

SIXTH SEMESTER

LEGAL THEORY

1. Preliminaries: UNITS: 03
The purpose of Legal Theory-Law and fact- The territorial nature of law.
2. Constitutional law- International Law. UNITS: 05
3. Theories/Schools: UNITS: 10
Natural Law Theory -Imperative Theory -Keison's Pure theory -Han's Theory- Legal Realism, American Realism and Scandinavian realism —Historical School- Sociological School -Marx's Economic theory.
4. The Sources of law: UNITS: 10
 - a. Legislation as a source of law- Types of legislations -Relation of legislation to other sources of law. - Codification- Interpretation of enacted law (in general).
 - b. Precedent -Authority of precedent -Circumstances destroying or weakening precedent -Ratio decidendi -Obiter dicta.
 - c. Custom -Importance of customary law, Kinds of customs:-Essentials of custom.

Legal concepts

5. Legal Rights: UNITS: 07
Concept of Rights -Characteristics of legal Rights -Legal Rights in wider sense of the term -Kinds of Legal Rights.
6. Ownership: UNITS: 07
Idea of ownership -The subject matter of ownership -Classification of ownership.
7. Possession: UNITS: 08
idea of possession- possession in fact and possession in law. Kind's of possession -Acquisition of possession -Possession and ownership -Possessory remedies.
8. Persons: UNITS: 08
Nature of personality -Legal status of lower animals, dead man, unborn person. Legal persons- Corporations-unincorporated associations -corporate personality.
9. Titles: UNITS: 06
Vestive Facts -Acts in Law -Agreements -Classes of agreements -Void and voidable agreements.
10. The Law of Property: UNITS: 06
Meaning of property -Kinds of property. Modes of acquisition of property.
11. The Law of obligations: UNITS: 05
Nature of obligations-Solidary obligations -Source of obligations.

Note: The units mentioned above include internal assessment hours.

RECOMMENDED BOOKS

1. Salmond : Jurisprudence - Twelfth Edition
2. Dr. B.N. Mani Triptathi, : Jurisprudence.
3. Dias : Jurisprudence
4. Lloyd : Jurisprudence

LABOUR LAW I

Industrial Disputes Act 1947

UNITS: 35

1. Definition concept and scope of industrial dispute
2. Concept of Industrial dispute ambit and basic conditions
3. Concept of workmen, Employer, and Wages under Industrial Disputes Act
4. Various authorities under the Act, scope of their powers, functions and dispute settlement procedures
5. Define appropriate government , reference mechanism and powers of appropriate government
6. Retrenchment, meaning concept implications and procedures
7. Lay off, meaning concept implications and procedures
8. Strike and lock out
9. Collective Bargaining , techniques and procedure
10. Unfair practice and its obligations
11. Protection to striking workmen under the Act
12. Domestic enquiry, various subjects and procedures

Trade Union Act 1926

UNITS: 15

1. Trade union movement in India
2. The concept of trade unionism and the need for legislation
3. Procedure for registration of a trade union
4. Matters to be provided in the bylaws of a registered trade union
5. The purpose for which general funds of Trade Union could be spent
6. The Idea of political fund, purpose and manner of collection and its use
7. Immunities available to a trade union
8. Procedure for amalgamation of a trade union.

Industrial Employment (Standing Orders) Act 1946

UNITS: 10

1. Procedure for certificate of standing orders
2. Matters that should be contained in the standing orders
3. Certifying officers and his powers

Factories Act 1948

UNITS: 15

1. Definitions
2. Approval Licensing and registration of factories –inspecting staff
3. Health and cleanliness
4. The precautions relating to safety in the installation and operating of Machines
5. Provisions relating to Hazardous processes
6. The welfare of workers
7. The working hours of adult workers
8. The employment of children and adolescents
9. The annual leave with wages to workers

Note: The units mentioned above include internal assessment hours.

Recommended Books

Malhotra O.P. ---- Industrial Disputes Act

Srivastava S.C. --- Labour Law and Industrial Relations

Mallik –Industrial Law

Mishra S.N. ----- Labour Law

N.D.Kapoor --- Industrial Law

S.K.Puri—Labour and Industrial Law

K.M .Pillai--- Labour and Industrial Law

POLITICAL SCIENCE VI

PUBLIC ADMINISTRATION

Course Rationale:

The Objective of the course design is to familiarise students with the fundamentals of Public Administration. It emphasizes on both the organizational and functional aspects of administration and seeks to create an understanding about the accountability of administration.

A)1. Introduction to Public Administration: Nature and Scope of Public Administration. Its role in welfare state. Public administration to New Public Management. UNITS: 10

2. Administrative Organization: Principles of Organisation, Line and staff, Bases of Organisation) UNITS: 12

3. Bureaucracy: Recruitment and Training: Relationship between Civil Servants and Ministers, Neutrality and Politicisation UNITS: 12

4. Accountability in administration and Budget and Budget Making: Comptroller and Auditor General, Principles and process of Budget making UNITS: 12

B) 5 Indian Administration: Integrity and Transparency, Forms, Causes and remedies of Administrative Corruption, Offices of Lokpal and Lokayuta, Right to Information Act 2005 UNITS: 10

6. Planning and Administration: Socio economic objectives of planning, Planning Commission, National Development Council, decentralised planning. UNITS: 05

7. Basic Public Services: Education, Health and Housing. (Case studie) UNITS: 05

8. Reforming Public Administration: Good Governance, Privatization and Competition. UNITS: 09

Note: The units mentioned above include internal assessment hours.

Readings

1. Nicholas Henry Public Administration and Public Affairs,— 8th edition
2. Public Administration – AAvasthi and S.R. Maheshwari
3. Administration in Changing Society Bureaucracy & Politics in India – C.P.Bhambri.
4. Public Administrative -A.R.Tyagi
5. Public Administration – M.Sharma
6. Modern Public Administration -- - F.A..Nigro and L. S. Nigro
7. Introduction to the study of Public administration N.O.White
8. Indian administration -- S.S. Maheshwari
9. A. Avasthi and S. R. Maheswari, Public Administration, Agra, Lakshmi NarainAggarwal, 1996.
10. D. D. Basu, Administrative Law, New Delhi, Prentice Hall, 1986.
- 11 C. P. Bhambri, Administration in a Changing Society: Bureaucracy and Politics in India, Delhi Vikas, 1991.
12. M. Bhattacharya, Public Administration: Structure, Process and Behaviour, Calcutta, The World Press, 1991.
- 13 .—————, Restructuring Public Administration: Essays in Rehabilitation, New Delhi, Jawahar, 1999.
14. M. E. Dimock and G. O. Dimock, Public Administration, Oxford, IBH Publishing Co., 1975.
15. ————— Administrative Vitality: The Conflict with Bureaucracy, New York, Harper, 1959.
16. S. R. Maheshwari, Administrative Theories, New Delhi, Allied, 1994.
17. S. R. Nigam, Principles of Public Administration, Allahabad KitabMahal, 1980.
18. F. A. Nigro and L.S. Nigro, Modern Public Administration, New York, Harper and Row, 1984.
19. O. Glenn Stahl, Public Personnel Administration, New York, Harper & Brothers, 1956.
20. D. Waldo (ed), Ideas and Issues in Public Administration, New York, McGraw Hill, 1953.
21. N. D. White, Introduction to the Study of Public Administration New York, Macmillan, 1955.

Minor Paper – B II

History

History Of India From A.D 1200-1760

I: Sources For The Study Of Medieval Indian History UNITS: 05

II: Early Medieval Period (1200-1556 A.D) UNITS: 15

1. Foundation & Consolidation Of The Sultanate, Causes Of The Success Of The Turks, Iltutmish, Razia, Balban, Invasion Of The Mongols .
2. Expansion Of The Sultante
 - a) Khaljis : Conquests, Administrative & Economic Reforms Of AllauddinKhalji.
 - b) Tughluq: Administrative Reforms Of Mohammad-Bin-Tugluq&Feroz Shah Tughluq.
 - c) The Lodhis: Ibrahim Lodhi& Downfall Of Sultanate.
3. Advent Of The Mughals:
4. A) Babar, Humayun B) The Sur Interlude: Reforms Of Sher Shah Sur.

III: Later Medieval Period (1556-1751) UNITS: 12

1. Consolidation & Expansion Of Mughals
 - a) Akbar- Mansabdari System, Revenue Reforms & Religious Policy
 - b) Jehangir&Shahjahan –Estimate Of Their Character,
 - c) Mughal Administration- Central & Provincial

IV: Downfall Of Mughals UNITS: 08

- a) Aurangzeb –Religious Policy, Relations With Marathas, Sikhs, Rajputs.
- b) Causes For The Decline Of The Mughals.

V: Socio-Economic Conditions In Medieval India UNITS: 15

- a) Social Structure: Position Of Women, Education, Slavery, Ulemas, Nobility, Zamindar, Peasantry.
- b) Economic Condition: Agriculture, Industry, Trade, Commerce.
- c) Religion: Bhakti Movement & Sufism
- d) Art & Architecture In Medieval India.

VI: Peninsular India UNITS: 15

- a) Vijaynagara Empire.
- b) Marathas Under Chatrapati Shivaji , Sambhaji

c) Marathas Under The Peshwas.

VII: Advent Of European Powers

UNITS: 05

A) Portuguese B) French C) English

Note: The units mentioned above include internal assessment hours.

Suggested Readings

- 1) Banerjee, Anil Chandra, A New History Of Medieval India, (1986 S. Chand & Company Ltd, New Delhi)
- 2) Habib, Irfan: Agrarian System Of Mughal India.(Oup, India 2001)
- 3) Karashima N: Towards A New Formation; South Indian Society Under Vijaynagar Rule (Delhi, Oup, 1992)
- 4) Kulkarni A.R : Medieval Maharashtra (Delhi, Books & Books, 1996)
- 5) Mehta J. L: Advanced Study In The History Of Medieval India Vol 2 The Mughal Empire 1526-1707
- 6) Pandey A.B : Early Medieval India Ed 2 (Allahabad, Central Book Depot, 1970)
- 7) Pandey A.B.: Later Medieval India (Allahabad, Central Book Depot, 1967)
- 8) Richards, J.F: Mughal Empire, New Cambridge History Of India. (Cambridge University Press, 1996)
- 9) Rizvi, S.A.A. : The Wonder That Was India Vol Ii (Sidwick & Jackson 1987)
- 10) Sastri K.A.N: History Of South India
- 11) Satish Chandra : Medieval India, From Sultanate To The Mughals (Delhi, HarAnand Publications, 1997)
- 12) Sharma S.R.: Mughal Empire In India (Delhi Atlantic Publishers, 1999)
- 13) Srivastava A.L : The Mughal Empire 1526-1803. (S.C. Agarwal 1969)
- 14) Stein Burton: Peasant State & Society In Medieval South India (Delhi, Oup, 1980)
- 15) Tripathi R.P: Rise & Fall Of The Mughal Empire (Allahabad Central Book Depot, 1963)
- 16) Chitnis K.N: Socio –Economic History Of Medieval India (Delhi Atlantic Publishers 2002)
- 17) Chopra , P.N: Some Aspects Of Social Life During The Mughal Age (1526-1707) (S.C. Agarwal 1969)
- 18) Kosambi D.D.: An Introduction To The Study Of Indian History (Bombay, Popular Prakashan)
- 19) Majumdar, R.C (Ed), History & Culture Of The Indian People, (Bhartiya Vidya Bhawan Volumes)
- 20) Majumdar R.C. Et Al; An Advanced History Of India (Macmillan 1980)
- 21) Majumdar R.C Et Al; The Age Of Imperial Unity (Bhartiya Vidya Bhawan 1953)
- 22) Moreland W.H; From Akbar To Aurangzeb.(Lowpria Publications 1990)
- 23) Moreland W.H; The Agrarian System Of Muslim India (Cup 1911)
- 24) Prasad, Ishwari: History Of Medieval India. (Indian Press 1966)
- 25) Raychaudhuri, Tapan & Irfan Habib: The Cambridge Economic History Of India 1200-1750, Vol I (Cup, 1989)

INSURANCE

1. Basic insurance : UNITS: 02
Introduction, insurance scheme and its benefits, insurance and loss prevention
2. State control of Insurance Business : UNITS: 06
Insurance Act, 1938, Life Insurance Act, 1956, General insurance Business (Nationalisation) Act, 1972, insurance Regulatory and Development Authority Act, 1999.
3. Law relating to Insurance Contracts : UNITS: 03
Sources, basic legal concepts, def of contract of insurance.
4. Formation, Performance and Discharge of Contract : UNITS: 03
Competence of parties, free consent, wagering agreements, void and voidable agreements, Discharge of contracts.
5. Proposal and policy : UNITS: 03
Proposal covers note, the slip, the policy, and construction of policy.
6. Terms and conditions and exceptions of policy : UNITS: 04
Condition precedents and subsequent, effect of breach, waiver of breach, assignment of policy, premium.
7. Utmost good faith : UNITS: 04
Duty of disclosure, insured's and insurer's duty, extent of the duty, illustrative cases.
8. Insurable interest : UNITS: 03
Contractual and statutory, illustrative cases.
9. Indemnity, Subrogation and Contribution. UNITS: 04
10. The risk UNITS: 03
11. Proximate cause UNITS: 04
12. Reinsurance : UNITS: 03
Marine Insurance
13. Insurable Interest UNITS: 05
14. Disclosure and representation UNITS: 03
15. The marine policy UNITS: 02
16. The voyage UNITS: 02
17. The insured perils UNITS: 02
18. Loss and abandonment UNITS: 02
19. Partial loss and average loss. Fire insurance UNITS: 02
20. Non-disclosure and misrepresentation UNITS: 04
21. Standard fire policy UNITS: 03
22. Proximate cause UNITS: 03
23. Subrogation, Double Insurance Contribution and Average : UNITS: 05
Accident and Motor Insurance
Life insurance
Marine Insurance

Note: The units mentioned above include internal assessment hours.

RECOMMENDED BOOKS

- K.V.S.N Sharma : Law of insurance
DrAvtar Singh : Law of insurance
M.N.Srinivasan's : Principles of insurance Jaw

INTERPRETATION OF STATUTES

1. Basic Principles: UNITS: 05

Meaning of interpretation, construction, Intention of legislature

2. General Principles of Interpretations: UNITS: 10

Literal interpretation, golden rule, the mischief rule, construction *re magis valeat quam pareat*, regard to consequences, statute to read as a whole

3. Internal Aids to Construction UNITS: 02

4. External Aids to Construction UNITS: 02

5. Other Principles of Construction: UNITS: 05

Treatment of general words, beneficial construction, construction in *Bona Partem*, restrictive construction, harmonious construction, construction in *pan materia*, construction to prevent evasion or abuse, equitable construction.

6. Imperative And Directive Statutes UNITS: 03

7. Codifying And Consolidating Statutes UNITS: 03

8. Presumptions UNITS: 15

- a. Presumption against ousting established jurisdiction
- b. Presumption against exceeding territorial nexus
- c. Presumption against ouster of jurisdiction of courts.
- d. Presumption against changes in common law.
- e. Presumption against including what is inconvenient or unreasonable.
- f. Presumption against intending injustice or absurdity.
- g. Presumption against retrospective operation of Law
- h. Presumption against violation of international law
- i. Presumption on favour of constitutionality of a statute.

9. Maxims And Principles UNITS: 20

B.A.LL.B Sem VI

- a. Casus omissus
- b. Contemporanea expositio
- c. Nosutura a sochiis
- d. Rule of ejusdem generis
- e. Ut res magis valeat quam pareat
- f. Gerialiaspecialibus non derogant
- g. Ex visceribus actus
- h. Acts in pan material rodendosingulasingulis
- i. Expressiouniusestexclusioalterius.

10. General Clauses Act UNITS: 10

- a. Definitions Sec. 3
- b. Commencement of Acts
- c. Repeal
- d. Commencement and Termination of time
- e. Computation of time
- f. Measurement of distances
- g. Duty to be done on pro-rata
- h. Gender & number
- i. Powers conferred
- j. Power to appoint

Note: The units mentioned above include internal assessment hours.

BOOKS RECOMMENDED

G. P. Singh: Interpretation of Statutes
Maxwell: Interpretation of Statutes
Avtar Singh: Interpretation of Statutes
Bare Act General Clauses Act

HEALTH LAW (OPTIONAL)

- 1.1. **The right to health as emergent from parts III and IV of the Constitution** UNITS: 10
- 1.2. National Health Policy
- 1.3. Indigenous and Allopathic Health Systems
- 2. Duties of employer, community and state** UNITS: 15
- 2.1. Industrial Accidents (e.g. Bhopal Gas Tragedy)
- 2.2. Rail, Air, Eco Disasters (duties of carriers as well).
- 2.3. Flood - related epidemics
- 2.4. Other epidemic situations
- 3. Organization of public health care in India** UNITS: 15
- 3.1. Legal organization of public hospitals
- 3.2. Medico-legal cases and duties of hospitals
- 3.3. Liability for medical negligence in public hospitals
- 3.4. Mental health care in public hospitals : duties and liabilities
- 3.5. Rural health care
- 4. Organization of private health care** UNITS: 15
- 4.1. Legal aspects of private medical practice
- 4.2. Medical negligence
- 4.3. Amniocentesis
- 4.4. Public service related situations - negligence of private doctors in eye campus, sterilization camps, etc.
- 4.5. The problem of disposal of medical and surgical wastes and liabilities of private and public health care units.
- 4.6. Side effects
- 5. Cost and Insurance** UNITS: 15
- 5.1. Types of Health Insurance in India
- 5.2. Employee's Health Insurance Corporation
- 5.3. Cost of Health Care and Weaker Sections of Society.
- 6. Medical Jurisprudence** UNITS: 05
1. Market economy, public health and law

Suggested readings

1. Pandey, J.N. Constitution of India
2. Jain, *M.P.*, Indian Constitutional Law
3. Kishore, Jugal,. National Health Programmes of India: National Policies and Legislations relating to Health, Century Publications, 2005.
4. Modi's Textbook of Medical Jurisprudence and toxicology, N.M. Tripathi, Publications.
5. Seal, Sirish Chandra, Health Administration in India, Dawn Books, 1975.
6. Ramchandrudu, G. Health Planning In India, A.P.H. Publishing Corporation, New Delhi
7. Srivastava, R.K. Public Health System in India, Pinnacle Technology, 2011.
8. Rosen, George ,A History of Public Health(Paperback), John Hopkin University Press, 1993.
9. Baru, Rama B., Private health care in India, Sage Publications, 1994.
10. Raman, A. Venkat, and Bjorkman, James Warner, Public-Private Partnership in Health Care in India : Lessons for Developing Countries, Routledge Publications, Oxon, 2009.
11. Kumar, R. *Challenges of Health care in India: economics and Administration*, Deep and Deep Publications, New Delhi, 2008.
12. Agarwala, Amar Narain, *Health Insurance in India*, East End Publishers, 1945.
13. Mehta, Usha, *Health Insurance in India and Abroad*, Allied Publishers, 1965.