**LLB**

**6th Semester**

### Labour and Industrial Law

**Paper I [Code – LB601C] 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 labour and industrial 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 focus on wage policies, compensation for injury caused during the course of employment and working condition of employees with special reference to women and children.*

**Unit I**

1. Concept of Minimum Wage, Fair Wage, Living Wage and Need Based Minimum Wage.
2. Constitutional Validity of the Minimum Wages Act, 1948.
3. Procedure for Fixation and Revision of Minimum Wages.
4. Procedure for Hearing and Deciding Claims.
5. Components of Wages: Dearness Allowance and Principle of Fixation.

**Unit II**

1. National Wage Policy.
2. Principles of Wage Fixation by Adjudication and by Wage Board and Pay Commission.
3. Definition of Wage under Payment of Wages Act, 1936 and Responsibility for Payment of Wages.
4. Fixation of Wage Period and Time of Payment of Wage.
5. Deductions from Wages.
6. Remedial Measures.

**Unit III**

1. Social Security: Concept and Scope.
2. Concept of Employer, Workmen, Dependent, and Disablement.
3. Workmen’s Compensation: Employer’s Liability for Compensation, Amount andDistribution of Compensation.
4. Maternity Benefits.

**Unit IV**

1. Employee’s State Insurance: Benefits, ESI Fund and Contribution.
2. Concept of Bonus: Computation of Bonus
3. Gratuity.
4. Provident Fund and Family Pension.

**Unit V**

1. Unorganized Labour: Problems and Perspectives.
2. Agricultural Labour.
3. Bonded Labour.
4. Contract Labour.
5. Tribal Labour.
6. Domestic Labour.
7. Daily Wage Workers.
8. Inter-State Migrant Workmen: Regulation of Employment and Conditions of Service.

**Recommended Readings**

1. K.D. Srivastava, Commentaries on the Payment of Wages Act

2. K.D. Srivastava, Commentaries on Minimum Wages Act

3. R.C. Saxena, Labour Problems and social welfare

4. S.C. Srivastava, Social Security and Labour Laws

5. Abdul Majid, Legal Protection to Un-organised Labour

6. Indian Law Institute, Labour Law and Labour Relations

7. Report of the National Commission on Labour, 1969.

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

### Principles of Taxation

**Paper II [Code – LB602C] 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 principles of taxation. 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 tax law has assumed importance in the recent past because of developmental issues of a nation depending on expeditious, efficient and expedient realization, collection and generation of revenue by the state. The present paper has broadly dealt with the main tax statutes falling on direct and indirect tax radar in India.*

**Unit-I – Income Tax Act, 1961**

1. Basic Concepts: Person (Section 2 (31), Income (Section 2(24), Assessee, capital asset , deemed income, Agricultural income (2 IA), Set Off & Carry Forward , Return, Assessment, Clubbing Of Income , written-down value, resident and non-resident
2. Basis of charge on Income (Section 4-9)

**Unit –II – Income Tax Act, 1961 (Contd.)**

1. Computation of income (section 14)
2. Income from Salary (Sections 15-17)
3. Income from House Property (Sections 22-25)
4. Income from Business or Profession (Sections 28, 29, 32, 32A, 32AB, 33 and 33A)
5. Capital Gains (Sections 45,47 and 48)
6. Income from other sources (sections 56-57)

**Unit –III - Income Tax Act, 1961 (Contd.)**

1. Income Tax Authorities (Sections 116-119)
2. Powers of Income Tax Authorities (Sections 131-136)
3. Procedure for Assessment (Sections 139-148)
4. Appeal and Revision Provisions (Sections 246-264)
5. Offences and Prosecutions (Sections 271 A- 280)

**Unit –IV** - **Goods and Service Tax (GST)**

1. GST- Concept, Need and Genesis
2. Input Tax Credit (Sections 16-21)
3. Accounts and Records (Sections 35-36)
4. Returns (Sections 37-48)
5. Payment of Tax (Sections 49-53)

**Unit V – GST (Contd.)**

1. Assessment (Sections 59-64)
2. Inspection, Search, Seizure and Arrest (Sections 67-72)
3. Appeals and Revisions (Sections 107-121)
4. Offences and Penalties (Sections 122-138)
5. GST Council- Constitution and Powers

**Recommended Readings**

1. Taxman, Tax Planning & Management.
2. Kanga &Palkhivala: Income Tax Law.
3. A.C. SampatIyengar, Three Taxes
4. K.Chaturvedi and S.M Pithisaria, Income Tax Law
5. Bhagwati Prasad, Direct Taxes: Law & Practice,WishaPrakasan, NewDelhi.
6. Income Tax in India 1860-2001 by Indian Tax Foundation, India.
7. Policy issue in Designing a system of Income tax, Indian TaxFoundation, India.
8. Tax incidence studies in India- A Survey, Indian Tax Foundation.
9. Tax Reforms in India 1991-2001 Indian Tax Foundation.
10. KunwarDeo Prasad, Taxation in Ancient India.

**Clinical Course - III**

**(Alternate Dispute Resolution)**

**Paper III [Code – LB603CL] Total Marks: 100**

**Time Duration: 2 Hours Theory: 60 Legal Literacy: 40**

**Note:** The clinical paper on Alternative Dispute Resolution shall have two parts- Part A and Part B.

Part A shall be a written examination of 60 marks, which shall have three sections and shall be distributed according to the following scheme:

 *Section A shall contain 5 very short answer type questions, one from each unit carrying two marks each. Section B shall contain 5 short answer type questions, one from each unit carrying 6 marks each. And section C shall contain 5 long answer type questions, one from each unit carrying 10 marks each. All the questions from sections A and B and only two questions out of five from Section C shall have to be answered by the candidate.*

**In Part B the candidate/s shall be required to make presentation/interaction on any topic of law having contemporary societal relevance assigned to him/her by the teacher nominated for this purpose by HOD/Principal of the affiliated private law college, in any far flung area of the State(J & K) preferably in an educational institution and shall be evaluated for whole 40 marks, by atleast two teachers of that institution nominated by the Head of that Institution.**

**Objective:** *The object of this paper is to enable the students to understand the different dispute resolution processes and how they differ from each other and to appreciate that ADR is preferred mode of settling disputes between parties and change one’s mindset that Lawyering is only about litigation.*

**Unit –I**

1. ADR System: Concept and Need.
2. ADR under Legal Services Authorities Act( Central as well as J &K) – An Overview
3. Section 89 of Civil Procedure Code.
4. Section 2 to 17 of Arbitration and Conciliation Act, 1996.

**Unit –II**

1. Section 18 to 34 of Arbitration and Conciliation Act, 1996.

**Unit –III**

1. Section 35 to 37 of Arbitration and Conciliation Act, 1996.
2. Techniques of ADR.
	1. Negotiation
	2. Mediation

**Unit-IV – Enforcement of Foreign Awards**

1. New York Convention Awards – Section 44, 48, 49, and 50 of Arbitration and Conciliation Act, 1996.
2. Geneva Convention Awards – Section 53, 57, 58 and 59 of Arbitration and Conciliation Act, 1996.

**Unit-V**

1. Conciliation: Difference between Arbitration, Mediation and Conciliation.
2. Section 62, 63, 64, 66, 67, 73, 76 of Arbitration and Conciliation Act, 1996.

**Recommended Readings**

P.C. Rao et al., Alternate Dispute Resolution: What It is and How It Works? ICADR

N.R.Madhave Menon, Clinical Legal Education.

UpendraBaxi, Law and Poverty Critical Essays.

V.R.KrishnaIyer, Law and the Urban Poor.

M Ayub Dar, Legal Aid Movement in India (LLM Dissertation submitted to the Faculty of Law, University of Kashmir )

Roger Fisher et al, ‘Getting to Yes’ Penguin Publications

**Acts:**

The Legal Services Authorities Act, 1987

The Jammu and Kashmir legal Services Authorities Act, 1997

J&K Mediation Rules, 2009

**Clinical Course – IV**

**(Internship)**

**Paper IV [Code – LB604CL] Max. Marks – 100 Internship Report – 60 Viva = 40**

**Internship Details and Guidelines:**

* 1. There shall be a comprehensive practical training programme known as Internship based on actual practice of law at the end of LLB6th Semester.
	2. The Internship shall be of 3 months duration to be completed by the candidate/s after the final semester examination.
	3. The internees shall be required to visit courts of different jurisdictions, revenue courts,police stations and will be placed with lawyers and law firms, legal cells of the state departments, commissions, prosecution and vigilance directorates etc.
	4. The candidate shall be required to maintain a prescribed court dairy and record all the proceedings in which he/she participated to be verified by the concerned official under whose guidance the court/office proceedings are observed.
	5. The candidate shall be required to be well versed with pre-trial proceedings, like counseling techniques, interviewing and lawyering methods , preparation of suits, notices, writs, memorandum of appeals, affidavits, undertakings, applications execution proceedings, FIRs, remands, challans, police dairy, techniques of client-lawyer interactions, plaints, written statements, objections, examination of witnesses including cross-examination,re-examination, writs, injunctions , judgments etc.
	6. The candidate shall obtain a certificate duly signed by the court/advocate of having completed the internship programme both for pre-trial and post trial proceedings.
	7. The court dairies/internship report maintained by the internees shall be evaluated by at least T teachers nominated by the Head of the Department or Principal of the affiliated private law college.
	8. The court dairies shall carry 60 marks and viva voce 40 marks.
	9. The Head of the Department shall formulate a comprehensive scheme of placement in consultation with two next senior teachersfor effectively carrying out Internship programme.
	10. The viva voce for both, the University Department and affiliated private law colleges shall be held by the Board of examiners to be constituted under these statutes at the end of the Internship.
	11. The candidate shall be required to secure at least 50% marks in court dairy/internship report and viva-voce together to pass this subject., failing which they will have to re-appear in the viva voce which will be arranged by the department at the end of the supplementary examination of the 6thsemester

**(Constitutional Law Group)**

**IndianFederalism**

**Paper V [Code – LB605S] 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 Indian federalism. 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 highlight the origin and development of federalism and its manifestation within Indian Legal Set-Up.*

**Unit-I**

1. Origin and Nature of Federal Constitution.

Origin of Federalism.

Need for Federalism.

Federation, Confederation, and Quasi Federation.

1. Features of Federal Constitution

**Unit-II**

1. Distribution of Legislative Powers - Art 245, 246, 249 and 254.
2. Conflicts between Exclusive Jurisdictions.

Doctrine of Pith and Substance.

Doctrine of Ancillary Powers.

Doctrine of Colourable Legislation.

**Unit –III**

1. Freedom of Trade, Commerce and Intercourse (Art. 245-246,254).
2. Need for such a Power in a Federation.
3. Art 301-305 and Sec. 92 of Australian Constitution.

**Unit IV - Impact of Emergency on Federal Setup**

* 1. Art. 352
	2. Art. 358 & Art. 359
	3. Art. 356

**Unit –V - Federal Principles and Constitutional Amendments**

* 1. Amending Power and Procedure
	2. Amendment of Fund Rights
	3. Doctrine of Basic Structure

**Recommended Readings**

1. H.M. Seervai, Constitutional Law of India.
2. M.P. Jain, Indian Constitutional Law
3. D.D. Basu, Comparative Federalism
4. K.C. Wheare, Federal Government
5. Philip & Wade , Administrative and Constitutional Law
6. V.N. Shukla, Constitutional Law of India
7. Altaf Mir, Emergency & Martial Law under the Indian Constitution.
8. Bora Laskin, Canadian Constitutional Law
9. Shapiro Tresolini, American Constitutional Law.
10. Wynes , Legislative Executive, Judicial Powers in Australia.

### (Constitutional Law Group)

### Human Rights Law and Practice

**Paper VI [Code – LB606S] 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 Human Rights 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 shall introduce the learner to the basic concept of human rights. It shall provide an in-depth study of the law and developments in human rights.*

**Unit-I**

1. Theoretical and Historical Development of the Concept of Human Rights.
2. The UN Charter and Human Rights.

**Unit-II**

1. International Bill of Human Rights.
	* 1. The Universal Declaration of Human Rights (1948)
		2. The Covenant on Civil and Political Rights (1966)
		3. The Covenant on Economic, Social and Cultural Rights (1966)
		4. UN Charter based Institutions for Implementation.
2. Role of Amnesty International.
3. Role of NGOs.

**Unit III - Regional Conventions on Human Rights**

* 1. European Convention of Human Rights.
	2. The American Convention on Human Rights.
	3. The African Charter on Human Rights.

**Unit IV - International Humanitarian Law**

* 1. Definition, Origin and Development.
	2. Protection of Defenceless in War
	3. Limitation on Methods and Use of Force during Armed Conflicts Contemporary Issues and Challenges.

**Unit V - Impact and Implementation of International Human Rights Norms in India**

* 1. India and International Covenants.
	2. Human Rights and Indian Constitution.
	3. Enforcement of Human Rights in India
		1. Protection of Human Rights Act.
		2. National HRC
		3. State HRC
		4. Role of Courts

**RecommendedReadings**

1. Lauterpacht, International Law and Human Rights
2. Lavis and Burgemtja, International Protection of Human Rights
3. S.K. Avesti and R.P. Kataria, Law Relating to Human Rights
4. Wallace, International Human Rights – Text &Materials
5. C.J. Nirmal, Human Rights In India
6. I. Menon, Human Rights in International Law
7. A.B. Kailash, Human Rights in International Law
8. S.C. Khare, Human Rights and United Nations
9. Krishna Iyer, Human Rights and Inhuman wrongs
10. UpendraBaxi, The Right to be Human
11. C.K. Agarwal, Human Rights
12. H.O Agarwal, International Law and Human Rights
13. Merrilis, Human Rights

**(Business Law Group)**

**Corporate Governance**

**Paper V [Code –LB607S] 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 Corporate Governance. 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 give knowledge about the origin and development of the concept of corporate governance and also about the need of developing laws on corporate governance Corporate Governance.*

**Unit I- Conceptual Framework of Corporate Governance**

1. Introduction, Need and Scope.
2. Evolution of Corporate Governance.
3. Elements of good Corporate Governance.
4. Cadbury Committee. Greenburg Committee.

**Unit II- Indian Corporate Governance System**

1. The CII Code of Desirable Corporate Governance (1998)
2. Kumar MangalamBitla Report (1999).
3. Naresh Chandra Committee Report (2002).
4. Narayan Murthi Committee Report (2003).

**Unit III- Board Committees**

* + - 1. Introduction.
			2. Various Board Committees, Their Role and Responsibilities.
			3. Audit Committee.
			4. Shareholders Grievance Committee.
			5. Remuneration Committee.
			6. Corporate Governance Committee.
			7. Nomination Committee.
			8. Corporate Compliance Committee.

**Unit IV – Stakeholders in Corporate Governance**

1. Management.
2. Shareholders.
3. Employees.
4. Customers.
5. Vendors.

**Unit V – Regulatory Measures on Corporate Governance**

1. Provisions under Companies Act.
2. Clause 49 of the Listing Agreement
3. Other important and relevant Provisions.

**Recommended Reading**

P.P. Arya, Corporate Governance.

A.C. Fernando, Corporate Governance: Principles, Policies and Practice.

S. Singh, Corporate Governance: Global Concept and Practice.

 **(Business Law Group)**

**Financial Market Regulation**

**Paper VI [Code –LB608S] 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 Financial Market Regulation. 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 impart knowledge about capital market, SEBI, its incorporation and functioning and also to impart knowledge regarding the regulation and guidelines issued by SEBI for monitoring capital market.*

**Unit I- Securities and Exchange Board of India Act, 1992**

1. Formation of SEBI.
2. Powers of SEBI.
3. Appeal against order of SEBI.
4. Legal Position of SEBI, Guidelines.

**Unit II- Securities and Exchange Board Guidelines**

1. SEBI Guidelines for issue of Securities**.**
2. SEBI (Disclosure and Investor Protection) Guidelines, 2000.
3. SEBI (Prohibition of Insider Trading) Regulations, 1992.
4. SEBI (Substantial Acquisition of Shares and Takeover) Regulations, 2011.

**Unit III**

1. Promoters, their contribution.
2. Norms of Pricing.
3. Underwriting of Shares.
4. Code for Advertisements.
5. Book Building.
6. Green Shoe Option.
7. Shelf Prospectus.
8. Abridged Prospectus.

**Unit IV – SEBI Control over Intermediaries**

1. Merchant Bankers, Bankers to Issue.
2. Underwriters.
3. Debenture Trustees.
4. Stock Brokers.
5. Clearing Members and Trading Members.
6. Share Transfer Agent.
7. Portfolio Manager.
8. Market Makers.
9. Custodian of Securities and Credit Rating Agent.

**Unit V – Securities Contract (Regulation) Act, 1956**

1. Recognition of Stock Exchange and Control over Stock Exchanges by SEBI.
2. Listing of Securities and Appeal against Refusal.
3. Corporatization and Demutualization of Stock Exchange Control over Members of Stock Exchange.
4. Listing Agreement and Obligations of Listing Companies.

**Recommended Readings**

 Grover, Principles of Modern Companies Law.

 Palmer, Palmer’s Company Law.

Avtar Singh, Indian Company Law.

 S.M. Shah, Lectures on Company Law.

 A. Ramaiya, Guide to Companies Law.

Taxmann’s SEBI Manual.

Taxmann’s Corporate Law.

Securities and Exchange Board of India Act, 1992.

 SEBI (Disclosure and Investor Protection) Guidelines, 2000.

SEBI (Prohibition of Insider Trading) Regulations, 1992.

SEBI (Substantial Acquisition of Shares and Takeover) Regulations, 2011.

 **(Crime and Criminology Group)**

**Comparative Criminal Law**

**Paper V [Code –LB609S] 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 Comparative Criminal Procedure. 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 evaluate the principles and techniques of criminal procedure comparatively.*

**Unit I - Diverse Systems and Models of Criminal Proceedings**

* + 1. Adversarial / Accusatorial and Inquisitorial Systems - Core features of Inquisitorial and Adversarial systems - Trends of Borrowing the Best under Both Systems.
		2. Crime Control Model and Due Process Model - Common elements - Differing Points of Emphasis.
		3. Indian system of Justice Administration and its Challenges.

**Unit II - Pre-Trial Processes**

1. Bringing Information about Crime Incident before the Formal System (Police or Magistrate) Sections 154, 155 and 190 (Complaint).
2. Investigation of Crime- Sections 157 to 173.
3. Bail and Remand.
4. Rights of Accused and Victim.
5. Right to Counsel and Legal Aid.

**Unit III - Trial Processes**

1. Taking Cognizance by Courts and Committal Proceedings.
2. Hierarchy of Criminal Courts and Types of Trials.
3. Framing of Charge and Discharge Proceedings.
4. Acquittal or Conviction.
5. Revision, Appeal and Transfer of Case for Trial.

**Unit IV - Sentence Process**

1. Pre-sentence hearing Sections 235(2) and 248(2).
2. Reformative Sentence.
3. Withdrawal from Prosecution.
4. Plea Bargaining.
5. Compounding of Offences.

**Unit V – Forms of Punishment**

1. Punishment in Islamic Countries.
2. Punishment in European and American Countries
3. Restorative Justice.

**RecommendedReadings**

 Hebert L Pecker, Limits of Criminal Sanctions, Stanford Univ. Press.

R.V. Kelkar's Outlines of Criminal Procedure, Eastern,Lucknow.

Patric Devlin, The Criminal Prosecution in England.

American Series of Foreign Penal Codes.

 Criminal Procedure Code of People's Republic of China.

 Christina Van Den Wyngart, Criminal Procedure Systems in European Community.

Rene David, Comparison between English and French Criminal Justice System.

Tygore, Law Lectures.

Celia Hampton, Criminal Procedure.

14th and 41st Reports of Indian Law Commission.

**(Crime and Criminology Group)**

**Probation and Parole**

**Paper VI [Code –LB610S] 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 Probation and Parole. 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 highlight the principles, techniques and rules governing the processes of parole and probation within Indian Legal System and comparison of the same with other jurisdictions.*

**Unit I**

1. Probation – Meaning and Scope.
2. Parole – Meaning and Scope.
3. Philosophical Foundations of Probation and Parole.

**Unit II**

1. Origin and Evolution of Correctional Philosophy.
2. Origin and Evolution of Probation and Parole in India.

**Unit III – Probation**

1. Probation of Offenders Act, 1958 – Object, Purpose and Brief Overview.
2. Who is entitled to Probation?
3. Who can grant Probation?
4. What is the Procedure for the Grant of Probation?
5. What are the Criteria for the Grant of Probation?
6. Role and Responsibility of Probation Officer.
7. Violation of Terms of Probation and Consequences.
8. Judicial Approach

**Unit IV - Parole**

1. Legal Framework of Parole.
2. Kinds of Parole.
3. Difference between Parole and Bail.
4. Pre-Conditions to Parole.
5. Power to grant Parole.
6. Violation of Terms of Probation and Consequences.
7. Judicial Approach.

**Unit V- Comparative Analysis of Probation and Parole**

1. USA.
2. Europe.
3. South Asia.

**Recommended Reading**

E. Sutherland, and Cress, Principles of Criminology.

Ahmad Siddique, Criminology- Problems and Perspectives.

Paranjpe, Criminology and Penology.

Stephe Jones, Criminology.

Robert Winslow and S. Zhang, Criminology a Global Perspective.

John Tierny, Criminology Theory and Context.

Frank, Criminology Today: An Integrative Introduction.

Schmalleger, Criminology.

John Conklin, Criminology.

Donald Talt, Criminology.

**Private International Law (Optional)**

**Paper VII [Code – LB611OP] 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 Private International 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 introduce the students with the various aspects of Private International Law with special reference to family law matters.*

 **Unit I - Introduction**

1. Application and Subject matter of Private International Law.
2. Distinction with Public International Law.
3. Characterization and Theories of Characterization.
4. Concept of Renvoi.

**Unit II – Application and Jurisdiction**

1. Application of Foreign Law.
2. Domicile.
3. Jurisdiction of Courts.

**Unit-III–Family Law Matters**

1. Material and Formal Validity of Marriage under Indian and Foreign Law.
2. Choice of Law and Jurisdiction of Courts in Matrimonial Causes.
3. Dissolution of Marriage.
4. Grounds of Divorce.
5. Restitution of Conjugal Rights.
6. Recognition of Foreign Judgments.

**Unit-IV–Adoption**

1. Recognition of Foreign Judgments.
2. Adoption by Foreign Parents.
3. Jurisdiction under Indian and Foreign Law.

**Unit-V - Indian Law Relating to Foreign Judgments**

1. Recognition.
2. Basis of Recognition.
3. Finality, Failure.
4. Direct Execution of Foreign Decrees.

**Recommended Readings**

ParasDiwan, Private International Law.

Civil Procedure Code, 1973.

Hindu Succession Act, 1925.

The Hague Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.

Guidelines for Inter-Country Adoptions, 1994.

**Public Interest Lawyering, Legal Aid and Para-Legal Services**

 **(Optional)**

**Paper VII [Code –LB612OP] 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 public interest litigation, legal aid and para-legal services.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 introduce the students with the various aspects of Public Interest Lawyering, Legal Aid, and Para-Legal Services.*

**Unit-I - Legal Aid**

1. Concept and Constitutional Mandate
2. Historical perspective of Legal Aid in (a) India (b) State of Jammu and Kashmir.
3. Legal Aid to scheduled Castes and Defence Personnel Rules,1971,1973, Legal Aid to the Poor Rules- 1984 and 1987.

**Unit-II - The Jammu and Kashmir Legal Services Authorities Act, 1997**

* + 1. Legal Services Authorities and their powers and Functions.
		2. Entitlement to Legal Aid -Beneficiaries Modes and Procedure.
		3. Working of Legal Services Authorities
		4. Duties of Lawyers and Aided Persons

**Unit-III - LokAdalat and other forms of Alternate Dispute Resolution System**

1. Organization of LokAdalats, Cognizance of Cases, Awards: Procedure and Practice
2. LokAdalats: procedural and other socio-legal problems
3. Role of Lawyers
4. Other forms of ADR- mediation, negotiation and conciliation and their application in J&K.

**Unit-IV - Legal Aid, Para Legal Services and Clinical Legal Education**

1. Clinical Legal Education: Concept and contemporary practices
2. Need for legal literacy and para-legal Services
3. Role of Lawyers, Law students and NGO’s in Legal aid and Para Legal Services
4. Para Legal Service Training.

**Unit-V -** Public Interest Lawyering

1. Public Interest Litigation in India
2. PIL: Consumer and Environmental Protection. Scope of Public Interest Lawyering
3. PIL and Public Involvement
4. Law Student and PIL : Incentives and Scope of Involvement

**Recommended Readings**

1. N.R.Madhave, Clinical Legal Education.

2 UpendraBaxi, Law and Poverty: Critical Essays.

3. V.R. Krishna Iyer, Law and the Urban Poor.

**Reports**

1. V.K.KrishnaIter, Report of the Committee on legal Aid 1973.

2. P.N. Bhagwati, Report of the Committee on legal Aid -Processal Justice-1977.

**Acts**

The Legal Services Authorities Act, 1987.

The Jammu and Kashmir legal Services Authorities Act, 1997.