Semester - III
CONSTITUTIONAL LAW-I

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objectives: The main purpose of this course is to provide the basic understanding of the Indian Constitution which is the fundamental law of the country and establishes the main organs of the government. This course will also focus on Constitutionalism, importance of the preamble, Rule of law and nature of Indian constitution, as well as Powers and Functions of the various organs of government and their relationship. The critical analysis of recent judgments delivered by the Court is to make the students able to develop analytical approach over contemporary issues.

UNIT- I
INTRODUCTION
- Constitutional Law: Concept, Definitions & Kinds-Special Features of the Constitution
- Constitutionalism
- Rule of Law: Concept and New Horizons
- Separation of Powers

UNIT- II
FEDERALISM
- Concept and Development of Federalism: Essentials of a Federal Government-Challenges to Indian Federalism
- Legislative: Distribution of Legislative Powers
- Executive: Administrative-Resolution of Conflict
- Financial: Distribution of Taxing Power and Distribution of Revenues
UNIT- III
LEGISLATURE

- Privileges of Legislature
- Nature of Parliamentary Sovereignty-Parliamentary Privileges-Privileges and Fundamental Rights
- Anti-Defection Law
- **Role of the Speaker:** Speaker’s Power under Anti-Defection Law

UNIT- IV
EXECUTIVE

- Concept of Executive Power
- Westminster Model-Choice of Parliamentary Government at the Centre and State
- **President of India:** Election, Qualification and Impeachment-Position of President-Relationship between Cabinet & President
- **Powers of the President:** Executive Power, Ordinance Making Power, Pardoning Power and Emergency Powers

UNIT- V
JUDICIAL REVIEW AND CONSTITUTIONAL AMENDMENT

- **Judicial Review:** Nature and Scope
- **Amendment to the Constitution:** Methods of Constitutional Amendment
- Limitation Upon Constituent Power-Doctrine of Basic Structure
- Judicial Activism and Judicial Restraint

**Suggested Readings**

**Relevant Cases**
5. BSE Brokers Forum Bombay v. SEBI, AIR 2001 SC 1010.
24. Mohd. Hussain@Julfikar Ali v. The State (Govt. of NCT) Delhi, AIR 2012 SC 750.
33. Rameshwar Prasad v. Union Of India, AIR 2006 SC 980.
34. Re Article 143 AIR 1965 SC 745.
38. S.P. Gupta and Others v. President of India and Others AIR 1982 SC 149.
43. State of West Bengal v. Committee For Protection of Democratic Rights, AIR 2010 SC 1476.
45. V.K Naswa v. Home Secretary, Union of India, 2012(2) SCC 542.
ISLAMIC JURISPRUDENCE

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objectives: The course offers an introduction in Islamic jurisprudence as a broad field of academic study. It focuses on the legal sources and the areas of development of interpretation methodologies used by the Islamic jurists. It presents an insight into the basic sources of what is described as Islamic law (fiqh and usul al-fiqh). Furthermore, the course examines a range of methods of interpretation (Ijtihad) of sources of law by connecting these interpretative processes to a variety of socio-political and historical contexts. The course also introduces the student to a range of contentious and reconciliatory issues regarding the Islamic jurisprudence in the context of liberal democracy in contemporary time.

UNIT- I
INTRODUCTION
- Definition of Law: Comparison between God-Given and Man-Made Laws-Origin and Development of Muslim Law
- Pre-Islamic Arabia: Socio-Legal Conditions
- Islam after Prophet Mohammad (SAW): The Prophet of Islam and Impact of Islam on West and Modern Technology and Democracy

UNIT- II
SOURCES- I
- Who is a Muslim?
- Muslim Law as Applied and Interpreted in India: Operation of Muslim Law Legislative Enactments-The Muslim Personal Law (Shari‘at) Application Act, 1937
- Sources of Islamic Law: The Holy Quran-Hadith and Sunnah
UNIT- III

SOURCES-II

- Secondary Sources: *Ijma* (Consensus of Opinions) and *Qiyas* (Analogy)
- *Ijtehad* and *Taqlid*
- Equity, Justice and Good Conscience

UNIT- IV

SCHOOLS OF ISLAMIC LAW

- Schools of Islamic Law: General Introduction
- Sunni Schools: *Hanafi-Maliki-Shafie-Hanbali-Tasawwuf-Sufism*
- Shia Schools: *Ja'fari or Imāmi School-Ismaeli School-Zaidiya School*

UNIT- V

ISLAMIC LEGAL SYSTEM

- Democracy and Islamic System of *Shura*-Concept of Justice and Sharia Adalat
- Concept of Conversion and Apostasy under Islam
- Rights of Muslim Women and the Dissolution of Muslim Marriage Act, 1939-
  Right of Maher, Maintenance and the Muslim Women (Protection of Rights 
on Divorce) Act, 1986

Suggested Readings


LEGAL METHODS

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The course structure on Legal Methods seeks to orient the student to the scheme of law and the essential tools, principles and methods by which the legal system operates to deliver justice. The course will entail the study of sources of law, doctrine of precedents, legal reasoning, case briefing and analogizing and interpretation of statutes and the working of the judicial process. The course will also address basic question such as where and how a start researching on a problem, how to find authorities in support of one’s proposition, how to read a case and prepare a case brief, and how to read a statute.

UNIT-I
CONCEPT OF LAW, TYPES & FUNCTION

- **Perceptions on Law:** Approaches to the Study of Law-Historical, Philosophical, Analytical, Sociological etc.-Law as Distinct from Religion, Morality, Custom, and Public Opinion

- **Types of Law:** Common Law-Civil and Criminal Law-Public and Private Law-Substantive and Procedural Law-Adjective Law-International Law & Municipal Law

UNIT-II
SOURCES OF LAW

- **Purpose and Function of Law:** Normative-Social Ordering-Justice Delivery-Dispute Settlement-Directing Social Change-Social Engineering-Legitimising Power

- **Sources of Law:** Religion-Culture-Agreement-Custom-Precedent & Legislation
UNIT-III

LAW AS A SYSTEM

- **Form & Structure of Legal System:** Rule of Law-Institutions of Law / Hierarchy of the English & Indian Courts
- Structure of the Indian Legal System

UNIT-IV

METHODS OF LAW

- **Statute:** How is a Statutory Law Enacted? -The Structure of a Statute-How to Read a Statute
- **Cases:** What is a Precedent in Law?-How to Read a Case?-Distinguishing ‘Ratio’ from Obiter-Judicial Law Making

UNIT-V

LEGAL RESEARCH METHODS

- **Research**-Meaning, Legal Research- Meaning- Types, Objectives, Techniques, Ethics in Legal Research- Plagiarism
- **Sources** – Primary, Secondary, Using Law Library

**Suggested Readings**

1. Anwarul Yaqin: *Legal Research and Writing Methods*, LexisNexis, India.
4. Dr. Sanjeev Kumar Tiwari: *Legal Method*, Samudhvab Publisher & Book Sellers, New Delhi.


LEGAL AND CONSTITUTIONAL HISTORY

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The objective of this paper is to take the law students through the immediate past of our current legal system - the genesis of our constitution, legal institutions and systems. The students are introduced to a wide variety of Acts and/or factors that facilitated formulation of Act and the subsequent incorporation in our current constitution, the socio-political and economic influences behind such Acts thereby taking the students through historical facts and materials enroute to framing of constitution and traces the influences over it.

UNIT- I
DEVELOPMENT OF COURTS & JUDICIAL INSTITUTIONS
FROM 1600 TO 1781

- India at the Dawn of British Arrival: English East India Company, Foundation, Constitution and Growth till 1726-Administration of Justice in Presidency Towns (1600-1726) and Development of Court and Institutions under the East India Company.


- Salient Features of Supreme Court at Calcutta: Composition-Powers-Functions-Working-Landmarks Cases: Trial of Raja Nand Kumar (1775)-Case of Kamaluddin (1775)-The Patna Case (1779)-The Cossijurah Case (1779-80)
UNIT- II
DEVELOPMENT OF COURTS & JUDICIAL INSTITUTIONS SINCE 1781

- **Act of Settlement 1781**: Supreme Courts at Madras and Bombay- Role of Cornwallis in Judicial Reforms: Judicial Plans of 1787, 1790 and 1793-Progress of Adalat System under Sir John Shore, Lord Wallesley, Lord Amherest and Lord William Bentick
- History of Indian High Courts under Act of 1861, 1865, 1911 & Govt. of India Act, 1915 & 1935
- Judicial Committee of Privy Council as a Court of Appeal and its Jurisdiction to Hear Appeals from Indian Decisions-Abolition of the Jurisdiction-Federal Court-Modern Judicial System

UNIT-III
DEVELOPMENT OF LAW

- Racial Discrimination in Administration of Civil and Criminal Justice
- Introduction of English Law in the Presidencies and Mufussils
- Development of Criminal Law-Development of Civil Law-Development of Personal Law during British Periods

UNIT-IV
CIVIL REBELLIONS, RISE & GROWTH OF INDIAN NATIONAL MOVEMENT

- Revolt of 1857: Civil Rebellious and Peasant Revolts with Special Reference to Indigo-Revolt, Deccan Riots and Mappila Uprising-Early Nationalists and Militant Nationalists-Revolutionary Group-Terrorists
- Passing of the Indian Council Act, 1881, 1892 and the Govt. of India Act of 1909, 1919 & 1935
• Emergence of Gandhi in Indian Politics and Techniques of Mass
Mobilization: Non-Cooperation, Civil Disobedience and Quit Indian
Movement-Transfer of Power and Indian Independence Act, 1947

UNIT-V

HISTORICAL GROWTH OF LEGAL PROFESSION & LAW-REPORTING

• Codification of Indian Laws and the Law Commissions: The Charter Act of
1833-First Law Commission- Charter Act of 1853-Second, Third & Fourth Law
Commission
• Growth of Legal Profession in India: Legal Practitioners Act, 1853, The High
Court of 1861, The Legal Practitioners Act 1879, Report of the Indian Bar
Committee, 1923, The Indian Bar Council Act, 1926 and The Advocates Act,
1961
• History of Law Reporting in India

Suggested Readings
1. J. K. Mittal: Indian Legal & Constitutional History, Allahabad Law Agency,
   Allahabad.
   Allahabad.
3. M P Jain: Outlines Of Indian Legal and Constitutional History, LexisNexis India,
   Gurgaon.
4. M. P. Singh: Outlines of Indian Legal and Constitutional History: Including Elements
5. M. Rama Jois: Legal and Constitutional History of India: Ancient Legal, Judicial and
   Delhi.
LAW OF CRIMES-I

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The course of Law of Crimes-1 has been so designed as to enable the students to understand the general principles of criminal liability, to identify the ingredients of an offence, understand the range of state of mind required for different offences, as well as to sensitize the students about the inherent biases of criminal law against certain groups of people despite its claim of universality, neutrality and equality. The course will enable students to critically scrutinize the recent developments and changes that have taken place in the field. The primary objectives of this course are to familiarize the students with the key concepts regarding crime and criminal law and expose the students to the range of mental states that constitutes mens rea essential for committing crime.

UNIT- I
INTRODUCTION

- Concept of Crime: Mens Rea-Actus Reus
- Stages of Crime: Intention, Preparation, Attempt and Completion
- Responsibility of State in Detecting, Controlling and Punishing Crimes

UNIT- II
OFFENCES AGAINST HUMAN BODY-I

- Culpable Homicide
- Murder
- Death Caused by Rash & Negligent Act
UNIT- III
OFFENCES AGAINST HUMAN BODY-II

- Hurt: Grievous and Simple- Assault and Criminal Force
- Wrongful Restraint and Wrongful Confinement
- Kidnapping and Abduction

UNIT- IV
OFFENCES AGAINST PROPERTY

- Theft-Extortion-Robbery-Dacoity
- Criminal Misappropriation-Criminal Breach of Trust
- Mischief-Cheating-Criminal Trespass

UNIT- V
OFFENCES AGAINST WOMEN

- Pornography/Indecent Representation of Women, Eve-teasing, Outraging Modesty of Woman & Rape, Buying or Selling a Minor for Prostitution
- Offence Relating to Miscarriage
- Dowry Death-Cruelty by Husband or Relatives of a Husband

Suggested Readings

PROPERTY LAW

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Since time immemorial, right to acquire, own and dispose of property has been considered as a very important legal right to attain economic freedom, despite the State’s right of eminent domain indisputably. It is this factor that shall be kept in mind while examining the various issues arising out of transfer of property. The object of the course is to provide the students with the concepts of transfer of property law. In this paper, attempts have been made to understand the extraordinary complexities of transfer of property. The very purpose of the course is to provide the students with the study of the topics like sale, exchange, gift, mortgage and lease of immovable property and how they can be affected apart from exposing the students to the fundamental principles governing transfer of property. The following syllabus is prepared with the above-stated objectives and will be spread over the semester.

UNIT-I

INTRODUCTION

- Concept & Meaning of Property
- Kinds of Property
- Interpretation Clause (Section 3): Distinction between Movable and Immovable Property-Attestation-Actionable Claim-Doctrine of Notice

Relevant Cases

UNIT-II
TRANSFER OF PROPERTY BY ACT OF PARTIES

- **Meaning of Transfer of Property (Section 5):** Modes of Transfer of Property- What Property may be Transferred (Section 6)-Doctrine of Feeding the Grant by Estoppels (Section 43)

- **Competency of a Person to Transfer Property (Section 7):** Conditional Transfer (Sections 10, 11, 25)-Rules against Perpetuity (Sections 13, 14, 15)- Vested and Contingent Interest (Sections 19 and 21)

- **Doctrine of Election (Section 35):** Transfer by Ostensible Owner (Section 41)- *Lis Pendens* and Part-Performance (Sections 52, 53A)

**Relevant Cases**

UNIT- III
SPECIFIC TRANSFER-I

- **Laws Relating to Sale, Exchange and Mortgage (Sections 54-56, 118-120, 58-60, 81, 91)**

**Relevant Cases**

**UNIT- IV**

**(SPECIFIC TRANSFER-II)**

- Law Relating to Lease and Gift (Sections 105-111, 122-127)

**Relevant Cases**

1. *Errington v. Errington*, (1952) 1 All ER 149.
2. *Associated Hotels of India Ltd v. R. N. Kapoor*, (1960) 1 SCR 368.

**UNIT- V**

**EASEMENT**

- Concept and Meaning of Easement
- Creation and Extinction of Easement
- License-Difference between Easement and License

**Suggested Readings**