



Semester - IV

CONSTITUTIONAL LAW-II

(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: This course will deal with fundamental rights because the success or failure of democracy depends on the extent to which civil liberties are enjoyed by the citizens. This paper will give knowledge to the students about the concept of state, classification of fundamental rights, relevance of Directive Principles of State Policy and importance of Fundamental Duties. The critical analysis of recent judgments delivered by the Courts is to make the students able to develop analytical approach over contemporary issues

UNIT-I STATE

- Concept of State under Article 12 of the Constitution
- Concept of Law under Article 13 of the Constitution

UNIT- II FUNDAMENTAL RIGHTS- I

- Doctrine of Equality
- Affirmative Action

UNIT-III FUNDAMENTAL RIGHTS- II

- Right to Freedom
- Right to Life & Liberty-Protection against Arrest & Detention

UNIT-IV
FUNDAMENTAL RIGHTS- III

- Right against Exploitation
- Right to Religion
- Cultural & Educational Rights

UNIT- V
DPSP & FUNDAMENTAL DUTIES

- Directive Principles of State Policy
- Fundamental Duties

Suggested Readings

1. Arthur Berriedale Keith: *A Constitutional History of India 1600-1935*, Methuen & Co. Ltd., London
2. Dr. J. N. Pandey: *Constitutional Law of India*, Central Law Agency, Allahabad.
3. Durga Das Basu: *Introduction to the Constitution of India*, LexisNexis India, Gurgaon.
4. Durga Das Basu: *Shorter Constitution of India*, Prentice-Hall of India Pvt. Ltd., New Delhi
5. H. M. Seervi: *Constitutional Law of India*, N.M. Tripathi, Bombay
6. Jagdish Swarup: *Constitution of India*, Modern Publications, New Delhi
7. M. P. Jain: *Indian Constitutional Law*, LexisNexis India.
8. M. V. Pylee: *Constitutional Amendments in India*, S Chand & Company, New Delhi,
9. M. V. Pylee: *Our Constitution Government & Politics*, Universal Law Publishing Co. Pvt. Ltd., New Delhi
10. M. V. V. Ramana: *Inter-State River Water Disputes in India*, Orient Longman, New Delhi

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11. M.C. Jain Kagzi: *The Constitutional of India*, India Law House, New Delhi
12. P. D. Mathew: *Fundamental Rights in Action*, Indian Social Institute, New Delhi
13. Prof. M. P. Singh: *V. N. Shukla's Constitution of India*, Eastern Book Company, Lucknow
14. Shibankar Chaube: *Constituent Assembly of India*, Manohar Publishers & Distributors, New Delhi:
15. Zoya Hasan & E. Sridharan (eds.): *India's Living Constitution: Ideas, Practices, Controversies*, Permanent Black, Delhi

Relevant Cases

1. *AIIMS Students Union v. AIIMS*, AIR 2001 SC 3262.
2. *Aruna Ramchandra Shanbaug v. Union of India*, (2011) 4 SCC 454.
3. *Ashok Kumar Thakur v. Union of India*, (2008) 6 SCC 1.
4. *Association for Democratic Reforms v. Union of India*, AIR 2001 Del 126.
5. *Bennet Coleman & Co. v. Union of India*, AIR 1973 SC 106.
6. *Bijoe Emmanuel v. State of Kerala*, AIR 1986 Ker. 34.
7. *Devender Pal Singh Bhullar v. State (NCT of Delhi)*, (2013) 6 SCC 195.
8. *Ex-Captain Garish Uppal v. Union of India*, (2003) 2 SCC 45.
9. *Francis Coralie v. Union Territory of Delhi*, AIR 1981 SC 746.
10. *Hussainara Khatoon v. Home Secretary, Bihar*, AIR 1979 SC 1322.
11. *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, AIR 1986 SC 515.
12. *Islamic Academy of Education v. State of Karnataka*, (2003) 6 SCC 697.
13. *M. H. Hoskot v. State of Maharashtra*, AIR 1978 SC 1548.
14. *M. Nagaraj v. Union of India*, (2006) 8 SCC 212.
15. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
16. *Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy*, AIR 2012 SC 100.
17. *Namit Sharma v. Union of India*, (2013) 1 SCC 745.

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18. *National Human Right Commission v State of Arunachal Pradesh*, AIR 1996 SC 1254.
19. *P.A. Inamdar v. State of Maharashtra*, AIR 2005 SC 3236.
20. *Prakash Jha Productions v. Union of India*, (2011) 8 SCC 372.
21. *R. K. Dalmia v. Justice S. R. Tendolkar*, AIR 1958 SC 538.
22. *Rabindra Kumar Pal @Dara Singh v. Republic of India*, 2011 (1) SCR 929.
23. *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771.
24. *Satimbla Sharma v. St Paul's Senior Secondary School*, (2011) 13 SCC 760.
25. *Society for Unaided Private Schools of Rajasthan v. Union of India*, AIR 2012 SC 3445.
26. *St. Stephen's College v. University of Delhi*, AIR 1992 SC 1630.
27. *State of Bombay v. F. N. Balsara*, AIR 1951 SC 318.
28. *State of Orissa v. Mamta Mohanty*, (2011) 3 SCC 436.
29. *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75.
30. *T. K. Rangarajan v. Government of Tamil Nadu*, AIR 2003 SC 3032.
31. *T. M. A.Pai Foundation v. State of Karnataka*, AIR 2003 SC 355.
32. *Unni Krishnan v. State of A.P.*, AIR 1993 SC 2178.
33. *Zee Telefilms Ltd. v. Union of India*, (2005) 4 SCC 649.

FAMILY 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.)

Objective: The course will help the students to understand and reflect upon the nature and basic concepts of Muslim Law, and also understand the set of challenges Muslim religious laws face in the wake of national and international developments in the socio-political context. The course will also make the students aware about the legislative measures undertaken by the government right from the time of the British till the present government and the role of Judiciary in bringing reforms in uplifting the position of women, particularly in the laws of divorce and maintenance

UNIT-I

MARRIAGE & DIVORCE

- **Marriage:** Definition, Nature, Formalities-Legal Effects-Kinds of Marriages-Legal Effects-Stipulations in Marriage Contract-Prohibitions to a Muslim Marriage- Permanent and Temporary, Option of Puberty, Restitution of Conjugal Rights.
- **Divorce:** Classification of Divorce-By the Husband-By the Wife-By Mutual Consent, By Judicial Process-Effects of Divorce-Apostasy and Conversion as Grounds of Divorce-Iddat-Rationale and Utility-The Dissolution of Muslim Marriage Act, 1939- Triple Divorce-Position in other countries.

UNIT-II

DOWER & MAINTENANCE

- **Dower:** Definition, Nature & Kinds of Dower: Specified and Unspecified, Prompt and Deferred Dower-Subject matter of Dower-Widow's Right of

Retention in lieu of Dower, Payment of Dower and Maintenance-Sections 125-127 of the Criminal Procedure Code, 1973.

- **Maintenance:** Definition-Maintenance of Wife-of Descendants-of Ascendants-of other Relations-Maintenance under Agreement-Maintenance under the Criminal Procedure Code-Maintenance under the Muslim Women (Protection of Rights on Divorce) 1986-Section 77 of the *Waqf* Amendment Act, 2013.

UNIT- III GUARDIANSHIP

- **Parentage/ Acknowledgement & Legitimacy:** Introduction-Parentage: Paternity and Maternity-Legitimacy and Legitimation-Presumptions of Legitimacy-Section 112 of the Indian Evidence Act-Acknowledge of Paternity-Conditions of Valid Acknowledgement-Effects-Rebuttal of Acknowledgement-Position of Adoption under Muslim Law [The Muslim Personal Law (*Shariat*) Application Act, 1937]
- **Guardianship:** Definition-Concept of Guardianship in Islam-Age of Majority-Appointment of Guardian, Kinds of Guardians-Kinds of Guardianship-Guardianship of Person (Right of Custody)-Guardianship of Property-Guardianship in Marriage-Disqualification-Termination-Power of Alienation-Movable and Immovable Property.

UNIT- IV LAW OF WILLS & WAQF

- **Wills:** Definition-Concept: Creation- Capacity-Subject-matter of Will-Limitations to Will-Abatement of Legacies-Death-Bed Gifts-For whom Bequest can be made-Revocation of Wills-Bequests which are not Absolute- Interpretation of Wills; **Gifts** - Definition-Essentials-Exceptions to the

General Rule-Capacity, In whose favour, Subject-Matter, Gift of *Musha*-Exceptions, Conditional-Contingent-Future Gifts, Revocation of Gift-Life Interest-Life Estates.

- **Waqfs:** Definition and Meaning, Origin, Kinds and Family Law of Waqfs, Essentials, Legal Incidents, Creation, Subject-Matter, Objects, Beneficiaries, *Waqfs* for Benefit of Humanity, Administration-Statutory and Non-Statutory; Law before 1913 and after 1913-The Waqf Amendment Act, 2013.

UNIT- V

SUCCESSION & INHERITANCE

- **Administration of Estates:** Meaning, Vesting of Estate and Payment of Debts-Extent of Liability of Heirs for Debts-Alienation before Payment of Debts
- **Succession and Inheritance:** Position Before Islam-Reforms brought by Islam-General Rules of Inheritance-Doctrine of Representation-Total and Partial Exclusion-*Hanafi* Law of Inheritance-*Shia* Law of Inheritance-Differences between the two laws of inheritance.

Suggested Readings

1. Abdur Raheem: *Muhammedan Jurisprudence*, Allahabad Law Agency, Faridabad.
2. Ameer Ali: *Mahommedan Law*, Vol. I, Kitab Bhavan, New Delhi.
3. B.R. Verma: *Commentaries on Mohammedan Law in India, Pakistan and Bangladesh*, Law Publishers (India) Pvt. Ltd., Allahabad.
4. Badruddin Tyabji: *Muslim Law-The Personal Law of Muslims*, N.M. Tripathi Pvt. Ltd., Bombay.
5. Dr. Paras Diwan & Peeyushi Diwan: *Family Law*, Allahabad Law Agency, Faridabad.
6. Dr. G.V. Subba Rao & Dr. Vijender Kumar: *G. C. V. Subba Rao's Family Law in India*, S Gogia & Company, Hyderabad.

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7. Flavia Agnes, *Family Law: Volume 2: Marriage, Divorce and Matrimonial Litigation*, Oxford University Press.
8. Flavia Agnes, *Law, Justice and Gender: Family Law and Constitutional Provisions in India*, Oxford University Press.
9. K. B. Agrawal: *Family Law in India*, Kluwer Law International, Netherlands.
10. Kahkashan Y. Danyal, *Muslim Law of Marriage, Dower, Divorce and Maintenance*, Regal Publications, New Delhi.
11. Kahkashan Y. Danyal, *Law of Waqfs in India*, Regal Publications, New Delhi.
12. Kumud Desai: *Law of Marriage and Divorce*, N.M. Tripathi Pvt. Ltd., Bombay.
13. M. A. Qureshi: *Muslim Law*, Central Law Publication, Allahabad.
14. Paras Diwan: *Law of Marriage and Divorce*, Universal Law. Publishing Co. Pvt. Ltd., New Delhi.
15. Poonam P. Sexena: *Family Law Lectures-Family Law II*, LexisNexis India, Gurgaon.
16. Prof Kusum: *Family Law Lectures-Family Law I*, LexisNexis India, Gurgaon.
17. Sir Dinshaw Fardunji Mulla: *Principles of Mahomedan Law- Incorporating the Wakf (Amendment) Act, 2013*, LexisNexis India, Gurgaon.
18. Sir Dinshaw Fardunji Mulla: *Principles of Mahomedan Law*, LexisNexis, Gurgaon.
19. Tahir Mahmood: *Fyzee's outlines of Muhammedan Law*, Oxford University Press, New Delhi.

JURISPRUDENCE-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 structure of Jurisprudence I encourages critical reflections on the nature of law, the central issues of jurisprudence and the concepts and techniques used in the operation of legal systems. The course deals with the concept, nature, scope and utility of jurisprudence/legal theory. It relates to the study of different scholastic approaches, selected exponents of different jurisprudential thoughts: analytical school, philosophical school, Historical school, sociological school, and feminist jurisprudence and critical appreciation of their theories in socio-legal perspective in general and with reference to India in particular.

UNIT-I

INTRODUCTION

- Introduction and Overview of the Subject
- Concept, Nature and Scope of Jurisprudence-Utility and Relevance of Jurisprudence
- **Origin of the Idea of Law:** What is Law? -Different Conceptions of Law-Nature of Law in Relation to Jurisprudence-Outline of Legal Theory-Law and Ethics

UNIT-II

SCHOOL OF LAW- I

- Introduction to Different Scholastic Thoughts
- **Natural Law School of Jurisprudence:** Characteristic Features of Natural Law School-Ancient Period-Medieval Period-Modern and Post-Modern Period
- Decline of Natural Law School-Revival of Natural Law School

UNIT- III

SCHOOL OF LAW- II

- **Analytical School of Jurisprudence:** Characteristic Features of Analytical School of Jurisprudence-Concept and Nature of Analytical Positivism
- J. Bentham and J. Austin's Contribution to Analytical Jurisprudence-Hans Kelsen's Pure Theory of Law-H.L.A. Hart's Primary and Secondary Rule & Rule of Recognition
- Analytical Jurisprudence on Function of Law, Sanction and Sovereignty

UNIT- IV

SCHOOL OF LAW- III

- **Historical School of Jurisprudence:** Characteristic Features of Historical School-Historical Theories of Law-F.K. von Savigny and Henry Maine's Perceptions of Historical School and their Evaluation-Concept of Status to Contract and *vice-versa*
- **Sociological School of Jurisprudence:** Characteristics Features of Sociological School-Origin and Development of Sociological Approach-Methodology of Sociological Approach-Evaluation of Theories of Sociological Jurists: (The balancing of interest): Ehrlich (The Living Law): Durkheim (Social Solidarity): Weber (Law as a Legitimate Authority) and Roscoe Pound (Sociological Engineering).
- Characteristic Features of Feminist Jurisprudence

UNIT- V
EQUITY & JUSTICE

- **Justice:** Meaning and Kinds-Problem of Power and Control of Liberty-Justice in Deciding Disputes
- Judges and the Judicial Process-Justice in Adapting to Change
- Characteristic Features of Dalit Jurisprudence

Suggested Readings

1. A. W. Brian Simpson: *Reflections on 'The Concept of Law'*, Oxford University Press, London.
2. Dr. B. N. Mani Tripathi: *Jurisprudence: Legal Theory*, Allahabad Law Agency, Allahabad
3. Edgar Bodenheimer: *Jurisprudence: The Philosophy and Method of Law*, Universal Book Traders, Delhi.
4. G. W. Paton: *A Text book of Jurisprudence*, Clarendon Press, Oxford.
5. H. L. A. Hart: *The Concept of Law*, Clarendon Press, Oxford.
6. Howard Davies and David Holdcroft: *Jurisprudence-Text and Commentary*; Butterworths Law, London.
7. John Rawls: *A Theory of Justice*, Harvard University Press, London.
8. Julius Stone: *The Province and Function of Law*; Associated General Publications Pvt. Ltd. Sydney.
9. M. Rama Jois: *Seeds of Modern Public Law in Ancient Jurisprudence*, Eastern Book Company, Lucknow.
10. N. K. Jayakumar: *Lectures in Jurisprudence*, LexisNexis India, Gurgaon.
11. P. J. Fitzgerald: *Salmond on Jurisprudence*, Sweet and Maxwell, London
12. R. W. M Dias: *Jurisprudence*, LexisNexis India, Gurgaon.
13. Raymond Wacks: *Understanding Jurisprudence: An Introduction to Legal Theory*, Oxford University Press, Oxford.

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14. S. N. Dhyani: *Jurisprudence and Indian Legal Theory*, Central Law Agency, Allahabad,
15. V. D. Mahajan: *Jurisprudence and Legal Theory*, Eastern Book Company, Lucknow.
16. W. Friedmann: *Legal Theory*, Columbia University Press, New York.

PUBLIC INTERNATIONAL 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: The contemporary world is a highly connected yet severely fragmented entity. Member states of this international community are intrinsically bound together through a complex web of international legal rules and principles that governs its various actors. The objective of this paper is to help students develop an understanding about the rules, subjects and processes in the international domain which exists outside the sanctity of sovereign national borders, yet directly impacting the churning within socio-political-economic and legal fabric of the states. It introduces students to the major concepts, developments and variables in international legal regime. With the aid of contemporary cases and events, this paper aspires to create a bridge between jurisprudence of international law and its practical implications.

UNIT-I INTRODUCTION

- Definition, Nature and Origin of International Law
- Theories as to the Basis of International Law-Relations between International Law & Municipal Law-Sources of International Law-Statute of the International Court of Justice (Article 38)-General Concepts-*Pacta Sunt Servanda, Rebus Sic Stantibus, Jus Cogens*
- Relationship between International Law & Municipal Law: Theories, State Practice - UK, USA and India.
- Codification and Progressive Development of International Law

UNIT-II
LAW OF PEACE-I

- **Subjects of International Law:** Concept of Subject of Law and of Legal Personality and Classification of Subjects
- State: Condition of Statehood-Territory and Underlying Principles-Sovereignty-Concept, Right and Duties under International Law; **Recognition of States:** Meaning & Definition-Theories-Modes: *De jure & De facto*-Legal Effects of Recognition-Withdrawal of Recognition.
- International Organisation: Concept, Rights and Duties under International Law
- Individuals as subjects of International Law: Individual Criminal Responsibility - International Criminal Courts and Tribunals, International Crimes; **Other Non-State Actors**

UNIT-III
LAW OF PEACE-II

- State Jurisdiction: Territory - Acquisition and Loss of Territory, Principle of Exercise of Jurisdiction, Criminal Jurisdiction, Hijacking, Extradition and Asylum
- State Responsibility: Elements of International Responsibility, Concept of 'Denial of Justice' by a State, State Responsibility in respect of the Protection of Lives and Property Claims, Nationality of Claims, Exhaustion of Local Remedies: the 'Calvo Clause', The Theory of Permanent Sovereignty over Natural Resources, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001
- State Succession: Continuity and Succession, Succession of Treaties, Succession with Respect to Matters other than Treaties
- **Settlement of International Disputes:** Legal and Political Disputes, Pacific and Coercive Means

UNIT- IV
LAW OF SEA

- Maritime Belt (or Territorial Waters)-Contiguous Zone-Continental Shelf- Exclusive Economic Zone (EEZ)
- High Seas
- International Sea-Bed Area
- International Maritime Organization (IMO)-International Tribunal for the Law of the Sea

UNIT- V
INTERNATIONAL TRANSACTION & ORGANIZATION

- **Diplomatic Agents:** Classification & Functions-Immunities and Privileges of Diplomatic Agents-Theoretical Basis of Immunities-Termination of Diplomatic Mission and Refusal to Accept Diplomatic Agents
- **International Treaties:** General Concept & Allied Issues
- United Nations on War and War Crimes-Permanent Organs of UN-General Assembly-Security Council & International Court of Justice
- International Criminal Court (Rome Statute)

Suggested Readings

1. Abhimanyu Singh: *Public International Law*, Mahaveer Publications, Dibrugarh.
2. Dr. H. O. Agarwal: *A Concise book on International Law and Human Rights*, Central Law Publications, Allahabad.
3. Dr. Jyoti Rattan & Dr. Vijay Rattan: *Public International Law*, United Nations & Human Rights, Bharat Law House, Jaipur.
4. Dr. S. K. Kapoor: *Human Rights under International Law & Indian Law*, Central Law Agency, Allahabad.

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5. Dr. S. R. Myneni: *Human Rights*, Asia Law House, Hyderabad.
6. Dr. S. R. Myneni: *Public International Law*, LexisNexis India, Gurgaon.
7. Ian Brownlie & James Crawford: *Brownlie's Principles of Public International Law*, Oxford University Press, Oxford.
8. Ian Brownlie Guy S. Goodwin-Gill: *Brownlie's Documents on Human Rights*, Oxford University Press, Oxford.
9. N. K. Jaya Kumar: *International Law and Human Rights*, LexisNexis India, Gurgaon.
10. R. P. Kataria & Salah Uddin: *Commentary on Human Rights*, Orient Publishing Company, Allahabad.
11. Rakesh Kumar Singh: *Textbook on Public International Law*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
12. Rashee Jain: *Textbook on Human Rights Law and Practice*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
13. Rhona K. M. Smith: *Textbook on International Human Rights*, Oxford University Press, Oxford.
14. Richard Stone: *Textbook on Civil Liberties & Human Rights*, Oxford University Press, Oxford.
15. S. K. Verma: *An Introduction to Public International Law*, Satyam Law International, New Delhi.
16. S. R. A. Rosedar: *Public International Law*, Lexis Nexis, India, Gurgaon.
17. Upendra Baxi: *The Future of Human Rights*, Oxford University Press, Oxford.
18. V. K. Ahuja: *Public International Law*, LexisNexis India, Gurgaon.
19. V. S. Mani et. al.: *Recent Developments in International Space Law and Policy*, Lancer Books, New Delhi.
20. V. S. Mani: *Basic Principles of Modern International Law*, Lancer Book, New Delhi.

Relevant Cases

1. *Alabama Claims Arbitration* (1893)
2. *Anglo-Iranian Oil Co. Case (Jurisdiction)* ICJ 1952, 109
3. *Anglo-Norwegian Fisheries Case*, ICJ 1951, 116
4. *Anna Kumaru Pillai v. Muthupayal*, 1903 Mad High Court
5. *Arantzazu Mendi Case* (1939) AC 256.
6. *Bank of Ethiopia v. National Bank of Egypt & Ligouri*, (1937) Ch 513
7. *Barcelona Traction, Light & Power Co. Ltd., (Second Phase)* 1 CJ 1970
8. *Chorzow Factory (Indemnity) Case*, Pub PCIJ (1928) Series A.
9. *Chung Chi Cheung v. R.* (1939) AC 160
10. *Danzig Railway Official Case (Advisory Opinion)*, Pub. PCIJ (1928) Series B.
11. *Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey*, AIR 1984 SC 667
12. *Maganbhai Ishwarbhai Patel v. Union of India*, AIR 1969 SC 783
13. *Nicaragua v. USA*, (1986) ICJ 1986, 14.
14. *North American Dredging Co. Case ADPIL Cases*, 1925, No. 218
15. *North Atlantic Fisheries Case* (2004) vol. 7, p.85.
16. *North Sea Continental Shelf Cases*, ICJ 1969, Rep. 3.
17. *Pious Fund Case* (1902)
18. *R. v. Gordon-Finlayson, Ex parte an Officer*, (1941), KB 171
19. *Re Piracy Jure Gentium Case* [1934] AC 586
20. *S. S. I'am Alone Case*, UN Report of Intern'l Arbitral Awards, Vol. III at 1609.
21. *Schooner Exchange v. McFaddon* (1812) 7 Cranch 116
22. *South West Africa Case* (1966) ICJ Rep Ed, p.6.
23. *The S.S.Lotus Case*, Pub. PCIJ (1927), Series A.
24. *The Corfu Channel Case (United Kingdom v. Albania)* (1949)ICJ Rep. 4, p.23.
25. *The Paquete Habana, (The Lola Case)*, 175 US 677 (1900)
26. *The Scotia Case*, (USA v. UK, 1871)
27. *Thomas H. Youmans v. United Mexican States* , 1925-26 p. 223

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28. *Union of India v. Sukmar Sen*, AIR 1991 SC 1692

29. *West Rand Gold Mining Co. Ltd. v. R*, (1905) 2 KB 391

LAW OF CRIMES-II

(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 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 to expose the students to the range of mental states that constitute mens rea essential for committing crime.

UNIT- I

PUNISHMENT

- Concept of Punishment
- Theories of Punishment
- Punishment under the Indian Penal Code
- Capital Punishment

UNIT- II

GENERAL EXCEPTIONS- I

- Private Defence
- Judicial Acts
- Necessity
- Consent & Trivial Acts

UNIT- III

GENERAL EXCEPTIONS- II

- Infancy
- Insanity & Intoxication
- Mistake of Fact
- Accident

UNIT- IV

INCHOATE CRIMES & GROUP LIABILITY

- Attempt
- Common Intention-Common Object
- Abetment
- Criminal Conspiracy

UNIT- V

OTHER SPECIFIC OFFENCES

- Offences Against the State
- Offences against the Religion
- Offences Relating to Documents and Property Marks (Forgery)
- Defamation

Suggested Readings

1. C. K. Takwani: *Indian Penal Code*, Eastern Book Company, Lucknow.
2. Dr. S. R. Myneni: *Law of Crimes (Indian Penal Code, 1860)*, Asia Law House, Hyderabad
3. Harish Chander: *The Indian Penal Code-A Critical Commentary*, Eastern Law House, Kolkata.

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4. Justice K.T. Thomas M.A. Rashid: *Ratanlal & Dhirajlal-The Indian Penal Code*, LexisNexis India, Gurgaon.
5. K. D. Gaur: *Commentary on the Indian Penal Code*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
6. K. S. N. Murthy & K. V. S. Sarma: *KSN Murthy's Criminal Law (Indian Penal Code)*, LexisNexis India, Gurgaon.
7. P. S. A. Pillai: *Criminal Law-Incorporating the Criminal Law (Amendment) Act, 2013*, LexisNexis India, Gurgaon.
8. R. A. Nelson: *Indian Penal Code*, LexisNexis India, Gurgaon.
9. S. N. Misra: *Indian Penal Code (As amended by Criminal Law (Amendment) Act, 2013)*, Central Law Publications, Allahabad
10. S. R. A. Rosedar: *Indian Penal Code Paperback*, LexisNexis India, Gurgaon.

LAW AND POVERTY

(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 is designed to examine legal responses to the phenomena of 'poverty' and 'development' both in national and international context. The course comprises of a multi-disciplinary approach to understand and appraise the problems associated with poverty and development, while attempting legal solutions for them. Basic needs such as food, security, housing, employment and problems of child labour, prostitutions, etc., are given special attention in the course with particular reference to the role of legislator, administrator and Judge. The paper is designed to acquaint the students with the causes and consequences of urban concentration, the balancing of conflicting interests and the role of law and legal institutions in planning and development. The objective of the **Law and Poverty** is to ensure that students understand the interface of human, legal and social process, evaluate law as a policy instrument and access to the scope for law reform as part of development.

UNIT- I

INTRODUCTION

- **Concept of Poverty:** Poverty Line as a way to identify the Impoverished.
- Determinants of Impoverishment-Legal System as a Determinant of Impoverishment- the Lackadaisical Agrarian Reforms.
- Protection of Poor at International Perspective-India's Policy Commitments-Constitution and the Concept of Social Justice, Constitutional Provisions (Article 14,15,38 and 39-A) and Legislations for Empowering the Weaker Sections Right to Work, Distributive Justice-Rawls Theory of Justice.

UNIT- II

RIGHTS OF INDIGENT PERSONS

- **Criminal Justice System & the Poor:** Position of Poor and Indigent Persons under Criminal Justice System.

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- **Poor and Right to Die:** Prosecution of the Poor for Attempt to Suicide-Right to Bail, The Problems of Under-Trials-Compensation to Victims of Crime, Especially to the Impoverished in Communal Riots or Civil Disturbances.
- Imprisonment in Default of Fine-Whether Constitutional in Relation to the Poorest of the Poor?

UNIT- III
BONDED LABOUR

- **Concept of Bonded Labour:** Bonded Labour System (Abolition) Act, 1976-Bandhua Mukti Morcha-Problem of Judicial Effectiveness
- Social Security Legislation for Rural Labour-Minimum Wages
- Un-Organised Rural Labour-Migrant Labour-Contract Labour-Child Labour (Prohibition and Regulation) Act, 1986

UNIT- IV
RIGHTS OF INDIGENOUS PERSONS

- The Protection of Civil Rights Act, 1955-The Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- Indigenous and Tribal People-Forest and Cultural Rights to Life Sustaining Resources
- **Public Projects:** Dams-Deforestation-Displacement and Rehabilitation

UNIT- V
LEGAL & CLINICAL EDUCATION

- Gender Discrimination on the Impoverished Women-The Equal Remuneration Act
- Concept of Legal Aid and the Poor-The Legal Services Authorities Act, 1987
- Legal Literacy Programmes and Role of Law Teachers and Students

Suggested Readings

1. Amartya Sen: *Development as Freedom*, Anchor Books, New York.
2. Frank Munger: *Law and Poverty*, Ashgate Publishing Limited, UK.
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