

**DR. BHIMRAO  
AMBEDKAR LAW UNIVERSITY, JAIPUR**  
डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

## **LL.B.Three year Course**

### **(Semester Scheme)**



## **SYLLABUS AND COURSE COMPONENT**

### **SECOND SEMESTER 2024-25**

**(January to June)**

# **COURSE CREDIT**

## **LL.B. SECOND SEMESTER**

<b>S.NO.</b>	<b>PAPER No.</b>	<b>PAPER NAME</b>	<b>NO. OF CREDITS</b>		
			<b>LECTURES</b>	<b>TUTORIAL</b>	<b>CREDFITS</b>
1.	2.1	Public International Law including Human Rights.	3	1	4
2.	2.2	Constitutional Law II	3	1	4
3.	2.3	Law of Contract II	3	1	4
4.	2.4	Family Law II	3	1	4
5.	2.5	Labour and Industrial Laws II	3	1	4
6.	2.6	Bhartiya Nyay Sanhita, 2023	3	1	4
<b>TOTAL=</b>			18	6	24

**TOTAL CONTACT HOURS PER WEEK = 18 + 6 = 24**

**TOTAL COURSE CREDIT = 24**

### **Examination Scheme-**

- Total marks=100

End Term Examination-80 marks; Internal Assessment-20 marks

- Out of 20 marks

Project-10 marks (5 marks for written submission and 5 marks for presentation)

Mid Term Examination-10 marks (covering 50% syllabus).

- Paper pattern (Mid Term Examination) will as per following scheme-
  - (a) Section A -students are supposed to answer two (2) Short question out of three (3). Each carry equal marks 2 (Two)
  - (b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

### **Mid-Term examination shall be conducted by the College.**

- End Semester Question paper pattern for UG will be as under:

Every question paper will be divided into two sections:

- (a) Section A will consist of 7 short questions out of which 5 questions are to be attempted. Each question will carry 4 marks.  
Out of 7 questions, at least 3 questions must be application based.
- (b) Section B will contain 6 long questions out of which 4 are to be attempted. Each question will carry 15 marks.  
Section A and Section B will respectively cover whole syllabus.

## **Public International Law including Human Rights.**

### **(Paper No.2.1)**

#### **INTRODUCTION:**

Public International Law (PIL) governs the relationships between sovereign states, international organizations, and other global actors. It addresses crucial global issues such as human rights, environmental protection, the law of the sea, international criminal law, and dispute resolution. This course provides students with a comprehensive understanding of the principles, practices, and institutions of international law. It also encourages critical thinking about the challenges and effectiveness of international law in maintaining global order and justice.

#### **COURSE OBJECTIVES:**

1. **Understanding Fundamental Principles:** To provide students with a thorough grounding in the fundamental principles and sources of public international law.
2. **Analyzing Legal Frameworks:** To enable students to analyze the legal frameworks governing international relations, including treaties, customary law, and the role of international organizations.
3. **Application to Contemporary Issues:** To explore the application of international law to contemporary global issues such as human rights, environmental protection, and the law of the sea.
4. **Critical Evaluation:** To foster the ability to critically evaluate the effectiveness of international law in addressing global challenges and maintaining international peace and security.
5. **Developing Legal Skills:** To equip students with the skills to research, analyze, and present legal arguments related to international law, enhancing their legal reasoning and advocacy skills.

#### **LEARNING OUTCOMES:**

1. Students will be able to recall the key principles, sources, and institutions of public international law, including the UN Charter, International Court of Justice (ICJ), and major international treaties.
2. Students will explain the functioning of international organizations, the process of treaty-making, and the principles governing state sovereignty, immunity, and jurisdiction.
3. Students will apply principles of international law to hypothetical scenarios, such as disputes between states or cases involving human rights violations.
4. Students will analyze landmark cases in international law, such as those decided by the ICJ or international criminal tribunals, identifying the legal principles and reasoning behind the decisions.
5. Students will critically evaluate the effectiveness of international law in areas such as conflict resolution, environmental protection, and the enforcement of human rights.
6. Students will develop legal arguments and policy recommendations on contemporary issues in international law, such as climate change or global migration.

## **Unit I: Introduction to Public International Law**

1.1 Nature and Scope of International Law; Definition and Characteristics of International Law; Distinction between Public and Private International Law; Relationship between International Law and Municipal Law; Theories of International Law (Natural Law, Positivism, Realism)

1.2 Sources of International Law; Article 38 of the ICJ Statute; Treaties and Conventions; Customary International Law; General Principles of Law Recognized by Civilized Nations; Judicial Decisions and Juristic Writings.

1.3 Subjects of International Law; State as a Subject of International Law; International Organizations as Subjects; Individuals and Non-State Actors in International Law; Rights and Duties of States; Recognition of States and Governments.

1.4 International Legal Personality; Concept of Legal Personality in International Law; Criteria for Statehood; Recognition and its Legal Effects; Legal Status of International Organizations; International Legal Personality of Individuals.

1.5 Jurisdiction and Sovereignty; Territorial Jurisdiction; Extraterritorial Jurisdiction; Principles of Jurisdiction (Nationality, Passive Personality, Protective, Universality); Immunities from Jurisdiction (State Immunity, Diplomatic Immunity); Sovereignty and Its Limitations in International Law.

## **Unit II: International Dispute Resolution and Law of Treaties**

2.1 Peaceful Settlement of Disputes; Diplomatic Methods (Negotiation, Mediation, Conciliation); Legal Methods (Arbitration, Adjudication); Role of the International Court of Justice (ICJ); Advisory Opinions by the ICJ; Regional Mechanisms for Dispute Resolution.

2.2 Use of Force and Collective Security; Prohibition of the Use of Force (Article 2(4) of the UN Charter); Exceptions to the Prohibition: Self-Defense, UN Security Council Authorization; Collective Security under the United Nations; Peacekeeping Operations; Responsibility to Protect (R2P).

2.3 Law of Treaties; Vienna Convention on the Law of Treaties (1969); Formation and Conclusion of Treaties; Reservations, Ratification, and Accession; Interpretation of Treaties; Termination and Suspension of Treaties.

2.4 International Responsibility; Concept of State Responsibility; Attribution of Conduct to the State; Breach of International Obligations; Consequences of Internationally Wrongful Acts; Reparations (Restitution, Compensation, Satisfaction).

2.5 International Humanitarian Law; Principles of International Humanitarian Law; Geneva Conventions and Additional Protocols; Distinction between Combatants and Non-Combatants; Protection of Civilians and Prisoners of War; War Crimes and Accountability Mechanisms.

## **Unit III: International Human Rights and Humanitarian Law**

3.1 Introduction to International Human Rights Law; Evolution of Human Rights in International Law; Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social, and Cultural Rights (ICESCR); Regional Human Rights Systems (European, Inter-American, African)

3.2 Human Rights Treaties and Enforcement Mechanisms; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); UN Human Rights Council and Special Procedures; Role of Non-Governmental Organizations (NGOs) in Human Rights Enforcement.

3.3 Introduction to Human Rights in India; Historical Development of Human Rights in India; Constitutional Framework for Human Rights: Fundamental Rights and Directive Principles of State Policy; Role of the Judiciary in the Protection of Human Rights; Judicial Activism and Public Interest Litigation (PIL) in Human Rights.

3.4 Protection of Marginalized Communities; Rights of Scheduled Castes, Scheduled Tribes, and Other Backward Classes; Legal Provisions Against Discrimination: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; Protection of Minorities: Constitutional Safeguards and Statutory Provisions; Social Justice and Affirmative Action Policies in India.

3.5 National Human Rights Institutions; Role of the National Human Rights Commission (NHRC) and State Human Rights Commissions; Powers and Functions of the NHRC; Effectiveness of Human Rights Commissions in Protecting Human Rights; Challenges Faced by National Human Rights Institutions in India.

#### **Unit IV: Law of the Sea and International Economic Law**

4.1 Law of the Sea; United Nations Convention on the Law of the Sea (UNCLOS); Maritime Zones (Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf); Rights and Duties of Coastal and Landlocked States; Dispute Settlement under UNCLOS; Protection of Marine Environment and Resources.

4.2 International Air and Space Law; Principles of International Air Law; Regulation of Air Space and Outer Space; International Civil Aviation Organization (ICAO); Liability for Damage Caused by Space Objects; Peaceful Use of Outer Space.

4.3 International Economic Law; Introduction to International Economic Law; World Trade Organization (WTO): Principles, Agreements, and Dispute Resolution; International Monetary Fund (IMF) and World Bank: Roles and Functions; Bilateral Investment Treaties (BITs) and Investor-State Dispute Settlement (ISDS); Challenges in Global Economic Governance

4.4 International Investment Law; Principles of International Investment Law; Protection of Foreign Investments; Expropriation and Compensation; Investor-State Dispute Settlement (ISDS); Role of Multinational Corporations in International Law.

4.5 International Environmental Law; International Legal Framework for Environmental Protection; Sustainable Development and International Law; Legal Responses to Climate Change; Protection of the Ozone Layer and the Montreal Protocol; Transboundary Environmental Issues and Disputes.

#### **Suggested Readings:**

1. Malcolm N. Shaw, International Law, Cambridge University Press.
2. Ian Brownlie, Principles of Public International Law, Oxford University Press.
3. J.G. Starke, Introduction to International Law, Oxford University Press.
4. S.K. Kapoor, International Law and Human Rights, Central Law Agency.
5. H.O. Agarwal, International Law & Human Rights, Central Law Publications.

6. V.K. Ahuja, Public International Law, LexisNexis.
7. Gurdip Singh, International Law, Eastern Book Company.
8. Antonio Cassese, International Law, Oxford University Press.
9. David Harris, Cases and Materials on International Law, Sweet & Maxwell.
10. Peter Malanczuk, Akehurst's Modern Introduction to International Law, Routledge.
11. R.K. Dixit, International Law: A South Asian Perspective, Lancers Books

## **Constitutional Law II**

### **(Paper No.2.2)**

#### **INTRODUCTION:**

Constitutional Law forms the bedrock of India's legal system, governing the structure and functioning of the State. It deals with the principles, rules, and procedures established by the Constitution of India that regulate the country's governance. This subject provides an in-depth understanding of the distribution of powers among the three organs of the state-the legislature, executive and judiciary-and their functions. The course also covers crucial aspects like emergency provisions, centre-state legislative relations, interstate trade and commerce, and safeguards for civil servants. A thorough understanding of Constitutional Law is essential for those seeking to grasp the legal, political, and administrative frameworks that sustain Indian democracy.

#### **COURSE OBJECTIVES:**

1. To provide students with a comprehensive understanding of the Constitution of India, its structure, philosophy, and significance in governance.
2. To explain the functions, powers, and checks and balances between the legislature, executive and balances between the legislature, executive, and judiciary in the Indian constitutional Law.
3. To explore the centre-state relations, focusing on legislative, administrative, and financial powers.
4. To explain the constitutional provisions for emergency situations and for amendment of the Constitution.
5. To highlight the constitutional provisions regarding the free flow of trade and commerce across state borders and their significance in the federal framework.
6. To analyze the constitutional protections provided to civil servants to ensure independence and security in their roles.
7. To encourage students to engage critically with constitutional amendments, landmark judicial decisions, and evolving interpretations of the Constitution.

#### **LEARNING OUTCOMES:**

By the end of the course, students will be able to:

1. Evaluate the roles and powers of the legislature, executive, and judiciary, and understand the doctrine of separation of powers in the Indian context.
2. Demonstrate an understanding of the emergency provisions under Articles 352, 356 and 360, and assess their application and impact on fundamental rights and state autonomy.
3. Analyze the division of powers between the centre and states, focusing on legislative relations as outlined in the Seventh Schedule of the Constitution, and the mechanisms for resolving conflicts.



4. Evaluate the significance of Articles 301 to 307 regarding the free flow of trade, commerce, and intercourse across India, and analyze constitutional mechanisms to address trade disputes between.
5. Explain the constitutional protections for civil servants under Articles 309 to 311, ensuring their security and independence in the discharge of duties.
6. Apply knowledge of constitutional law to analyze and solve legal issues concerning governance, and state functions, using case laws and practical examples.
7. Critically evaluate recent constitutional amendments, landmark Supreme Court decisions, and debates concerning the interpretation and implementation of the Constitution.

#### **UNIT-I Union and State Executive:**

- 1.1 Nature, Scope and Extent of Executive Powers;
- 1.2 The President of India: Qualifications Election Impeachment and powers of the President.
- 1.3 Position of the President and Relationship with Council of Ministers.
- 1.4 Governor: Qualification, Powers, Position and Relationship with Council of Ministers.
- 1.5 The Vice- President of India and Attorney General for India.

#### **UNIT- II Parliament and State Legislature**

- 2.1 Composition of the Parliament; Qualification; Legislative Procedure;
- 2.2 State Legislatures; Qualification; Legislative Procedure;
- 2.3 Conduct of Business; Procedure in Financial Matters;
- 2.4 Disqualification of Members; Tenth Schedule;
- 2.5 Legislative Privileges;

#### **UNIT III Union Judiciary, The High Courts and Subordinate Courts.**

- 3.1 Union Judiciary & High Courts:
- 3.2 Jurisdiction; Establishment and Constitution of Supreme Court and High Courts; Appointment and removal of Judges.
- 3.3 Jurisdiction of the Supreme Court and the High Courts.
- 3.4 Independence of Judiciary
- 3.5 Subordinate Courts.
- 3.6 Judicial Activism and overreach; Judicial self-restraint; Public Interest Litigation.

#### **UNIT IV Federal Relations and Services**

- 4.1 Legislature, Administrative and Financial Relations between the Union and the State Legislatures.
- 4.2 Emergency Provisions.
- 4.3 Amendment of Constitution

4.4 Services: Recruitment and Conditions of service of persons serving the Union or a State; Doctrine of Pleasure; Safeguards to Civil Servants.

**Prescribed Books:**

1. M. P. Jain, INDIAN CONSTITUTIONAL LAW, (2018).
2. Mahendra Pal Singh, V.N. SHUKLAS' CONSTITUTION FO INDIA, (2023).

**Reference Readings:**

Granville Austin; THE INDIAN CONSTITUTION: CORNERSTONE OF ANATION, (1966).

1. D. D. Basu, SHORTER CONSTITUTION OF INDIA, (2009).
2. H. M. Seervai, CONSTITUTIONAL LAW OF INDIA, (Universal, 2017).
3. Zoya Hasan et. al., INDIAS' LIVING CONSTITUTION: IDEAS, PRACTICES, CONTROVERSIES, (2002).
4. B. N. Kirpal, et.al., SUPREME BUT NOT INFALLIBLE: ESSAYS NI THE HONOUR OF THE SUPREME COURT OF INDIA, (OUP, 2000).
5. Shiva B. Rao, THE FRAMING OF INDIA'S CONSTITUTION- SELECT DOCUMENTS, (Universal, 2015).
6. Sarkaria Commission, REPORT OF THE COMMISSION ON CENTRE-STATE RELATIONS, (1987).
7. M. M. Punchhi Commission, REPORT OF THE COMMISSION ON CENTRE-STATE RELATIONS, (2010).
8. Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, REPORT OF THE NATIONAL COMMISSION OT REVIEW THE WORKING OF THE CONSTITUTION, (2002).

## **Law Of Contract- II**

### **(Paper No.2.3)**

#### **INTRODUCTION**

The study of special contracts forms a crucial component of commercial law. This course delves into specific contractual relationships that govern commercial transactions in various forms, such as the sale of goods, partnerships, and liability agreements. As commerce expands globally, understanding the legal frameworks that regulate these transactions becomes essential. The course covers foundational principles and modern developments, including electronic contracts, providing students with comprehensive knowledge to navigate and apply the law in diverse commercial contexts.

#### **COURSE OBJECTIVES:**

1. **Understanding Legal Frameworks:** To provide students with a thorough understanding of the legal principles governing special contracts, including the Sale of Goods Act, Indian Partnership Act, and Limited Liability Partnership Act.
2. **Analyzing Contractual Relationships:** To enable students to analyze the rights and liabilities of parties involved in various types of contracts, including indemnity, guarantee, bailment, and agency.
3. **Application in Contemporary Contexts:** To explore the application of traditional contract law principles in modern contexts, such as electronic and online contracts, ensuring students can adapt to the evolving commercial landscape.
4. **Critical Evaluation:** To foster the ability to critically evaluate legal scenarios and the implications of contractual relationships in real-world situations.
5. **Legal Problem-Solving:** To equip students with the skills to solve legal problems related to special contracts through case studies and practical examples.

#### **LEARNING OUTCOMES:**

1. Students will be able to recall and describe the key provisions of the Sale of Goods Act, Indian Partnership Act, and Limited Liability Partnership Act.
2. Students will be able to explain the nature and types of special contracts, including e-contracts, indemnity, guarantee, bailment, pledge, and agency.
3. Students will demonstrate the ability to apply the principles of special contracts to real-life scenarios, such as forming contracts or resolving disputes related to sales, partnerships, or liabilities.
4. Students will analyze the rights and obligations of parties in specific contractual situations, distinguishing between various types of contracts and identifying potential legal issues.

5. Students will critically evaluate different contractual relationships, including the effectiveness of legal provisions in protecting the rights of parties and the implications of contractual breaches.
6. Students will develop and draft hypothetical contract scenarios, demonstrating their ability to create legally sound contracts and suggest modifications based on specific legal requirements or client needs.

**UNIT – I Contracts of Indemnity and Guarantee:**

- 1.1 Meaning, Distinction between Indemnity and Guarantee and Kind of Guarantee;
- 1.2 Rights of Indemnity Holder; Rights of the Surety,
- 1.3 Extent of the Liability of the Surety; Discharge of liability of the Surety. Contracts of Bailment and Pledge:
- 1.4 Meaning and Kinds of Contracts of Bailment – Bailment without Consideration; Rights and Duties of Bailee and Bailor;
- 1.5 Termination of Contract of Bailment; Contract of Pledge-Meaning and Definition, Pledge by **Unauthorized Persons**

**UNIT - II Contract of Agency:**

- 2.1 Definition, Kinds
- 2.2 Modes of Creation of Agency;
- 2.3 Relation between: i) The Principal and Agent ii) The Principal and Third Party, and iii) The Agent and the Third Party
- 2.4 Determination of Agent's authority –i) By Act of Parties; and ii)
- 2.5 Operation of Law – Irrevocable Authority

**UNIT – III Contract of Sale of Goods:**

- 3.1 Sale-Meaning, Definition and Distinguish between Agreement to Sell,
- 3.2 Hire-Purchase Agreement; Goods-Existing,
- 3.3 Future and Contingent; Conditions and Warranties.
- 3.4 Passing of Property from Seller to Buyer; Sale by Unauthorized Person.
- 3.5 Law relating to Performance of Sale; Rights of Unpaid Seller

**UNIT – IV Contract of Partnership:**

- 4.1 Meaning, Definition,
- 4.2 Creation and the Characteristics of Contract of Partnership;
- 4.3 Kinds of Partner and Partnership; Distinction between: i) Co-ownership and Partnership ii) Joint Hindu Family Firm and Partnership; iii) Company and Partnership iv) Position of Minor;
- 4.4 Relations inter-se of partners and relation of Partners with third parties; Registration of Partnership firm; Effect of Non - Registration of Partnership Firm; Dissolution of Firm

4.5 Limited Liability Partnership Act, 2008, [including the Amendment Act, 2021]: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses.

**Suggested Readings:**

1. A Ramaiya's Commentary on the Sale of Goods, K. Shanmukham and H.K. Saharay Ed., 5th ed, 2014, Universal Law Publishing.
2. Akhilesh Gupta, Law Relating to Special Contracts—Contracts of Bailment, Pledge, 2013, LexisNexis.
3. Akhileshwar Pathak, Law of Sale of Goods, 2013, Oxford University Press.
4. Avtar Singh, Principal of the Law of Sale of Goods.
5. Avtar Singh, Introduction to Law of Partnership (including Limited Liability Partnership) 10th ed., 2011, Eastern Book Company.
6. Benjamin's Sale of Goods, Michael Bridge ed, 9th ed, 2016, Sweet and Maxwell.
7. D. S. Chopra, A Commentary on Sale of Goods, Partnership and Negotiable Instruments, 2016, Thomson Reuters.
8. Mulla's The Sale of Goods Act and the Indian Partnership Act, K Kannan ed., 10th ed, 2012, LexisNexis.
9. P S Ramanatha Aiyar, Law of Sale of Goods, Shrinivas Gupta ed., 10th ed, 2016, Universal Law Publishing.
10. Pollock and Mulla's The Indian Partnership Act, G. C. Bharuka ed., 7th ed, 2007.
11. Pollock and Mulla's The Sale of Goods Act, Akshay Sapre ed., 9th ed, 2014, Lexis Nexis.

## **Family Law – II**

### **(Paper No.2.4)**

#### **INTRODUCTION:**

Family Law–II focuses on the understanding of Muslim law as it pertains to familial and property relations. This course delves into the legal principles governing marriage, divorce, maintenance, dower, guardianship, adoption, gifts, and succession under Muslim law. It explores the sources, application, and schools of Muslim law, examining how these principles are interpreted and applied in the Indian legal context. By studying these topics, students gain insights into the rights, obligations, and remedies available in family disputes, contributing to the regulation and minimization of conflicts within families.

#### **COURSE OBJECTIVES:**

1. **Understanding the Foundations of Muslim Law:** To provide students with a comprehensive understanding of the sources, nature, and application of Muslim law in India, including the various schools and their interpretations.
2. **Analyzing Family Relations:** To enable students to analyze the legal aspects of marriage, divorce, dower, and maintenance in Muslim law, understanding their significance and implications in contemporary society.
3. **Exploring Property Rights:** To examine the principles governing gifts (hiba), wakf, and succession under Muslim law, including the differences between intestate and testamentary succession.
4. **Comparative Analysis:** To facilitate a comparative understanding of Muslim law with other legal systems, particularly in the context of marriage, inheritance, and guardianship.
5. **Critical Thinking and Legal Application:** To develop the ability to critically evaluate legal provisions, judicial decisions, and the constitutional validity of various aspects of Muslim law, applying this knowledge to resolve real-life legal issues

#### **LEARNING OUTCOMES:**

1. Students will be able to recall key concepts, provisions, and sources of Muslim law, including the schools of thought, types of marriage, and the rules of succession.
2. Students will explain the legal principles governing marriage, divorce, dower, maintenance, and guardianship under Muslim law, demonstrating a clear understanding of their applications and effects.
3. Students will apply the principles of Muslim law to hypothetical scenarios, particularly in areas related to family disputes, property rights, and succession, providing legally sound solutions.
4. Students will analyze the differences between valid, void, and irregular marriages, the type of dower, and the legal status of adoption in Muslim law, identifying the underlying legal principles and their implications.
5. Students will critically evaluate the constitutional validity and judicial interpretations of pre-emption rights, the implications of the Muslim Women (Protection of Rights on Divorce) Act, 1986, and the effectiveness of maintenance provisions under Cr. P.C.

6. Students will draft legal arguments and briefs concerning family law issues, such as divorce, maintenance, and succession, demonstrating their ability to create coherent and legally justified positions based on Muslim law.

**UNIT – I Introduction to Family Law:**

- 1.1 Sources of Muslim Law,
- 1.2 Application of Muslim Law,
- 1.3 Nature and Origin of Muslim Law as Applied and Interpreted in India,
- 1.4 Schools of Muslim Law, Migration and Change of Religion.
- 1.5 Concept of Marriage in Muslim Law – A Sacrament or Contract, Essentials of a Valid Marriage, Kinds of Marriage and Effects of Void, Irregular and Valid Marriages, Effects of Conversion.

**UNIT – II Dower:**

- 2.1 Concept of Dower in Muslim Law,
- 2.2 Type of Dower, Nature of Dower -whether Inheritable and Transferable,
- 2.3 Wife's Right of Retention of Property in lieu of Mahr, Effects of Non-Payment of Dower.  
Maintenance:
- 2.4 Provisions regarding maintenance for wife and other dependents in Muslim Law,
- 2.5 Implications of the Muslim Women (Protection of Rights on Divorce) Act, 1986, Provisions in Cr. P.C. (Sec.125-128), Judicial Approach

**UNIT – III 3 Matrimonial Reliefs:**

- 3.1 Theories of Divorce,
- 3.2 Grounds & Kinds of Divorce under Muslim Law, Guardianship, Parentage and Adoption:
- 3.3 Laws of Guardianship,
- 3.4 Type of Guardian,
- 3.5 Legitimacy and Legitimation, Acknowledgement of Sonship under Muslim Law, Adoption under Muslim Law – Whether Recognized or Not?

**UNIT – IV Gift/Hiba:**

4. 1 Concept of Gift/Hiba under Muslim Law.
4. 2 Types of Gifts Wakf.
- 4.3 Concept of Wakf under Muslim Law; Object, Essentials and Kinds of Wakf; Doctrine of Musha; Mutawalli; Wakf and Sadaqah Distinguished. Testamentary Succession & Intestate Succession.
- 4.4 Will under Muslim Law, Will under Indian Succession Act, 1925, Law of Inheritance under Muslim Law, Intestate Succession under Indian Succession Act, 1925. Law of Pre-Emption.

#### 4.5 Concept of Pre-Emption, Law of Pre-Emption or Shufaa under Muslim Law, Constitutional Validity of the Right of Pre-Emption.

##### **Suggested Readings:**

1. Kusum. (2015). Family Law-I (4th ed.). Gurgaon; LexisNexis.
2. Saxena, Poonam. Pradhan. (2019). Family Law-II (4th ed.). Gurgaon; LexisNexis.
3. Ahmad, Aqil. (2016). Mohammedan Law (26th ed.). Allahabad; Central Law Agency.
4. Mahmud, Tahir. (2016). The Muslim Law of India and Abroad (2nd ed.). Gurgaon; Universal LexisNexis
5. Pillai, K.N. Chandrashekharan. (2017), R.V. Kelkar Lectures on Criminal Procedure Code (6th ed.). Lucknow: Eastern Book Company.
6. Thakker 'Takwani', C. K., Thakker, M.C. (2014). Criminal Procedure (4th ed.) Gurgaon; LexisNexis
7. Mulla, D.F. (2017). Mulla's Principles of Mohamedan Law (22nd ed.) Gurgaon; LexisNexis.
8. Saeed Manzar. (2015). Commentary on Muslim Law in India (2nd ed.) New Delhi; Orient Publishing Company.
9. Siddiqui, Munir. Ahmad (2012). Principles of Mohammedan Law (2nd ed.) Allahabad; Dwivedi & Compan



## **Labour and Industrial Laws – II**

### **(Paper No. 2.5)**

#### **INTRODUCTION:**

Labour Laws play a pivotal role in regulating the relationship between employers, employees, and the state. This course offers a comprehensive study of significant labor legislations in India, focusing on issues like wages, workplace safety, maternity benefits, compensation, and protection from sexual harassment. It aims to equip students with a deep understanding of labor rights, employer obligations, and the role of legal frameworks in ensuring fair treatment in workplaces. This course provides an in-depth study of essential labour legislations, including The Payment of Wages Act, 1936, The Minimum Wages Act, 1948, The Factories Act, 1948, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Maternity Benefits Act, 1961, and Employees' Compensation Act, 1923. Students will explore the mechanisms of wage regulation, workplace safety, gender equity, and social security benefits within the Indian legal framework.

#### **COURSE OBJECTIVES**

1. To understand the objectives and significance of key labour laws, focusing on wage regulation and workplace safety.
2. To examine legal provisions ensuring fair wages, maternity benefits, and compensation for workplace injuries.
3. To analyze the legal framework aimed at preventing sexual harassment and ensuring gender equity in workplaces.
4. To explore the role of labour laws in promoting safe, fair, and just working conditions for all employees.

#### **LEARNING OUTCOMES**

1. Demonstrate a thorough understanding of labour legislation, including wage laws, workplace safety, and compensation mechanisms.
2. Critically evaluate the legal safeguards against sexual harassment and the protection of maternity rights.
3. Apply statutory provisions to real-life scenarios involving disputes related to wages, compensation, and workplace discrimination.
4. Engage with current debates on labour reforms and legal protections in the evolving workplace environment.

#### **UNIT – I: The Payment of Wages Act, 1936 and The Minimum Wages Act, 1948**

- 1.1 The Payment of Wages Act, 1936: Object, Scope and Application of the Act, Definition of Wage, Responsibility for Payment of Wages, Fixation of Wage Period

- 1.2 The Payment of Wages Act, 1936: Time of Payment of Wage, Deductions which may be made from Wages, Maximum Amount of Deduction
- 1.3 The Minimum Wages Act, 1948: Concept of Minimum Wage, Fair Wage, Living Wage and Need Based / National Minimum Wage,
- 1.4 Constitutional Validity of the Minimum Wages Act, 1948, Procedure for Fixation and Revision of Minimum Wages
- 1.5 Fixation of Minimum Rates of Wage by Time Rate or by Piece Rate, Procedure for Hearing and Deciding Claims

#### **UNIT – II: The Factories Act, 1948**

- 2.1 Need; Importance; Objectives; Definitions, Key Features of the Act
- 2.2 The Inspecting Staff; provisions relating to health and safety
- 2.3 Provisions Relating to Hazardous Processes, Welfare
- 2.4 Working Hours of Adults; Employment of Young Persons; Annual Leave With Wages; Special Provisions
- 2.5 Penalties and Procedure

#### **UNIT – III: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Maternity Benefits Act, 1961**

- 3.1 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Need, Importance, Objectives, important Definitions
- 3.2 Constitution of Internal Complaint Committee and Local Complaint Committee;
- 3.3 Complaint; Inquiry into complaint; Duties of the employer;
- 3.4 Maternity Benefits Act, 1961: Need, Importance, Objectives, important definitions;
- 3.5 Right to payment of maternity benefit, notice of claim for maternity benefit, provisions relating to payment of maternity benefits, powers and duties of Inspectors

#### **UNIT- IV: Employees' Compensation Act 1923**

- 4.1 Employees' Compensation Act 1923: Principles Governing compensations;
- 4.2 Definition of Dependent, Workman, Partial Disablement and Total Disablement;
- 4.3 Employer's Liability for Compensation, Amount of Compensation
- 4.4 Method of distribution of the compensation
- 4.5 Appointment, Power and Procedure of Commissioners and Appeal

#### **Suggested Readings:**

1. Government of India: Report of the Committee on Labour Welfare, 1970.
2. Ganga Sahay Sharma, —Labour Laws (Hindi), 7th Ed., Central Law Agency, 2019.
3. S.N. Mishra: An Introduction of Labour and Industrial Law.29th Edition Central Law Publication (Latest Edition)

4. D.D. Seth, Commentaries on Industrial Dispute Act, 1947, (Jain Book Agency,6thed., 2016)
5. J. K. Soonavala, Supreme Court on Industrial Law, (lexis nexis, 4th edi, 2017)
6. Meenu Paul, Labour and Industrial Law, (Allahabad law agency, New Delhi, 9th ed.,2014
7. O.P. Malhotra, Law of Industrial Disputes, (Lexis Nexis,7th edi,2015)
8. S.C. Srivastava, Social Security and Labour Laws, 1985
9. Indrajeet Singh, Shramik Vidhiyan, (Hindi) 23rd Ed. Central Law Publication, 2019
10. The Industrial Relations Code, 2020
11. The Code on Social Security, 2020
12. The Code on Wages, 2019
- 13. Occupational Safety, Health and Working Condition**

## **Bhartiya Nyaya Sanhita, 2023**

### **(Paper No. 2.6)**

#### **INTRODUCTION:**

Crime and punishment have always been the most important aspect of the rule of law. A proper understanding of crimes, methods of controlling them, and the reason for their existence is extremely important to build a just and humane society. The course envelops an in-depth knowledge of the structure of the Bhartiya Nyaya Sanhita, 2023 which includes contents on offences, criminal liability, inchoate crimes, offences against the human body, offences against property, and offences against women and children, etc. The course deliberates diverse concepts of the Bhartiya Nyaya Sanhita, 2023 to its crux.

#### **COURSE OBJECTIVES:**

1. This course is intended to give an overview of all the offences and punishments prescribed under the Bhartiya Nyaya Sanhita, 2023.
2. To analyze the concept of crime and criminal responsibility and to explain and illustrate various types of crimes in the society
3. To introduce the substantive law of crimes, including essential elements of crimes, responsibility, and defenses.
4. To comprehend the judicial perspectives and interpretation of the law of crimes.
5. To explore new changes made in the Bhartiya Nyaya Sanhita, 2023 and articulate informed opinion over important issues in the law of crimes.
6. To analyse the applicability of recent amendments in criminal law.

#### **LEARNING OUTCOMES:**

After completion of the course, the students will be able to:

1. Understand the scope of the law of crimes considering the Bhartiya Nyaya Sanhita, 2023.
2. Summarize concepts of crime and distinguish between crime and other wrongs and classify the stages of crime and types of punishments.
3. Understand the legal concepts involved in dispensing criminal justice successfully and efficiently.
4. Demonstrate a high level of understanding both in theory and practice of the Fundamental principles involved in the administration of criminal justice.
5. To analyze and interpret various judicial decisions of the Supreme Court and High Courts.

#### **UNIT -I The Bhartiya Nyaya Sanhita, 2023: Introduction**

- 1.1 Origin and Definition of Crime and Principles of Criminal Liability
- 1.2 Essentials of Crime (*Mens Rea and Actus Reus*) and Stages of Crime Motive, Intention, Attempt (Section 62) and Preparation
- 1.3 Introduction, Nature and Scope of The Bhartiya Nyaya Sanhita, 2023, Definitions and General Explanations (Section 02 & 03)

- 1.4 Common Intention Section 3 (5) and Common Object (with reference to Unlawful Assembly, Riot and Affray) (Section 189); Mob-lynching
- 1.5 Punishments including Community Service (Section 4)

## **UNIT-II General Exceptions, Inchoate Crimes and Offences Against Women**

- 2.1 General Exceptions and Right of Private Defence (Section 14-44)
- 2.2 Abetment and Criminal Conspiracy (Section 45- 61)
- 2.3 Sexual Offences, Criminal force, and Assault against Women (Section 63-79)
- 2.4 Offences Related to Marriage (Section 80-87)
- 2.5 Offences related to Causing Miscarriage (Section 88-92); Key features of The Medical Termination of Pregnancy (Amendment) Act, 2021; Offences, Against Child (Section 93-99)

## **Unit III Offences Against Human Body; Offences against State and Public Justice**

- 3.1 Offences affecting Life; Homicide: Culpable Homicide & Murder; Death Caused by Negligence (Section 100-110);
- 3.2 Hurt, Grievous Hurt and Acid Attack (Section 114-120, 124);
- 3.3 Wrongful Restraint, Wrongful Confinement Criminal Force and Assault (Section 126-131)
- 3.3 Kidnapping and Abduction (Section 137-143)
- 3.4 Organized Crimes and Offences of Terrorist acts (Section 111-113);
- 3.5 Offences against State (Section 147- 158); Offences Related to Election (Sections 169-177); Offences by or Relating to Public Servant (Section 198-205) Giving False Evidence (Section 227-229);

## **UNIT-IV Offences Against Property and Reputation**

- 4.1 Theft, Extortion, Robbery & Dacoity (Sections 303-313);
- 4.2 Criminal Misappropriation of Property and Criminal Breach of Trust (Section 314-316); Receiving Stolen Property, Cheating and Fraudulent Deeds (Section 317-323)
- 4.3 Mischief (Sections 324-326) and Criminal Trespass (Sections 329-334);
- 4.4 Offences Relating to Documents and Property Marks (Sections 336, 340, 344, 345-350; Offences Relating to Coin, Currency, Notes, Bank Notes and Government Stamps (Section 178-182)
- 4.5 Criminal Intimidation (Sections 351-355); Defamation (Sections 356);

### **Suggested Readings:**

1. Principles of Criminal Law by R.C. Nigam, Law of Crimes in India, Vol. I, Asia Publishing House, New York, 1965.

2. S.K. Savaria, R.A. Nelson's Indian Penal Code (4 Volumes) , LexisNexis Delhi, 2019
3. Stephen, A History of Criminal Law of England, Vol. KKK (Last Chapter on Indian Penal Code), London Macmillan, 1883.
4. Smith and Hogan, Criminal Law, Oxford University Press, 2018
5. Hari Singh Gaur, Penal Law of India (4 volumes), 11th Edition, Law Publishers India Pvt. Ltd.2018.
6. J.W. Cecil Turner, Kenny's on Outlines of Criminal Law, 19th Ed. Cambridge University Press, 1966.
7. K.D. Gaur, Commentary on Indian Penal Code 3rd ED 2019, Central Law Publication.