearing, Post- Decisional Hearing.

Rule against Bias.

Doctrine of Legitimate Expectation.

Reasonable Decisions, Institutional Decisions.

Exclusion of the PNJ.

**Unit IV -Administrative Discretion**

1. Meaning and Justification of Administrative Discretion.
2. Constitutionality of Administrative Discretion.
3. Abuse of Discretion (Detournement de pouvoir).
4. Control of Administrative Discretion- Constitutional Remedies.
5. Ombudsman- Lokpal and Lokayukta,Central Vigilance Commision

**Unit V- Liability of Government**

1. Tortious Liability.
2. Statutory Immunity.
3. Act of State
4. Contractual Liability of Government.
5. Public Accountability.

**Recommended Readings**

1. D.D. Basu, Comparative Administrative Law, Sarkar,1969.
2. Wade, Administrative Law (Seventh Edition, Indian print) Universal, Delhi.
3. M.P. Jain, Cases and Materials on Indian Administrative Law, (Vol. I & II) , Universal, Delhi.
4. M.P Jain &S.N. Jain, Principles of Administrative Law, N.M Tripathi, 1979.
5. S.P. Sathe, Administrative Law in India, N.M Tripathi, 1970
6. B. Schwartz, An Introduction to American Administrative Law.
7. Massey Administrative Law, Pitman,1962.
8. N. M. Bilal, Dynamism of Judicial Control and Administrative Adjudication, Deep and Deep Publications, 2004.
9. I.P. Massey, Administrative Law in, Eastern Book Co., Delhi.
10. I.P. Massey, Evolving Administrative Law Regime, S.K. Verma&Kusum.
11. Annual Survey of Indian Law, Indian Law Institute, New Delhi.

**(Constitutional Law Group)**

**Health Law**

**Paper V [Code – LB405S] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of health care law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective**: *The objective of this course is to focus on various aspects of health care law including the constitutional perspective, obligations and negligence of medical professionals and remedies available to consumers.*

**Unit I**

1. Evolution and Development of Health Care Systems.
2. Health Services Development and Legal Control.
3. Right to Health –Constitutional and Legal Parameters

**Unit II**

1. General principles of Medical Ethics: National and International Perspectives.
2. General Principles of Medico-Legal Accountability.
3. Equality in Access to Health Care
4. Professional Duties and Medical Ethics.

**Unit III**

1. General Principles of Medical Jurisprudence.
2. Role of Consent in Medical Practice.
3. Error of Judgment and Gross Negligence.
4. Wrongful Diagnosis and Negligent Diagnosis.
5. Disposal of Bio-Medical Waste.
6. Negligence of Private Doctors in Eye Camps, Sterilization Camps, etc.

**Unit-IV- Legal control of Medical Profession under the following Enactments**

1. The Pharmacy Act, 1948.
2. Transplantation of Human Organs Act, 1994
3. Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of sex selection) Act, 1994
4. Indian Medicine Central Council Act, 1970
5. The Drugs and Cosmetics Act, 1940
6. PWD(Equal opportunity) Act 1998 (J&K)

**Unit V**

1. Legal Requirements for Establishment of Private Hospitals.
2. Norms & Conditions for Maintaining Health & Safety Standards.
3. Role of Medical Professionals under Law of Evidence.
4. Regulation and Control of Private Nursing Homes, Hospitals and Diagnostic Centres.

**Recommended Readings**

1. Vijay Malik – Drug and Cosmetic Act, 1940.
2. Anoop K. Kaushal – Medical Negligence & Legal Remedies.
3. Dr. Jadish Singh – Medical negligence Compensation.
4. B.K. Dutta – Drug Control.
5. Code of Medical Ethics.
6. Maxwell on Medical Jurisprudence.
7. The Bare Acts along with Rules of Drugs and Cosmetics Act, Dental Health Act, The pharmacy Act, Transplantation of Human Organs Act, 1994, Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of sex selection) Act, 1994, Indian Medicine Central Council Act, 1970, The Drugs and Cosmetics Act, 1940, PWD(Equal opportunity ) Act 1998 (J&K)

**(Constitutional Law Group)**

**Education Law**

**Paper VI [Code – LB406S]  Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of education law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective**: *The objective of the paper is to make students aware about the constitutional and legal aspects of right to education in India including various socio-legal mechanism for the execution and implementation of the same.*

**Unit I - Right to education –A Constitutional Perspective.**

1. Right to Education under Directive Principles of the Constitution of India.
2. Right to Education as a Fundamental Right.
3. Salient Features of the Right of Children to Free and Compulsory Education.
4. Salient Features of J&K Education Act.

**Unit II - Legal Education**

1. Meaning of Legal Education in India.
2. Genesis of Legal Education.
3. Legal Education Commissions, Committees, Statutes & Policies.
4. Functioning of Legal Education.

**Unit III - University Education & Law**

1. Academic Freedom vis-a vis their Accountability.
2. University Autonomy vis-a-vis Government Control.
3. Concerns of University Education.
4. Role of Law for the Ailment of University Education.

**Unit IV - Indian Educational System**

1. Legal Obligation of Educational Institutions.
2. Rules for Teachers.
3. Legal Obligations of the Students.
4. Educational Literature & Copyright Law.
5. Health and Safety Standards of the Educational Institutions.

**Unit V - Education in Changing Scenario**

1. Rules of GATS and Education.
2. National Knowledge Commission: Major Recommendations.
3. BCI Rules on Legal Education, 2008.

**Recommended Readings**

1. R.D. Agarwal’s , Law of Education and educational institutions.
2. S.K. Aggarwal’s, Legal education in India, Problems and Perspectives.
3. N.R. MadhavaMenon, Clinical Legal Education and profession in India.
4. Anita Abraham ,Formation& Management of Educational Institutions.
5. A.K. Tripathi, All India Educations Digest.
6. A.K. Shah,Education& Educational Institutional cases.
7. Anirudh Prasad, University Education, Adminitration& the Law.
8. Kamlesh Chopra, Handbook on Technical Educations Laws in India.
9. M.P.Jain, Indian Constitutional Law.

**(Crime and Criminology Group)**

**International Criminal Law**

**Paper V [Code - LB407S] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of international criminal law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective**: *The objective of the paper is to impart knowledge about the development of international criminal law through charters and codes. Role of international organisations such as ICC, International Criminal Tribunal etc. in the prevention and prosecutions of individuals for international crimes.*

**Unit I - Introduction to International Criminal Law**

1. Introduction to International Criminal Law.
2. Sources of International Criminal Law.

**Unit II – Individual Criminal Responsibility**

1. Individual Criminal Responsibility: Historical Development.
	1. Treaty of Versailles.
	2. Nuremberg & Tokyo Trials.
	3. Genocide Convention, 1948.
	4. Geneva Convention, 1949.
	5. International Law Commission Draft Code of Crimes against the Peace and Security of Mankind.
2. Individual Criminal Responsibility under ICC Rome Statute.

**Unit III - International Criminal Court and Tribunals**

1. International Criminal Court.
2. ICC Jurisdiction over the Nationals of Non-States Parties.
3. International Criminal Tribunal for Yugoslavia (ICTY).
4. International Criminal Tribunal for Rwanda (ICTR)

**Unit IV – Crimes and Punishments under the International Criminal Law**

1. Genocide.
2. Crime against Humanity.
3. War Crimes.
4. Crimes of Aggression.

**Unit V – Modes of Criminal Liability**

1. Individual Liability.
2. Superior – Subordinate Responsibility.
3. Command Responsibility.

**Recommended Readings**

* + - 1. Charter of International Military Tribunal.
			2. Draft Articles on Responsibility of States for Internationally Wrongful Acts.
			3. Draft Code of Crimes against Peace and Security of Mankind, 1996.
			4. Draft Declaration on Rights and Duties of States.
			5. Convention on Psychotropic Substances.
			6. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
			7. United Nations International Drug Control Program.
			8. Rome Statue.
			9. European Convention on the Suppression of Terrorism.
			10. Inter-American Convention against Terrorism
			11. SAARC Regional Convention on Suppression of Terrorism.

**(Crime and Criminology Group)**

**Penology and Victimology**

**Paper VI [Code - LB408S] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of penology and victimology. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective**: *The objective of this paper is to introduce a law student to the concept of punishment and its theories and to various concepts regarding victims and their post-crime treatment.*

**Unit I – Punishment**

1. Punishment – Meaning.
2. Relationship between Crime and Punishment.
3. Forms of Punishment.
	1. Fine.
	2. Imprisonment – Simple and Rigorous.
	3. Death Penalty.
	4. Interment.
4. Punishment – Statistics and Data.

**Unit II - Theories of Punishment**

1. Penology – Meaning, Nature and Scope.
2. Preventive/Utilitarian Theories.
	1. Deterrent Theory.
	2. Reformative Theory.
3. Retributive Theory.
4. Restorative Justice.

**Unit III – Prison System**

General Aspects.

Indian Prison System including Open Prisons.

Origin and Development.

Structure.

Functions.

Judicial Attitude.

Reforms.

Constitutional Rights of Prisoners/ Under Trials.

Recidivism.

**Unit IV – Police System**

1. General Aspects.
2. Indian Police System.
	1. Origin and Development.
	2. Structure including Relevant Legislations.
	3. Functions of Police.
3. Judicial Attitude.
4. Reforms.

**Unit V – Victimology**

1. Victimology – Meaning, Nature and Scope.
2. Victim Support and Allied Disciplines.
3. Compensation, Restitution, Assistance and Rehabilitation.
4. Rights of Victims of Crime.
5. Criminal-Victim Relations.
6. United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

**Recommended Readings**

1. N.V. Paranjpe, Criminology and Penology.
2. Ahmed Siddique, Criminology : Problems and Perspective.
3. Edwin Sutherland, Principles of Criminology.
4. Stephen Jones, Criminology.
5. Robert Winslow and S. Zhang, Criminology a Global Perspective.
6. John Tierny, Criminology - Theory and Context.
7. Frank, Criminology Today: An Integrative Introduction.
8. Schmalleger, Criminology.
9. John Conklin, Criminology.
10. Donald Taft, Criminology.
11. E. Sutherland and Cress, Principles of Criminology.

**(Business Law Group)**

**Competition Law**

**Paper V [Code LB409S] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of competition law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective**: *The paper focuses on various aspects of competition law of India in context of new economic order.*

**Unit I - Legislative Background of Competition Law**

* 1. MRTP Act, 1969.
	2. Nature and scope of Competition Act, 2002.
	3. MRTP Act,1969 vis-à-vis the Competition Act, 2002.
	4. Anti-Competitive Agreements.

**Unit II - Competition Commission of India**

1. Establishment of Commission.
2. Historical Background including Raghavan Committee Report.
3. Unit Trust of India.
4. Composition of Competition Commission.

**Unit III - Duties, Powers and Functions of Competition Commission**

1. Complaint, Reference and Application to Commission.
2. Appreciable Adverse Effect on Competition and Dominant Position.
3. Protection of Public against Injury.
4. Jurisdiction and Benches of the Commission.
5. Reference by Statutory Authorities.
6. Power to Grant Interim Relief.
7. Power to Award Compensation.
8. Power of Commission to regulate its own Procedure.

**Unit IV - Procedure of Competition Commission**

1. Review of Orders of Commission.
2. Rectification of Orders.
3. Execution of Orders of Commission.
4. Appeal.

**Unit V - Director General of Competition, Commission and Penalties under Act**

1. Director General’s Role in Case of Contravention of the Provisions of Act.
2. Contravention of Orders of the Commission.
3. Penalties for Failures to Comply with Directions of Commission and Director General.
4. Penalty for making False Statement or Omission to Furnish Material Information.
5. Penalty for Offences in Relation to Furnishing of Information.
6. Power to Impose Lesser Penalty.
7. Contravention by Companies.

**Recommended Readings**

Richard Wish: Competition Law ,LexisNexis 2009.

S. M. Duggar’s Guide to Competition Law 2 volumes , 5th Ed (2010).

Recommendations of Competition Commission-I.

T. Ramappa: Competition Law in India: Policy, Issues, and Developments, 2009, 2nd (ed).

 Tom Ottervanger, S.J.Var, Competition Law of the European Union, 2002, Kluwer law International.

S.R. Kharabanda, Jayant Kumar, Competition Law in India, Eastern Law House, 2008.

Annual Survey of Indian Law Institute, New Delhi.

**(Business Law Group)**

**Equity and Trust**

**Paper VI [Code – LB410S] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Law of Equity and Trusts. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective:** *The objective of this course to highlight the concept of equity and various equitable maxims as well as trust obligations.*

**Unit I – Introduction**

1. History and Principle of Equity.
2. Courts of Equity.
3. Equities: An Overview.
4. The Maxims of Equity.
5. Priorities.
6. Assignment of Chose’s in Action.

**Unit II - The Equitable Doctrine**

1. Conversion.
2. Re-conversion.
3. Election.
4. Performance.
5. Satisfaction.

**Unit III - Equitable Remedies**

1. Specific Performance.
2. Rescission.
3. Delivery Up and Cancellation of Documents.
4. Rectification.
5. Account.
6. Injunction.
7. Receivers.

**Unit IV - Law of Trusts**

1. History, Nature and Constitution of Trusts.
2. Creation of Trusts.
3. Trust & Fiduciary Relations.
4. Trust and Contract, Power, Condition, Charge and Personal Obligations— Distinguished.

**Unit –V**

1. Duties and Liabilities of Trustees.
2. Rights and Powers of Trustees.
3. Disability of Trustees.
4. Rights and Liabilities of the Beneficiary.
5. Kinds of Trusts.
6. Constructive Trusts.
7. Resulting Trusts.
8. Public Charitable Trusts.
9. Religious Charitable Trusts.
10. Private Trusts.

**RecommendedReadings**

1. Lord Duddington, Equity and Trusts.
2. B.M.Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company Delhi
3. Alastair[Hudson](http://www.bookadda.com/author/hudson), Understanding Equity And Trusts (Paperback) published by  Taylor and Francis Inc.
4. Judith Bray,Student's Guide to Equity and Trusts, University of Buckingham, Cambridge University Press
5. Mohamed Ramjohn,
6. Sourcebook On Trusts Law

**Local Laws-IV (Optional)**

**Paper VII [Code – LB411OP] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of local laws. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective:** *The objective of this paper is to introduce the students to various local legislations of the State of Jammu and Kashmir*

**Unit I - Residential and Commercial Tenancy Act, 2012**

1. Definitions (Section 2).
2. Tenancy (Sections 4, 5, 6).
3. Power of Rent Controller (Section 10).
4. Rights of Landlord and Tenants (Sections 12, 14, 16).
5. Termination of Tenancy (Sections 21-22)
6. Procedure for Rent Controller and Appellate Rent Tribunal (Sections 31-33).
7. Bar of Jurisdiction of Civil Courts (Section 35).

**Unit II - Suits Valuation Act, 1977**

1. Suits Related to Land (Sections 3-4).
2. Court Fee Value and Jurisdictional Value (Sections 8- 9).
3. Procedure where objection is taken (Section 11).

**Unit III - Court Fees Act 1977 Svt. 1920 AD.**

1. Computation of Fees Payable in certain Suits (Section 7).
2. Fee on Memorandum of Appeal against Order relating to Compensation (Section 8).
3. Procedure in Suits for Mesne Profits (Section 11).
4. Decision of Question as to Valuation (Section 12).
5. Refund of Fee (Section 14).
6. Exemption of Certain Documents (Section19).

**Unit IV - Stamp Act 1977 Svt. 1920 AD.**

1. Definitions (Section 2).
2. Instruments Chargeable with Duty (Section 3).
3. Several Instruments used in Single Transaction of Sale, Mortgage (Section 4).
4. Instruments relating to Several Distinct Matters (Section 5).
5. Duties by whom Payable, Receipts (Sections 29, 30).
6. Adjudication as to Proper Stamp (Section 31).
7. Certificate by Collector (Section 32).
8. Examination and Impounding (Section 33).
9. Instruments Not-duly Stamped (Section 35-40).
10. Prosecution for Offence against Stamp Law (Section 43).

**UnitV - Guardian and Wards Act, 1977 svt, 1920 AD**

1. Definitions (Section 2).
2. Power of Court to make Order as to Guardianship, Jurisdiction (Sections 7-9).
3. Form of Application (Section 10)
4. Power to make Interlocutory Order(Section 12).
5. Matters to be considered by the Court in Appointing Guardian (Section 17).
6. Guardian to be appointed by Court in Certain Matters (Section 19).
7. Fiduciary relation of Guardian to Ward (Section 20).

**Recommended Readings**

1. G.Q.Wani : Revenue Laws in J&K
2. ImtiyazHussain: Local Laws
3. J&K Laws Digest
4. Bare Acts of (Residential and Commercial) Tenancy Act 2012; (Suits Valuation Act 1977); (Court Fees Act 1977 svt. 1920 AD); (Stamp Act 1977 svt. 1920 AD); (Guardian and Wards Act)

###### **International Trade Law (Optional)**

**Paper VII [Code – LB412OP] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

 **Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of international trade law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section.

**Objective:** *The object of this paper is to sensitize the students with various aspects of international law governing trade and commerce.*

#### Unit-I

1. Historical Perspectives.
2. United Nations : GATT
3. Evolution of New International Economic Order (NIEO).
4. Essential Components of NIEO.
5. State Acceptance and Practice of NIEO Principles.
6. Institutions.

UNCTAD (United Nations Conference on Trade and Development).

UNCITRAL.

GATT.

Objectives.

Strengths and weaknesses.

Salient Features of GATT 1994 (Final Act of Uruguay Round).

1. WTO
	1. Structure, Principles and Working.
	2. Difference between GATT and WTO.
	3. India and WTO.

#### Unit-II

1. Trade in Goods.
2. Trade related investment measures (TRIMS).
3. Relationships with GATT.
4. Inalienable Rights of Member Countries.
5. General Agreements on Trade in Services (GATS)
6. Principle: Non-Discrimination.
7. Benefits to India.

#### Unit-III - Trade Related Intellectual Property Rights (TRIPS)

1. Structure.
2. Principles.
3. Minimum Standards.
4. Enforcement of IPR.
5. New Issues.

#### Unit-IV - Dispute Settlement at WTO

1. Judicial System: Dispute Settlement Board (DSB).
2. Elements of the System.
3. Prompt Settlement.
4. Balancing of Rights and Obligations.
5. Objective of Satisfactory Settlements.
6. Outcomes.
7. Withdrawal of Measure- Violation of WTO.
8. Continuation of the Measures with Retaliation by the Affected Country to make good the Loss Suffered by the Affected Country.
9. Special Steps of DSB and WTO Secretaries for Developing Countries.
10. Process of Settlement by DSB.

#### Unit-V - Sustainable Development

1. The Concept.
2. Stockholm to Rio: Developments of the Concept.
3. Right to Development.
4. UNCED (UN Commission on Environment and Development) Report.
5. Principles.
6. Rio Principles related to Sustainable Developments.

**Recommended Readings**

1. BandariSurendra, World Trade Organization and Developing Countries
2. MyneniSrinivasaRao, International Economic Law.
3. ArunGoyal (ed) WTO in the new Millennium.
4. Schwarzenberger, Economic World Order , Manchester University Press
5. JayantaBagchi, World Trade Organization: An Indian Perspective
6. J.G. Starke, Introduction to International Law.
7. UNCED, Our Common Future.