

Faculty of Law

UNIT 1. JURISPRUDENCE

Natural Law Theory:-Its meaning and definition, Historical evolution of natural Law theory: Ancient period, medieval period, the period of renaissance, modern period critical appraisal of natural law theory, Natural Law in British, American and Indian Legal Systems.

School of Jurisprudence and their exponent and their views: Analytical school; Bentham, Austin, H.L.A. Hart and Kelson. Historical School: Savigny, Sir Henry Maine, Philosophical School: Hegel, Herbert Spencer. Economical School: Marx and Lenin. Sociological School: Rudolph Von Ihering, Eugen Ehrlich, Leon Duigvit, Dean Roscoe Pound. Realistic School: Oliver Wendell Holmes, Alf Ross. Jurisprudence and Law: Definition of Law, its nature, Kinds and Classification of Law. Law and Morality, Law and State theories of Origin and evolution of the State, Function of the state, The concept of world federation. Sovereignty, its definition nature, and essentials of Sovereignty, Assessment of Sovereignty, in the Constitution of Britain, America and India.

UNIT 2. CONSTITUTION

State, Fundamental Rights and their position under the Constitution, Right to Equality, Right to Freedom, right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, Right to Constitutional Remedies including Public Interest Litigation (Art.12-35). Directive Principles of State Policy, their relevance, Comparison with Fundamental Rights, Classification of Directive Principle of State Policy, Correlation between Fundamental Rights (Art.36-51) Fundamental Duties (Art.51-A). Union Executive- President, Vice President, Council of Ministers, Attorney General, and conduct of Government Business (Art. 52-78). Union Legislature (The Parliament) Constitution, Composition, Duration of Houses, Qualification of Members and other General Provisions, Officers of the Parliament (Art.79-104), Powers, Privileges and immunities of the members (Art. 105-106). Legislative Procedure including procedure in financial matters (Art. 107-122), Legislative Powers of the President (Art. 123), Union Judiciary- Supreme Court of India (Art. 124-144), Comptroller General of India (Art.148-151), State Executive-Governor, Council of Ministers, Advocate General for the State, Conduct of Government Business (Art.152-167) State Legislature Constitution,

Composition, Powers, Privileges and immunities of State Legislatures and their Members, Legislative Procedure (Art. 168-212) Legislative Powers of Governor (Art. 213)

- High Courts in the States and Subordinate Judiciary (Art.214- 237). Administration of Union Territories(Art.239-241), The Panchayats-Definitions, Gram Sabha, Constitution and Composition of Panchayats, Reservation of Seats, Duration, Disqualifications for Membership, Powers, Authority and responsibilities of Panchayats(Art.243-243-O)The Municipalities-Definition, Constitution and Composition of Municipalities and Wards Committees, Reservation of Seats, Duration, Disqualifications for Membership, Powers, Authority and responsibilities of Municipalities, Power to impose Taxes, Finance Commission etc.(Art.243-P-243 ZG). The Scheduled and Tribal Areas (Art.244- 244-A). Relations between Union and the States-Legislative Relations (Art.245- 255)Administrative Relations, Disputes Relating to Waters and Co-ordination Between States (Art. 256-263), Provisions Regarding Finance(Art.264-279) Finance Commission(Art.280-281)Miscellaneous Financial Provisions(Art.282- 290)Borrowing by the Government of India and the States(Art.292-293), Constitutional Provisions Regarding Property, Contracts, Rights, Liabilities Obligations and Suits(Art.292-300) Right to Property (Art.300-A) Trade Commerce and Intercourse (Art.301-307) Service under the Union and the States (Art. 308-313) Public Service. Commissions (Art.315-323) Administrative Tribunals and Tribunals for other Matters (Art. 323-A-323-B), Provisions regarding Election and Election Commission (Art.324-329), Special Provisions regarding to certain Classes (Art. 330-342. Official Language-Language of the Union, Regional Languages, Language of the Supreme Court and the High Court's etc, Special Directives as to Languages(Art.343-351), Emergency Provisions (Art. 352-360) Miscellaneous Provisions(Art.361-367), Amendment of the Constitution (Art. 368), Temporary, Transitional and Special Provisions(Art.369-392), Short Title, Commencement, Authoritative Text in Hindi and Repeals, All Schedules and Amendments.

UNIT 3. BHARTIYA NYAYA SANHITA (BNS)

(a) Introduction to Bhartiya Nyaya Sanhita, (b) Retrospective and Prospective Applicability of BNS (c) Reforms in Bhartiya Nyaya Sanhita (d) Comparative Analysis of Indian Penal Code and Bhartiya Nyaya Sanhita (e) Newly Added Offences and Punishments under Bhartiya Nyaya Sanhita (f) Overview of New Criminal Law Reforms.

Acts & Omission (S. 2(1) & S. 2(25) [IPC- S. 33], Child (S.2(3)BNS), Gender (S.2(10)) [IPC- S.8], Dishonestly(S.2(7)) [IPCS.24], Government (S.2(12)) [IPC- S. 17], Injury(2(14) [IPCS.44], Offence (S.2(24) [IPC- S.40], Common Intention(S.3(5) [IPC- S.34], Wrongful Gain (S.2(36) [IPC- S.23] and Wrongful loss (S.2(37) [IPC- S.23] A) Concept of Crime

*Constituents of a crime

*Stages of Crime

*Principles of Mensrea and Strict liability offences

B) Concept of Punishments (S.4) [IPC- S.53]

*Death

*Imprisonment for Life

*Imprisonment- Rigorous and Simple

*Forfeiture of Property

*Fine

**Community Service

(Chapter-III, Sections 14 to 44 BNS) [Chapter-IV, Sections 76 to 106IPC]

(A) Defenses based on justifications - (a) Private defense (b) Necessity (c) Consent

(B) Defenses based on excuses -(a) Duress (b) Intoxication (c) Mistake (d) Infancy

(e) Unsoundness of Mind (f) Superior orders

(a) Rape & Gang Rape and their Punishment (Ss. 63-66) [IPC- S.375-376-A]& S. 70 [IPC- S.376-D]), (b) Sexual Intercourse by employing Deceitful Means (S. 69) [IPCS....](c)Sexual Harassment (S. 75) [IPC- S.354-A](d)Voyeurism (S.77) [IPC- S.354-C](e) Dowry Death (S.80) [IPC- S.304-B](f)Selling and Buying of Child for purpose of Prostitution (S. 98 & 99)[IPC- S.372 & S. 373],(g) Culpable Homicide and Murder (S. 100–103[IPC- S.299-302]& S.105[IPC- S.8]), (h) Abetment of suicide (S. 108)[IPC- S.306], (i) Causing Death by Negligence (S. 106) [IPC- None], (j) Organized Crime (S. 111) [IPC- None] (k) Terrorist Act (S. 113) [IPC- None], (l) Hurt and Grievous Hurt (Ss. 114-117 (4)) [IPC- S. 319-325], (m) Kidnapping and Abduction (Ss. 137 & 138) [IPC- S. 359-362]

Waging or abetting waging of war against the Government of India. (S. 147) [IPC- S. 121], (b) Conspiracy to commit offences punishable by Sec 147. Attempting to Wage war, or 148) [IPCS.121-A], (c) Act endangering Sovereignty, Unity and Integrity of India. (S. 152) [IPC- None], (d) Miscellaneous, (e) Theft (S.303) [IPC- S. 378-379], (f)Snatching (S.304) [IPC- S.

None], (g)Extortion (S.308(1) & (2)) [IPC- S. 383-384], (h)Robbery & Dacoity (S. 309(1)-(4) & 310(1)-(4)) [IPC- S. 390 &392...S.391-399], (i)Dishonest Misappropriation & Criminal breach of trust (S. 314 &316) [IPC- S. 403-409],(j)Cheating (S. 318 (1) & (2)) [IPC- S. 415-417],(k)Mischief (S. 324 (1) & (2)) [IPC- S. 425-426]

UNIT 4. LAW OF TORTS

Law of torts: Definition, Nature, Scope, Object & General Principles of Law of Torts: Historical Background of law of Torts - Evolution in England and India, Form of Action and its uncodified characters. It's Indian Origin from the principles of equity justice and good conscience, Definition Torts: Its comparison with crime and breach of contract, its nature, purpose and functions, general principles of liability, its kinds, *demnum sine injuria* and *injuria sine demnum*. General Elements in torts - Acts and omission voluntary and non-voluntary act, Mental Element in torts - Malice, intention, negligence, motive, recklessness, carelessness, malafide, malfeasance, misfeasance, non-feasance and fault, Immunities, Justification, Remedies, Discharge and Effect of Death, Immunities from tortious liability. Justification and defences in action of torts - Act of God Act of State, Judicial act, inevitable accident, Private defence, necessity, consent, leave and license, Remedies

- damages and its kind, quantum of damages, injunction and its types, Specific restitution of property, joint-tort feors, contribution between wrongdoer, remedies under constitution and compensation as prescribed by statutes, self-help, distress damage feasant, discharge of torts - by accord and satisfaction, waiver by election, release acquiescence judgment recovered and statute of limitation and effect of death on tort claim, Wrongs relating to person & property relations; rights: Wrongs relating to person, assault, battery, false imprisonment and malicious prosecution. Wrong relating to domestic and other rights. Intimidation and conspiracy, fraud and deceit, interference with trade business and occupation by unlawful means, Wrongs relating to immovable - trespass to land, trespass by animal, trespass abinitio injury to reversion & waste and casent, wrongs relating to movable property, trespass to goods, conversion and detention, Torts affecting immovable and movable property - slender of title, slender of goods: maintenance and champert ,In-corporal personal property right – patent, copyright & trademarks act etc. Negligence, Nuisance, Defamation and Liability for Wrongs Committed by Others: Negligence - Its nature, condition and exception, negligence of various persons is occupied, carriers counsel, doctors,

animal, keepers, dangerous goods holder, street and statutory duty and contributing negligence, Nuisance- Nature classification and kind injury to property and remedies, Defamation – Its kinds libel and slander, its definition and essentials, repetition, defences in defamation and remedies for defamation, Liability for wrongs committed by others - liability by ratification by relations i.e. master and servants, principal and agent, owner and independent contractor, liability of the State doctrine of common employment, liability for abatement, absolute and strict liability.

UNIT 5. ADMINISTRATIVE LAW

Introduction of administrative law, administrative process, discretion and direction: Meaning, nature, history and function of administrative law, sources of administrative law, its origin and scope, reasons for its growth, its historical development in England, America and India, administrative law and constitutional law, droit administrative and council, State, constitutional foundation of administrative law, the rule of law, its meaning, supremacy of regular laws and equality before the laws, doctrine of separation of powers, its meaning and its position in U.K., U.S.A. & India

Administrative Process - Nature of administrative process, and its classification, legislative, judicial, quasi-judicial and pure executive action, their characteristics and difference among them.

Administrative Discretion - Meaning, nature and criteria, its use or principle applicable for its use, need for administrative discretion, limit on exercise of discretion, malafide exercise of discretion acting under dictation, constitutional imperative... and use of discretionary authority, non-application of mind, unreasonableness and standard of reasonableness, taking irrelevant consideration or not taking in to consideration among relevant matter, non-exercise of discretionary powers, administrative arbitrariness and bias. Procedural safeguards for use of discretion.