

CONSOLIDATED CURRICULUM DOCUMENT FOR SEM – III

S.NO.	SUBJECT	PAGE NO.
1.	FAMILY LAW-II	2-9
2.	CONSTITUTIONAL GOVERNANCE-I	10-17
3.	ECONOMICS: LAW, POVERTY & DEVELOPMENT	18-22
4.	POLITICAL SCIENCE: INDIAN POLITICAL SYSTEM: INSTITUTIONAL AND POLITICAL DYNAMICS	23-27
5.	SOCIOLOGY: INDIAN SOCIETY: STRUCTURE & PROCESSES	28-32
6.	LAW OF TORTS	33-38



**FAMILY LAW - II (COMPULSORY)
SEMESTER III | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)**

Faculty Name	Barkha Dodai	Year/ Semester	2/III
Course Name	Family Law II	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	60	Pre-requisite	Knowledge of Family Law-I
Introduction, Course Objective & Pedagogy	<p style="text-align: center;">INTRODUCTION:</p> <p>Personal laws are preserved and protected by people vigorously. They vary in a nation depending on the different faiths that people follow. Personal laws in India present a complex situation considering the religious diversity one finds in the country. Every community in India is governed by different set of rules and regulations in terms of matters governing marriage, divorce, adoption, maintenance, succession etc. Apart from these laws we also have secular laws in terms of these matters which apply to parties that voluntarily choose of be governed by the secular legislations. In this backdrop the Family Law-II course delves upon the matters relating to adoption and maintenance amongst Hindus and Muslims in India. Furthermore, it focuses on the laws of succession applicable in the case of Hindus and Muslims. The expected learning outcome of this course is imparting knowledge to students regarding Adoption laws and succession laws in the country essentially by employing a case law analysis so that they can appreciate both laws in theory as well as practice. a very important pre-requisite of learning Family Law- II is an in-depth knowledge of laws relating to marriage and divorce both under Hindu Law as well as Muslim Law.</p> <p style="text-align: center;">COURSE OBJECTIVE:</p> <p>Following are some of the objectives of the course: CO1- Imparting knowledge about laws relating to adoption and maintenance;</p>		

	<p>CO2- To understand the various concepts and institutions of Hindu Joint Family system.</p> <p>CO3- To analyze the concept of succession and its forms i.e. Intestate and testamentary succession.</p> <p>CO-4 To examine the women's estate under different Religious system and statutory provisions.</p> <p>CO-5 To understand the concept of bequest under different religious system.</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>

LEARNING OUTCOMES:

On completion of this course, the students will be able:

LO.1. To understand the various concepts and institutions of Hindu joint family system.

LO.2. To equipped with the law and procedures of succession with its different forms i.e. Intestate and testamentary succession.

LO.3. To analyze women's property rights under different religious system and statutory provisions.

LO.4. To understand the provisions with respect to bequest under different religious practices.

EVALUATION COMPONENTS

Components of Course Evaluation	Distribution
PROJECT	25
Mid Term Examination	25
End term Examination	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to Family Law II	1
2	Hindu Adoption and Maintenance Act and S.125-128 of Cr.P.C	2-9
3	Joint Family and Coparcenery	10-16
4	Partition and Reunion	17-24
5	Succession amongst Hindus	25-35
6	Maintenance (Nafaqa)	36-41
7	Hiba	41-46
8	Wills	47-51
9	Sunni & Shia law of Inheritance	52-60

HINDU LAW

UNIT	CONTENT
Module I Adoption and Maintenance	<ul style="list-style-type: none"> • Hindu Adoption and Maintenance Act, 1956 • Requisites of a Valid Adoption • Right to Maintenance • Persons obliged to maintain
Module II Joint Family and Coparcenary	<ul style="list-style-type: none"> • Hindu Coparcenary <ul style="list-style-type: none"> ○ Formation of Coparcenary – Under Mitakshara and Dayabhaga ○ Coparcenary and joint Family – Distinction ○ Characteristic Features of Coparcenary ○ Rights of coparceners ○ Coparcener within Coparcenary • Classification of property <ul style="list-style-type: none"> ○ Joint family property or Coparcenary properties ○ Separate or self acquired property ○ Obstructed and unobstructed property • Alienation of Coparcenary property <ul style="list-style-type: none"> ○ Who may alienate Coparcenary Property ○ Alienation by Father ○ Alienation by sole surviving coparcener

	<ul style="list-style-type: none"> ○ Alienation by Manager of Coparcenary Property <ul style="list-style-type: none"> ▪ Legal necessity ▪ Partial necessity ▪ Benefit of estate ▪ Indispensable duties ○ Burden of proof of necessity ○ Coparcener's power of Alienations <ul style="list-style-type: none"> ▪ In voluntary Alienations ▪ Voluntary Alienations ○ Coparcener's Right to challenge Alienations ○ Alienee's Right and Remedies
<p style="text-align: center;">Module III- Partition and Reunion</p>	<ul style="list-style-type: none"> ● Meaning of partition: <ul style="list-style-type: none"> ○ Under Mitakshara and Dayabhaga ● What property is Divisible on partition <ul style="list-style-type: none"> ○ Subject of partition ○ Property available for partition ○ Property not capable of division ● Persons entitled to claim partition ● Person entitled to a share on partition ● Partition how effected or kinds of partition ● What is partial partition ● Partial Partition as to property ● Partial partition as to persons ● Effect of partial partition ● Allotment of shares on partition ● Re-opening of partition ● Re- Union ● Who may reunite ● Effect of reunion
<p>Module IV- Succession amongst Hindus</p>	<ul style="list-style-type: none"> ● Intestate succession <ul style="list-style-type: none"> ○ Devolution of Mitakshara Coparcenary Property ○ Succession to a Hindu Male ○ Succession to property of a Hindu Female ○ General rules of Succession

MUSLIM LAW	
Module V – Maintenance (Nafaqa)	<ul style="list-style-type: none"> • Maintenance • Persons entitled to maintenance • Persons obliged to maintain • Maintenance of divorced women • The Muslim Women (Protection of Rights on Divorce) Act, 1986
Module VI– Hiba (Gifts)	<ul style="list-style-type: none"> • Definition of Hiba • Capacity to make Hiba • Essentials of Hiba • Subject matter of Hiba • Revocation of Gifts
Module – VII -Wills	<ul style="list-style-type: none"> • Capacity to make a will • Formalities for making a will • Subject matter of will • Limitations on the power of legator to make will • Doctrine of Marz – ul - maut • Revocation of the wills
Module VIII- Sunni & Shia law of Inheritance	<ul style="list-style-type: none"> • General Principles • Competence to inherit • Classes of heirs • Miscellaneous rules

STATUTES

1. Hindu Adoption and Maintenance Act, 1956
2. The Juvenile Justice Care and Protection Act, 2015
3. The Code of Criminal Procedure, 1973
4. The Hindu Marriage Act, 1955
5. The Hindu Succession Act, 1956
6. The Muslim Women (Protection of Rights on Divorce) Act, 1986

CASE LAWS

- A. Raghavamma v. A. Chenchamma, AIR 1964 SC 136
- Abdul Hafiz Beg v. Sahebbi, AIR 1975 Bom. 165
- Abdul Manan Khan vs Mirtuza Khan AIR 1991
- Abdul Rahman v. Athifa Begum AIR 1998 Kant 39
- Abu Sayed v. Bakar Ali (1901) 24 All 190
- Ahmed G. H. Ariff v. Commissioner of Wealth Tax AIR 1971 SC 1691

- Amar Kanta Sen v. Sovana Sen AIR 1960 Cal. 438
- Archana v. Dy. Director Of Consolidation (High Court of Allahabad on 27.03.2015)
- Arvind & Abasaheb Ganesh Kulkarni v. Anna & Dhanpal Parisa Chougule, AIR 1980 SC 645
- Bai Tahira v Ali Hussain AIR 1979 SC 362
- Balmukand v. Kamla Wati, AIR 1964 SC 1385
- Bhagat Ram v. Teja Singh, AIR 2002 SC 1
- Braendra Singh v. State of M.P and Anr., AIR2008SC1058..
- C.N. Arunachala Mudaliar v. C.A. Muruganatha Mudaliar, AIR 1953 SC 495
- Commissioner of Income- Tax v. Gomedalli Lakshminarayan, AIR 1935 Bom. 412
- Commissioner of Wealth-Tax v. Chander Sen, AIR 1986 SC 1753
- Craig Allen Coats v. State and Anr., ('MANU/SC/0732/2010')
- Daniel Latifi v. Union of India, (2001) 7 SCC 70.
- Dev Kishan v. Ram Kishan, AIR 2002 Raj. 370
- Dr. Ravi Chandran v. Union of India & Ors.,2009 (14) SCALE 27
- Enaet Hossein v. Khoboonnissa (1869) 11 WR 320
- Ganduri Koteshwaramma and another v. Chakiri Yanadi & ors (2011) 9SCC 788
- Gaurav Nagpal v. Sumedha Nagpal, AIR 2009 SC 557.
- Guramma Bhratar Chanbasappa Deshmukh v. Mallappa Chanbasappa AIR 1964 SC 510
- Gurnam Singh v. Pritam Singh & others, AIR 2010, P & H,NOC 938
- Gurupad Khandappa Magdum v. Hirabai Khandappa Magdum, AIR 1978 SC 1239
- Hayatuddin v. Abdul Gani, AIR 1976 Bom. 23
- Hunoomanpersaud Panday v. Mussumat Babooee Munraj Koonweree (1854-1857) 6 Moore's IA 393 (PC) 36
- Jagannathan Pillai v. Kunjithapadam Pillai, AIR 1987 SC 1493
- Jupudy Pardha Sarathy v. Pentapati Rama Krishna (2016) 2 SCC 56
- Kakumanu Pedasubhayya v. Kakumanu Akkamma, AIR 1968 SC 1042
- Khalida Adib Begum v. S. A. Bashirunnissa Begum (1970) II MLJ 98
- Lakshmi Kant Pande v. Union of India, AIR 1987 SC 232
- M/s. Nopany Investments (P) Ltd. v. Santokh Singh (HUF),2007 (13) JT 448
- Mahboob Sahab v. Syed Ismail and others (1995) 3 SCC 693,
- Mahbood Khan v. Abdul Rahim AIR 1964 Raj 250
- Mazhar Hussien v. Bodhi Bibi (1898) 21 AII 91
- Md. Ali v. Dinesh Chandra AIR 1940 Cal 417
- Mohammad Shah v. Fasihuddin Ansari AIR 1956 SC 713
- Mohd Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945..
- Moro Vishwanath v. Ganesh Vithal (1873) 10 Bom. 444
- Mrs. Sujata Sharma v. Shri Manu Gupta 226 (2016) DLT 647
- Muhammad Husain Khan v. Babu Kishva Nandan Sahai, AIR 1937 PC 233
- Mulani v. Maula Baksh (1924) 46 AII 260
- Mussa Miya waladMahammed Shaffi v. Kadar Bax, AIR 1928 PC 108
- Nawazish Ali Khan v. Ali Raza Khan (1948) 75 IA 62
- Nirmala v. Government of NCT of Delhi, 170(2010) DLT 577

- Omprakash v. Radhacharan, 2009(7) SCALE 51
- Prakash v. Phulavati, 2015 SCC Online SC 1114
- Pushpalatha N.V. v. V.Padma , AIR 2010 Kar.124
- Puttramma v. M.S. Ranganna, AIR 1968 SC 1018
- R. Kuppayee v. Raja Gounder (2004) 1 SCC 295
- Radha Kant Deo v. The Commissioner of Hindu Religious Charitable Endowment, AIR1981 SC 798
- Revanasiddappa v. Mallikarjun, (2011) 11 SCC 1
- Shabnam Hashmi v. Union of India 2014(2) SCALE 529
- Shabnam Hashmi v. Union of India 2014(2) SCALE 529
- Smt Hussenabi v Husensab Hasan AIR 1989 Kant 218.
- Smt. Anjali Kapoor v. Rajiv Bajjal, AIR 2009 SC 2821.
- Smt. Dipo v. Wassan Singh, AIR 1983 SC 846
- Smt.Indra Kali v. Ravi Bhan AIR 2012 M.P.,NOC 256
- Smt.Sarjoo v. Ayodhya Pd.,AIR 1981 SC 798.
- Sunil Kumar v. Ram Prakash (1988) 2 SCC 77
- Surjeet v. W. T. Commissioner AIR 1976 SC 109
- Syed Bazayet Hussein v. Dooli Chand, (1878) 5 I.A. 211)
- Uttam v. Saubhag Singh (2016) 4 SCC 68
- Vaddeboyina Tulasamma v. Vaddeboyina Sesha Reddi, AIR 1977 SC 1944
- Valia Peedikakkandi Katheessa Umma v. Pathakkalan Narayanath Kunhamu, AIR 1964SCC 275
- Vellikannu v. R. Singaperumal (2005) 6 SCC 622
- Vineeta Sharma v. Rakesh Sharma (2020) 9 SCC 1

The list of cases is merely enumerative, and more cases will be discussed during lectures.

BOOKS

1. Dr. Poonam P. Saxena, Family Law II, 3rd ed. 2018.
2. Satyajeet A. Desai (rev.), D.F. Mulla, HINDU LAW, 22nd ed. 2016.
3. Vijender Kumar (rev.), J.D. Mayne, HINDU LAW & USAGE, 17th ed. 2014.
4. Prof. Kusum, THE FAMILY LAW LECTURES, 2015.
5. R.V. Kelkar, CRIMINAL PROCEDURE, 6TH ed. 2016.
6. Dr. Paras Diwan, Modern Hindu Law, Allahabad Law Agency.
7. Ved Kumari, THE JUVENILE JUSTICE SYSTEM IN INDIA, (2nd edn. 2010), OxfordUniversity Press, (Chapter-4, p.128).
8. M. Hidayatulla and Arshad Hidayatulla, MULLA'S PRINCIPLES OF MOHAMMEDANLAW (19th ed., 2006).
9. Tahir Mahmood, FYZEE'S OUTLINES OF MOHAMMEDAN LAW (3rd ed., 2008)
10. Daniel Latifi, "Muslim Law", in S.K Verma and Kusum (ed.), *Fifty years of the Supreme Court of India- Its grasp & reach*, (2000), Oxford University Press.

ARTICLES

1. A.K Bhandari, “Adoptions among Mohammedans- whether permissible in law”, 47JILI(2005) 110.
2. Ayushi Singhal, “Female Intestate Succession under Hindu Law Finally, Hope!”, EPW, Vol. 51, No. 11 (2016), pp. 15-17.
3. Debarati Halder and K. Jaishankar, “Property rights of Hindu women: a feminist review of succession laws of ancient, medieval, and modern India”, Journal of Law and Religion, Vol. 24, No. 2 (2008-2009), pp. 663-687.
4. Kusum, “Gender bias in adoption law: A comment on Malti Roy Chaudhery v.Sudhindranath Majumdar”, 49JILI (2007) 76.
5. Lucy Carrol, “Shah Bano, the Muslim Women (Protection of rights on Divorce) Act and Muslim women’s right to Mataa”, 39JILI (2005) 110.
6. M. Afzal Wani, “Maintenance of women and children under Muslim law: legislative trends in Muslim countries”, 45JILI (2003) 409.
7. Mohd Altaf Hussain Ahangar, Succession Rights of Muslim Women in the Modern World: An Analytical Appraisal, Arab Law Quarterly , 2014, Vol. 28, No. 2 (2014), pp. 111-135.
8. Poonam Pradhan Saxena “Judicial re-scripting of legislation governing devolution of coparcenary property and succession under Hindu law”, Vol. 58, No. 3 JILI (2016), pp. 337-349.
9. Poonam Pradhan Saxena, Reinforcing Patriarchal Dictates through Judicial Mechanism: Need to Reform Law of Succession to Hindu Female Intestates, JILI, Vol. 51, No. 2 (2009), pp. 221-236.
10. Vibha Sharma, “Inter-country adoptions in India; an appraisal”, 45 JILI (2003) 543.

Note:- All the above- mentioned articles are available on Jstor.

LAW COMMISSION REPORTS

1. 66th report on Married women’s property Act
2. 98th report on Section 24 and 26 of Hindu succession Act
3. 208th report on Section 6 of the Hindu Succession Act
4. 207th report on section 15 of Hindu Succession Act



CONSTITUTIONAL GOVERNANCE-I (COMPULSORY)
SEMESTER III | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)

Faculty	Prof. (Dr.) Uday Shankar and Dr. Priyanka Mohod	Year/ Semester	II Year /III Semester
Course Name	Constitutional Governance-I	No. of Credits	4
Course Code	NA	Session duration	55 Minutes
No of Contact Hours (Week)	05	Pre-requisite	None
Total	60 (50 Lectures+ 10 Tutorials)		
Introduction and Pedagogy	<p>Introduction: India is a democratic country and her Constitution epitomizes the most important values of the democratic government-how it comes into existence, what are its powers, functions, responsibilities, and obligations. The Fundamental Law of the land is its Constitution. Constitutional Law is a subject of supreme magnitude for each country. It is the source of all powers of and limitations on, the three organs of State, viz. The executive, legislature and judiciary. The Study of Constitutional Law is divided in two parts. The first part, Constitutional Governance – I, covers the discussion Union and its territories, Fundamental Rights and Directive Principles.</p> <p>Pedagogy: The learning is based on the discussion of judicial pronouncements, scholarly writings and the debates in the Constituent Assembly.</p>		

COURSE OBJECTIVES

CO1: To learn the process of the making of the Constitution and the values enshrined under the Indian Constitution.

CO2: To analyse the details of the constituent units of the country.

CO3: To understand the scope and ambit of the Fundamental Rights and Duties.

CO4: To understand the significance of Directive Principles.

LEARNING OUTCOMES

After completion of the course the students will be able to understand and analyse:

LO 1: The process of the framing and adoption of the Constitution.

LO 2: The nature of the federal structure of the Constitution and formation of the constituent units.

LO 3: The relevance of fundamental rights in limiting the power of the state and the identification of the goals enshrined under the Constitution.

LO 4: The judicial approach to interpret the Constitution.

EVALUATION COMPONENTS

Components of Course Evaluation	% distribution
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction	04
2	The Union and its Territories (Arts. 1-4)	03
3	Citizenship (Article 5-11)	02
4	Fundamental Rights (Arts. 12-13)	04
5	Right to Equality (Arts. 14-18)	07
6	Right to Freedom- I (Arts. 19 (a)-(g))	07

7	Right to Freedom-II (Arts. 20- 22)	07
8	Right against Exploitation (Arts. 23- 24)	02
9	Right to Freedom of Religion (Arts. 25- 28)	04
10	Educational and Cultural Rights (Arts. 29- 30)	03
11	Right to Constitutional Remedies (Art. 32)	03
12	Directive Principle of State Policy and Duties (Arts. 36-51A)	04
13	Self Learning, Tutorials, etc	10

DETAILED SYLLABUS FOR (B.A.LL.B.) CONSTITUTIONAL GOVERNANCE-I

Module	Content
Module 1	INTRODUCTION a. Meaning, Definition, Scope and Significance of Constitution b. Constitutional Law and Constitutionalism c. Salient features of the Indian Constitution d. Preamble- its significance, amendment and interpretation.
Module 2	THE UNION AND ITS TERRITORY (ARTICLES 1 – 4) a. Name of the Union, States and Union Territories b. Admission, Establishment and Formation of New States c. Alteration of areas, boundaries, and names of States.
Module 3	CITIZENSHIP (ARTICLES 5-11) a. Citizenship at the commencement of the Constitution b. Citizenship of certain persons who have migrated from Pakistan c. Citizenship of certain migrants to Pakistan d. Citizenship of certain persons of Indian origin residing outside India e. Parliament to regulate the right of citizenship by law
Module 4	FUNDAMENTAL RIGHTS (STATE AND LAW) (ARTICLES 12 AND 13) a. Concept of Fundamental Rights -Origin and Development, Fundamental Rights in India b. Definition of State under Article 12: other authorities and its interpretation. c. Justifiability of Fundamental Rights: Article 13 and Judicial Review, Justifiability of Pre and Post Constitutional Laws and its Doctrines (Severability, Eclipse and Waiver) d. Basic Structure doctrine - Arts. 13 and 368
Module 5	RIGHT TO EQUALITY (ARTICLES 14 – 18) a. Right to Equality- Equality before Law- Non-Discrimination- Reasonable Classification- Non Arbitrariness, Protective Discrimination- b. Right against discrimination: Special provisions for Women, children and Backward Classes,

	<ul style="list-style-type: none"> c. Reservations in Appointments and Promotions, Reasonable classification - Basis for classification, Equality of Opportunity d. Abolition of Untouchability e. Abolition of Titles
Module 6	<p>RIGHT TO FREEDOM-I (ARTICLE 19 (1) (a) –(g) and 19(2)-(6))</p> <ul style="list-style-type: none"> a. Freedom of Speech and Expression -Right to Know-Freedom of Press Reasonable -Restrictions Test for reasonableness Burden of proving reasonableness of restrictions. b. Freedom to assemble peaceably and without arms; c. Freedom to form association or unions; d. Freedom to move freely throughout the territory of India; e. Freedom to reside and settle in any part of the territory of India; f. Freedom to practice any profession, or to carry on any occupation, trade, or business.
Module 7	<p>RIGHT TO FREEDOM-II (ARTICLES 20-22)</p> <ul style="list-style-type: none"> a. Protection in respect of conviction for offences (Article 20), Rights of the Accused: Ex-post facto laws, Right against Double Jeopardy, Right against Self-incrimination. b. Protection of life and personal liberty (Article 21) Right to Life and Personal Liberty: Meaning and Scope, American and Indian concept of Right to life and personal liberty, Various facets of Right to Life, Prisoners’ Rights, Rights available to rape victim, etc, Right to Education (Article 21A) c. Protection against arrest and detention (Article 22) Safeguards against Arrest made under the ordinary Law, Preventive detention, Safeguards against Detention made under the preventive detention laws
Module 8	<p>RIGHT AGAINST EXPLOITATION (ARTICLES 23 AND 24)</p> <ul style="list-style-type: none"> a. Right against Exploitation: Prohibition of Traffic in Human Beings and Forced Labour b. Safeguards against Beger, Abolition of Child Labour
Module 9	<p>RIGHT TO FREEDOM OF RELIGION (ARTICLES 25 – 28)</p> <ul style="list-style-type: none"> a. Right to Freedom of Religion, Reasonable restrictions b. Right to establish and maintain Religious Denominations c. Freedom from payment of Taxes d. Prohibition of religious instructions in Educational Institutions. Freedom of Conscience, Freedom to Profess or Practice Religion, Freedom to Manage Religious Affairs, Restriction on Religious Instruction in Educational Institutions
Module 10	<p>EDUCATIONAL AND CULTURAL RIGHTS (ARTICLES 29 AND 30)</p> <ul style="list-style-type: none"> a. Right to establish and administer educational institutions – rights of minorities and non-minorities; -Right to conserve language script or culture, Right to admission to Educational Institutions b. Right of Minorities to Establish and Administer Educational Institutions, No discrimination in granting aid.
Module 11	<p>RIGHT TO CONSTITUTIONAL REMEDIES (ARTICLE 32)</p> <ul style="list-style-type: none"> a. Nature and need for distinctive constitutional remedies distinguished from legal remedies

	<p>b. Types of remedies – Habeas Corpus, Mandamus, Prohibition, Quo Warranto, And Certiorari – nature and procedure of these writs and Art. 226.</p> <p>c. Right to move to the Supreme Court, Prerogative Remedies, Rule Locus Standi, Public Interest Litigation Res Judicata, Delay and Laches, Alternative Remedy</p> <p>d. Suspension of Fundamental Rights, Effect of Emergency on fundamental rights.</p>
Module 12	<p>DIRECTIVE PRINCIPLES OF STATE POLICY AND DUTIES (ARTICLES 36 – 51A)</p> <p>a. Directive Principles - directions for social change - a new social order</p> <p>b. Fundamental Rights and Directive Principles – interrelationship</p> <p>c. Constitutional amendments to strengthen Directive Principles -Reading Directive Principles into Fundamental Rights</p> <p>d. Fundamental Duties - The need, enforcement and status of Fundamental Duties</p>

READINGS:**Statues and Amendments:**

- Bare Act - The Constitution of India, 1950
- The Citizenship Act, 1955 and The Citizenship (Amendment) Act 2019
- The Jammu and Kashmir Reorganisation Act, 2019
- Important Amendments- 1st, 42nd, 44th, 86th, 103rd etc.

CASE LAWS:

- State of Kerala v. N.M.Thomas AIR 1976 SC 490
- Waman Rao v. Union of India AIR 1981 SC 271
- Minerva Mills Ltd. V. Union of India AIR 1980 SC 1789
- re Berubari Union and Exchange of Enclaves, AIR 1960 SC 845
- Golak Nath v. State of Punjab, AIR 1967SC 1643
- University of Madras v Santa Bai AIR 1954 Mad. 67
- Rajasthan Electricity Board v Mohan Lal SC AIR 1967
- Sukhdev vs. Bhagatram SC AIR 1975
- R.D. Shetty v. The International Airport Authority of India AIR 1979 SC 1628
- Ajay Hasia v Khalid Mujib AIR 1981 SC 487
- Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002) 5 SCC111 G.
- Basi Reddy v. International Crops Research Institute, JT 2003 (2) SC 180
- Naresh v. State of Maharastra 1967 AIR, 1 1966 SCR (3) 744
- A.R. Antulay v. R.S.Nayak 1988 AIR 1531, 1988 SCR Supl. (1) 1
- Zee Telefilms Ltd. v. Union of India (2005) 4 SCC 649
- State of U.P. v. Radhey Shyam Rai, 2009 (3) SCALE 754
- Keshavan Madhava Menon v. State of Bombay, AIR 1955 SC 128
- State of Guj arat v. Sri Ambika Mills, AIR 1974 SC 1300

- Bhikaji Narain Dhakras v. State of M. P., AIR 1955 SC 781
- Bashsher Nath v. CIT, AIR 1959 SC 149
- State of Bombay v. F.N. Balsara, AIR 1951 SC 318
- RMDC v. Union of India, AIR 1957 SC 628
- Marbury v Madison 5 U.S. 137 (more)1 Cranch 137; 2 L. Ed. 60; 1803 U.S. LEXIS 352
- A.K. Gopalan v. State of Madras AIR 1950 SC 27
- Shankari Prasad v UOI (1950)
- Ramkrishna Dalmia v Justice Tendulkar 1958 AIR 538, 1959 SCR 279
- E.P. Royappa v. State of Tamil Nadu 1974 AIR 555, 1974 SCR (2) 348
- Maneka Gandhi v UOI AIR 1978 SC 597
- State of W. B. v. Anwar Ali Sarkar, AIR 1952 SC 75
- Ashoka Kumar Thakur v. Union of India (2008) 6 SCC 1
- Indra Sawhney v. Union of India, AIR 2000 SC 498
- Dr. Gulshan Prakash v. State of Haryana, 2009 (14) SCALE 290
- Avinash Singh Bagri v. Registrar, IIT, Delhi (2009) 8 SCC 220
- M. Nagraj v. Union of India (2006) 8 SCC 212
- Jarnail Singh and Others v Lachhmi Narain Gupta and Others 2018 SCC OnLine SC 1641 220
- Rohtas Bhankar v. Union of India (2014) 8 SCC 872
- Pramati Educational & Cultural Trust v. Union of India (2014) 8 SCC 1
- Modern Dental College & Res. Cen v. State of Madhya Pradesh (2016) 7 SCC 35 U.P.
- Power Corpn. Ltd. v. Rajesh Kumar (2012) 7 SCC 1
- Shayara Bano v. Union of India 2017 SCC OnLine SC 963
- Joseph Shine v. Union of India 2018 SCC OnLine SC 1676
- BALCO Employees' Union v. Union of India AIR 2002 SC 350
- John Vallamattom v. Union of India AIR 2003 SC 2003
- St Stephen's College v. University of Delhi AIR1992SC1630
- Indian Express Newspapers v. Union of India, AIR 1986 SC 515
- Swiss Ribbons Pvt Ltd. v. Union of India 2019
- Mukesh Kumar v. The State Of Uttarakhand 2020
- BK Pavitra and others v. Union of India 2019
- Anuradha Bhasin v. Union of India 2020
- D.A.V. College Trust and Management Society v. Director of Public Instructions 2019
- Safai Karmachari Andolan v. Union of India, 27 March 2014 (l)
- Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
- People's Union for Civil Liberties (PUCL) v. Union of India (2003) 4 SCC 399
- AIADMK v. Chief Secretary, Government of Tamil Nadu (2007) 1 SCALE 607
- Shreya Singhal v. Union of India (2013)12 SCC 73
- Tehseen S. Poonawalla v. Union of India , 2018 SCC Online SC 696
- Central Public Information Officer, Supreme Court v. Subash Chandra Agarwal 2019
- Indibility Creative Pvt. Ltd and others v. Government of West Bengal and others 2019
- Sampath Kumar v E.O. Enforcement Directorate Madras on 1 August, 1997
- Madras Smt. Selvi and Ors. v. State of Karnataka, AIR 2010 SC 197
- M.C.Mehta v. Union of India AIR 1987 SC 1086,

- Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802,

Note- The list of cases is not exhaustive.ss

BOOKS

Online Available Books

Essential Books :

- Shukla V.N. , Constitution of India, Eastern Book Company, Lucknow, (9th ed., 2017)
- Tope T.K., Constitutional Law of India, Eastern Book Company, Lucknow, 3rd Ed. 2010
- Rao Mamta , Constitutional Law, Eastern Book Company, 2nd Ed. 2021

Suggested Readings

- V.D. Mahajan, Constitutional Law of India, Eastern Book Company, Lucknow, 7th Ed. 1991
- Austin, The Indian Constitution - Corner Stone of a Nation, Oxford University Press, New Delhi (Indian Reprint 2000)
- Jain, M.P, Indian Constitutional Law, Wadhwa & Co., Nagpur, 8th Ed. 2018
- Uday Raj Rai, Constitutional Law: Governance Structure, Eastern Book Company, Lucknow, 2nd Ed. 2022
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- Shiva Rao B., The Framing of India's Constitution, Law and Justice Publishing Co., 2021
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- Subba Rao: G.C.V, Constitutional Law, Eastern Book Company, Lucknow
- Jain Sanjay and Narayan Sathya, Basic Structure Constitutionalism, Eastern Book Company, Ed. 2011
- V.R. Krishna Iyer, Constitutional Miscellany, Eastern Book Company 2nd Edition 2003 (Reprinted 2007)

ONLINE ARTICLES/BLOGS

- Pritam Baruah and Nicolas M. Rouleau, Democracy, Representation, and Self-Rule in the Indian Constitution, [Democracy, Representation, and Self-Rule in the Indian Constitution on JSTOR](#)
- Tarunabh Khaitan, Equality legislative review under Article 14, <https://findanexpert.unimelb.edu.au/scholarlywork/1325300-equality--legislative-review-under-article-14>
- A.T. Markose, The First Decade of the Indian Constitution, https://www.jstor.org/stable/43953754#metadata_info_tab_contents
- Udai Raj Rai, Reach of Fundamental Rights, <https://www.jstor.org/stable/43952346>
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- Arun Kumar Singh, Myth and Reality of Secularism in India: An Analysis, ISSN. 0972 - 8406 The NEHU Journal Vol. XIX, No. 1 (January –June), 2021, pp. 74-83, https://nehu.ac.in/public/uploads/Pages_from_Nehu_Journal_Vol._XIX_Jan-June_2021-6_Arun_Singh.pdf
- L. Viswanathan and R.V. Anuradha, Liberalisation, Public Interest And Indian Constitution, : <https://www.jstor.org/stable/43952352>
- V. M. Tarkunde, Secularism and the Indian Constitution, <http://www.jstor.com/stable/23003717>
- C. Basavaraju, Reservation Under The Constitution Of India: Issues And Perspectives, <https://www.jstor.org/stable/43953443>
- Anil Kaushik, Minority Educational Institutions, <https://www.jstor.org/stable/43951628>
- Ranu Jain, Minority Rights in Education: Reflections on Article 30 of the Indian Constitution, <https://www.jstor.org/stable/4416749>
- K.N. Goyal, Majorities' Right To Establish And Administer Educational Institutions, <https://www.jstor.org/stable/43952386>
- P.P. Rao, Fundamental Right To Education, <https://www.jstor.org/stable/43952178>
- M. Afzal Wani, Freedom of Conscience: Constitutional Foundations And Limits, https://www.jstor.org/stable/43953816#metadata_info_tab_contents
- Alan Gledhill, Constitutional Protection of Indian Minorities, <http://www.jstor.com/stable/43953796>
- G. S. Sharma, Concept of Leadership Implicit In The Directive Principles of State Policy In The Indian Constitution, <https://www.jstor.org/stable/43949819>
- Jagat Narain, Judicial Law Making And The Place of Directive Principles In Indian Constitution, <https://www.jstor.org/stable/43950914>
- S. Sundara Rami Ready, Fundamentalness of Fundamental Rights And Directive Principles In The Indian Constitution, <https://www.jstor.org/stable/43950702>
- M. Venkatarangaiya, Fundamental Rights In A New Indian Constitution, <https://www.jstor.org/stable/42743950>
- K. Janakikutty Amma, Fundamental Rights In Relation To The Indian Constitution, <https://www.jstor.org/stable/42743209>
- Partha S Ghosh, The Citizenship Discourse in India, <https://www.jstor.org/stable/41151966>
- ELEANOR NEWBIGIN, Personal Law and Citizenship in India's Transition to Independence, : <https://www.jstor.org/stable/25835665>
- A. N. Sinha, Law of Citizenship and Aliens in India, <https://www.jstor.org/stable/45068510>
- Gurminder K. Bhambra, Citizens and Others: The Constitution of Citizenship through Exclusion, <https://www.jstor.org/stable/24569426>



LAW, POVERTY & DEVELOPMENT (COMPULSORY PAPER)
SEMESTER III | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)

Faculty Name	Dr.Eritriya Roy	Year/ Semester	2/ III
Course Name	BALLB(Hons.)	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	58 Lectures + 2 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>This paper uses a multidisciplinary lens to explore linkage between the concept of global poverty, poverty in India, law, human rights and development aspects. This paper effectively addresses the challenges of poverty and inequality and resolving these issues with the help of law, regulations and policy prescriptions. The paper with a normative approach focuses on current development policies supporting human rights so as to alleviate poverty and generate equitable development in developing economies like India. It studies the role of various laws in the economic development of different sections of the economy. Course Objective are-</p> <p>CO1- To get broad understanding of basic concepts of economics of poverty and development and understanding their relationship in law with reference to India.</p> <p>CO2- To analyze the role of legal resources in combating poverty and issues of development through the prism of human rights framework.</p> <p>CO3- To have critical evaluation of multiple legislations and policies in combating the socio-economic issues.</p> <p>Teaching and learning in this programme involves classroom lectures, brainstorming discussion sessions in class, power point presentations, using situational presentations. Other teaching inputs would be added based on the need of the students and the topic.</p>		

LEARNING OUTCOMES:

LO1- The students would be able to summaries and demonstrate the idea of equitable development which can be brought by various legislations.

LO2 – The course increases the ability to appraise various provisions of law protecting poor, women, disabled and other vulnerable sections of the society.

LO3-The students should be able to demonstrate their understanding regarding the problems related to proper implementation of the laws related to the protection of vulnerable groups.

LO4- The students would be able to discuss various fundamental concepts underlying government policies and schemes to bring equitable social justice.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Meaning and classification of Laws	1-5
2	Poverty and Poverty in India	6-25
3	Economic Development and Economic Development in India	26-30
4	Human Rights and Laws relating to Vulnerable Groups in India	31-44
5	Poverty and access to securing justice	45-54
6	Developmental schemes to eradicate poverty and accessing human rights	56-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Meaning and classification of Laws	<ol style="list-style-type: none"> 1. Meaning and definition 2. Functions of Law 3. Classification of Laws
Module 2 Poverty and Poverty in India	<ol style="list-style-type: none"> 1. Legal perspective on poverty 2. Different Definitions and Concepts of Poverty 3. Scope, Causes and Measurement 4. National and International Poverty line 5. Human Poverty 6. United Nations Organization –MDG,SDG

	<p>7. Principles and role of International institutions and Government in reduction of poverty- Poverty reduction initiatives of ILO</p>
<p>Module 3 Economic Development and Economic Development in India</p>	<ol style="list-style-type: none"> 1. Meaning, Factors affecting economic development 2. Developmental Indicators 3. Indexes related to development: HDI,GDI,GHI,WHI 4. Issues related to development 5. Right to Development
<p>Module 4 Human Rights and Laws relating to Vulnerable Groups in India</p>	<ol style="list-style-type: none"> 1. Equality and Social Justice (Arts.14-18 & Part IV & Part XVI) 2. Right to basic needs and welfare- Right to Food and Food Security Act, Right to Education, Right to Water & Sanitation, Right to Health, Right to Work, Right to Information, Right to shelter 3. Equality and Protective Discrimination- Laws relating to Scheduled Castes, Scheduled Tribes 4. Human Rights Violation and legal protection -Bonded labour, Abolishment of Bonded labour, Rural Labour, Child Labour, Labours in informal sector of Indian economy 5. Schemes for protection of vulnerable groups in India
<p>Module 5 Poverty and access to securing justice</p>	<ol style="list-style-type: none"> 1. Right to free legal aid 2. Legal Aid Movement in India, 3. NALSA Act 4. Existing System of Legal Aid in India 5. Lok Adalats
<p>Module 6 Developmental schemes to eradicate poverty and accessing human rights</p>	<ol style="list-style-type: none"> 1. Poverty Alleviation Schemes in India 2. Rural Development Schemes in India, Area Development Schemes in India 3. Programmes related to Human Development 4. Developmental schemes on Right to food, Right to shelter, Right to Education, Right to Water & Sanitation, Right to Health, Right to Work.

READINGS:

BOOKS AND ARTICLES

1. Vijay Prakash Sharma, Dreams and Realities of Rural Development in India, Kalpaz Publications.
2. Lars Osberg, Economic Inequality and Poverty: International Perspectives: International Perspectives, Routledge; 1 edition (28 January 2019) Philip Alston and Mary Robinson: Human Rights and Development, Oxford University Press.
3. Harshit Sharma, Law, Poverty & Development, Agrawal Law house
4. S.R.Myneni, Law and Poverty, ALLAHABAD LAW AGENCY (2012)
5. Supriya Routh, Enhancing Capabilities through Labour Law: Informal Labours in India, Routledge.
6. Ekta Shukla, Law, Poverty and Development, Singhal Law Publications (2017)
7. Textbook on Law, Poverty and Development, Universal Law Publishing (2011)
8. Suman Acharya, 2019, Jurisprudence of law, poverty and development, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3431560
9. Gunther Eysenbach, Poverty, Human Development and Role of ehealth, Journal of Medical Internet Research, Vol9(No4), 2007
10. Kevin E. Davis, Michael J. Trebilcock, Relationship between law and development: Optimists versus skeptics, The American Journal of Comparative Law, 2008
11. Rajeev Dhawan, Law as a Struggle: Public Interest Law in India, Journal of Indian Law Institute, 1994.
12. S. Murlidhar, Law, Poverty and Legal Aid: Access to Criminal Justice, Lexis Nexis, 2004.
13. Phillippe Cullet, Water Law, Poverty and Development, Oxford University Press, 2009.
14. Dayabati Ray, Employment, Poverty and Rights in India, Routledge, 2020.
15. John Kerr, Watershed Development, Environmental Services and Poverty Alleviation in India, World Development, volume 30, 2002.
16. Meghana Ayyagiri, Finance, Law and Poverty: Evidences from India, Journal of Corporate Finance, 2020.
17. Brenda Cossman, Women and Poverty in India: Law and Social Change, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/cajwol6&div=25&id=&page=>
18. Martin Ravallion, Prices, Wages and Poverty in Rural India: What lessons do the time series data hold for policy?, Food policy, June 2000.
19. Dr. Jeremy Cooper, Poverty and Constitutional Justice: The Indian Experience <https://heinonline.org/HOL/LandingPage?handle=hein.journals/cajwol6&div=25&id=&page=>
20. Richard Mitchell, The evolution of Labour Law in India: An overview and commentary on Regulatory Objectives and Development, Asian Journal of Law and Society, Cambridge University Press, 2014.

ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform)

- 1) Amartya Sen, On Ethics and Economics - <https://alvaroftamirano.files.wordpress.com/2010/05/amartya-sen-on-ethics-and-economics.pdf>

- 2) Amartya Sen, Development as Freedom-
<https://alvaroaltamirano.files.wordpress.com/2010/05/amartya-sen-on-ethics-and-economics.pdf>
- 3) <https://www.india.gov.in/download-e-book-ministry-law-justice>
- 4) <https://niti.gov.in/planningcommission.gov.in/docs/plans/mta/mta-9702/mta-ch6.pdf>
- 5) <https://www.bloomsburycollections.com/book/civil-remedies-and-human-rights-in-flux-key-legal-developments-in-selected-jurisdictions/>
- 6) <https://www.bloomsburycollections.com/book/trade-in-the-service-of-sustainable-development-linking-trade-to-labour-rights-and-environmental-standards/>

ONLINE ARTICLES/ REPORTS

1. World Bank Reports: Various Issues
2. Human Development Reports: Various Issues
3. Economic Survey: Various Issues
4. Amarjeet Sinha, This is how poverty in rural India came down
<https://indianexpress.com/article/opinion/columns/this-is-how-poverty-in-rural-india-came-down-7907047/>
5. A. Tharot, Escaping and Falling into Poverty in India Today
<https://indianexpress.com/article/opinion/columns/this-is-how-poverty-in-rural-india-came-down-7907047/>
6. Vageshwari Deswal, Access to Justice under Indian Laws
<https://timesofindia.indiatimes.com/blogs/legally-speaking/access-to-justice-under-the-indian-laws/>
7. <http://www.delhihighcourt.nic.in/library/articles/Access%20to%20justice.pdf>
8. <http://ncsc.nic.in/files/Chapter%202.pdf>
9. <https://dopt.gov.in/sites/default/files/ch-11.pdf>
10. Women Rights in India-
https://nhrc.nic.in/sites/default/files/Women%E2%80%99s%20Rights%20in%20India%20complete_compressed.pdf

BLOGS/CHANNELS/PODCASTS:

1. <https://rlaclare.wordpress.com/blog/blog/>
2. <https://thelawblog.in/2020/06/19/right-to-legal-aid-in-india-a-humanitarian-approach/>
3. <https://www.right-to-education.org/blogs>
4. <https://www.scconline.com/blog/post/tag/right-to-education/>



INDIAN POLITICAL SYSTEM: INSTITUTIONAL AND POLITICAL DYNAMICS
SEMESTER III | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)

Faculty Name	Mr. Aashutosh Kumar Aahire	Year/ Semester	2/III
Course Name	Indian Political System: Institutional and Political Dynamics	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The main objective of the present course <i>Indian Political System: Institutional and Political Dynamics</i> is to present a systematic analysis of all the major dimensions of Indian Political System. What better way can there be to get introduced to political system than through the politics of country? That is what the course does. The study of the Indian political system is a window to understanding politics in society. The course will present a comprehensive picture of the way Indian political system has been working and the way it shapes institutions India. This course is not just about legal provisions and technical details of in Indian constitution, it is about how institutions are shaped through interaction with actual politics. The course will introduce you to the idea of political system and the account of the making and working of constitutional institutions. This course responds to the curiosity about why a particular arrangement in the constitution was adopted and why not some other, how the institutions grow in the company of actual politics. That is why the contents of the course do not stop at 1950, in fact start off at 1950 and take you to some instances drawn from the political history of the last seventy years or more.</p> <p>The course is specially designed to supplement and enhance the understanding of students about the philosophical, theoretical and functional aspects of Indian Polity. The course starts from the varied perspectives regarding Indian Political System followed by the Constitutional provisions and practical dynamics. One of the important aims of this course is to equip students of various disciplines with a basic understanding of the political system in India through the study of Constitution and government at different levels.</p> <p>The objectives of this course are to give the students an understanding of:</p>		

	<p>C01- Fundamentals of Indian Political System analyzed from varied perspectives.</p> <p>C02- Philosophical basis of Indian Constitution.</p> <p>C03- Working of Indian Constitution as a living document.</p> <p>C04- Institutional Structure and functions.</p> <p>The contact hours will be utilized in catering a blend of Lectures instruction, discussion, brainstorming sessions, and discussion on Current Events. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>
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LEARNING OUTCOMES: Students will gain knowledge about institutional and political dynamics. It presents a systematic analysis of all the major dimensions of Indian Political System. The study of the Indian political system is a window to understand politics. Students will be aware about the working of Indian political system. They will be able to evaluate the basic strengths and weaknesses of the Indian political system through the application of political concepts and ideas. After studying this course, the students will have an in depth understanding of:

- L01-** key issues of the Constitution of India and the political system that exists in India.
- L02-** The relationship between the government institutions, informal actors and political processes.
- L03-** The themes and conceptual categories which can be deployed to understand the specificities of Indian political system.
- L04-** the relation of Constitution as a guiding document with the functioning of various governance institutions at central, state and local level.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Meaning, Nature and Type of Political Systems	1-5
2	The Constitution of India	6-8
3	Fundamental Rights, Directive Principles of State Policy and Fundamental Duties	9-13
4	Union Executive	14-20
5	Union Legislature	21-27

6	Judiciary	28-32
7	The State Executive	33-35
8	Centre State Relations: Areas of Conflict	36-39
9	Pressure Groups and Political Parties	40-46
10	Local Self-Government in India	47-50

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction	<ul style="list-style-type: none"> • Meaning of Political System, • Characteristics of Political Systems • Type of Political Systems: Democratic Versus Authoritarian, Parliamentary Versus Presidential, Federal Versus Unitary • Indian Political System: Structure and Functions
Module 2 The Constitution of India	<ul style="list-style-type: none"> • Making of the Constitution of India • The Preamble to the Constitution of India • Salient features of the Indian Constitution
Module 3 Fundamental Rights, Directive Principles of State Policy and Fundamental Duties	<ul style="list-style-type: none"> • Constitutional provisions and political dynamics
Module 4 Union Executive:	<ul style="list-style-type: none"> • President, Prime Minister and the Council of Ministers
Module 5 Union Legislature	<ul style="list-style-type: none"> • The Parliament- Powers and functions of the Lok Sabha & Rajya Sabha; • Functioning of the Parliamentary System in India.
Module 6 Judiciary	<ul style="list-style-type: none"> • The Supreme Court, Judicial Review, Public Interest Litigation, Judicial Activism and Judicial Reforms
Module 7 The State Executive:	<ul style="list-style-type: none"> • Governor, Chief Minister and the Council of Ministers
Module 8 Centre State Relations: Areas of Conflict	<ul style="list-style-type: none"> • Legislative, Administrative and Financial Dimensions

<p>Module 9 Pressure Groups and Political Parties:</p>	<ul style="list-style-type: none"> • Pressure groups in Indian politics: Role, Significance and Types • Party System in India: National Parties- Ideology and Social Bases • Regional and State Parties- Ideology and Social Bases • Fragmentation of the Party System in India • Coalition Politics and Governmental Instability
<p>Module 10 Local Self- Government in India</p>	<ul style="list-style-type: none"> • Local Self-Government and Panchayati Raj; Structure, Power & Functions • Significance of 73rd and 74th Constitutional Amendments • The Panchayats (Extensions to the Scheduled Areas) Act • Changes in the Rural Power Structure and Empowerment of the Marginalized Groups

READINGS:

Text Books:

- Peu Ghosh, *Indian Government and Politics*, PHI Learning Pvt. Ltd. Delhi, 2017.
- Subhash C. Kashyap, *Our Political System*, National Book Trust, New Delhi, 2008.
- Hoveyda Abbas, Ranjay Kumar and Mohammed Aftab Alam, *Indian Government and Politics*, Dorling Kindersley (India) Pvt. Ltd., licences of Pearson Education in South Asia, New Delhi, 2011.
- Durga Das Basu, *Introduction to the Constitution of India*, Prentice Hall, New Delhi, 1992.

Suggested Readings:

1. Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, New Delhi. 1999.
2. Granville Austin, *Working Democratic Constitution: A history of the Indian Experience*, Oxford University Press, New Delhi, 1999
3. W. H. Morris Jones, *The Government and Politics of India*, Hutchinson university library: Politics, 1971.
4. A.C. Kapoor, *Principles of Political Science*, S. Chand Publications, New Delhi, 2010.
5. J. R. Siwach, *Dynamics of Indian government and politics*, Sterling Publishers, New Delhi, 1990.
6. M. P. Singh and Himanshu Roy, *Indian Political System*, Pearson India Education Services Pvt. Ltd, New Delhi, 2018
7. Rajni Kothari, *Politics in India*, Orient Blackswan, New Delhi, 1970.
8. M.P. Singh and Rekha Saxena, *Indian Politics: Constitutional Foundations and Institutional Function*, PHI Learning Pvt. Ltd., New Delhi, 2011.
9. Zoya Hasan, *Themes in Politics: Parties and Party Politics in India*, Oxford University Press, New Delhi, 2006.

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11. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, OUP, New Delhi, 2002.
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Articles

<https://www.jstor.org/>



INDIAN SOCIETY: STRUCTURE & PROCESSES (COMPULSORY PAPER)
III SEMESTER | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)

Faculty	Dr.Ayan Hazra	Year/ Term	Second Year / III semester
Course Name	Sociology III	Session duration	60 Minutes
No of Contact hours	53 Lectures + 07 Tutorials =60 hours	No. of Credits	4
Introduction, Course Objective & Pedagogy	<p>Every society has its own peculiar structure and there are some institutions universal to every society, but with their unique manifestations in each society. There are some change agents and initiatives that enable the society to change with the passage of time. This paper focuses on the structure of the Indian society and the changing aspects with the processes operating change agents and initiatives.</p> <p>The objective of this course is to acquaint the learners with:</p> <p>CO1: After studying Indian society, the student can get an impression about the basic composition of Indian society, its historical moorings, basic philosophical foundations of the society and the institutions.</p> <p>CO2: Learn about the changing institutions, the processes, the agents and the interventions that bring about change in the Indian society.</p> <p>CO3: India is a plural society. It is rightly characterized by its unity and diversity. A grand synthesis of cultures, religions and languages of the people belonging to different castes and communities has upheld its unity and cohesiveness</p> <p>Pedagogy: This course will be administered through classroom teaching, internal assessments, use of ICT tools in the class, discussion, and evaluation. Classroom interactions between students and teachers are considered as one of the practical aspects of imparting this course. Students are encouraged to participate in question-answer sessions and they are also expected to share their opinions, ideas, and critical views in the classroom which can help all the stakeholders for further improvements in teaching-learning processes and development of the curriculum.</p>		

Learning Outcomes:

LO1: This paper is expected to bring familiarity in a student about Indian society. It will present a comprehensive, integrated and empirically –based profile of Indian society. It is hoped that the

structure and processes operative in the society, the change agents operating in Indian society presented in this course will also enable students to gain a better understanding of their own situation and region.

LO2: Understand the individuals and social institutions, and also can correlate their beliefs, religious position, scientific temper, social pathologies, power-functions in contemporary society, and can develop critical social advocacy skills.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

*Note: Passing mark is 50% of the final grade.

COURSE PLAN

Sl. No.	UNIT	No. of Sessions/ Lectures
1.	Module-1: Evolution of Indian Society	4
2.	Module 2: Cultural Evolution of Indian Society	8
3.	Module 3: The Caste System and its Structure	8
4.	Module 4: Tribal Life in India	6
5.	Module 5: Tribal Political & Administrative System	5
6.	Module6: Religion,Rituals&Magic in Tribal Community	6
7.	Module 7: Tribal People & Forest Policies	7
8.	Module 9: Contemporary Social Issues in India	9
9.	Total Lectures	53
10.	Tutorial Hours	07

DETAILED SYLLABUS

UNIT	CONTENT
Module-1 Evolution of Indian Society	<ol style="list-style-type: none"> 1. Catalogue Approach, 2. Cultural Essence Approach, 3. Cultural Communication Approach, Approaching India as a Type
Module 2	<ol style="list-style-type: none"> 1. Hindu Philosophy, The Purusartha (Dharma, Artha, Kama and Moksha)

<p>Cultural Evolution of Indian Society</p>	<ol style="list-style-type: none"> 2. The Ashrama Dharma, Importance of Ashrama system, Varna Dharma & its importance, Salient features of Indian Society & Culture, Emergence of the Traditional Pattern of Social Stratification, The Samskaras, Latent function of the Doctrine of Karma 3. Jainism Central Doctrine, Growth and Development, Religious Practices 4. Buddhism Central Doctrine, Buddhist Social Order, Relationship between Buddhist Philosophy & Society of that Age, Growth, Development & Decline of Buddhism
<p>Module 3 The Caste System and its Structure</p>	<ol style="list-style-type: none"> 1. The Caste System and its Structure 2. Perspectives on Caste, Caste and Varna, Theories of Caste (Traditional, Brahmanical, Racial, Occupational, Ketkar's, Hutton) 3. Characteristics of Caste, Merits and Demerits of Caste System, Causes for the changes in Caste System 4. Vedic Period, Brahmanical Period, Maurya Period, Harsh Vardhan Period, Rajput Period, Muslim Period, Pre-industrial British Period, Factors Moulding the Caste system, Pre- independence Industrial Period, Urbanization, Post-independence Period 5. Jajmani System, its Relations, functions, Roles & Change 6. Sanskritization, factors and Changes 7. Dr. Ambedkar Philosophy on Dalit, Dalit Liberation, Religion, Caste, Untouchability, Identity
<p>Module 4 Tribal Life in India</p>	<ol style="list-style-type: none"> 1. Tribe, Characteristics of Tribe, Tribal Zones (B.K.Roy Burman's and Elwin's classification) 2. Characteristics of Tribal Families (membership of family & nature of family members, form of marriage) 3. Prohibitions regarding Marriage, Preferential Marriages, Ways of Acquiring Mate, Types of Marriage, Changes in Tribal Marriage, Dormitories in Tribal Societies
<p>Module 5 Tribal Political & Administrative System</p>	<ol style="list-style-type: none"> 1. Bands, Tribes, Confederacies, Chiefdoms 2. Political Change and State Societies, Characteristics of State Societies, 3. Tribal Administration in Pre-Independence Period, Legislations of British Administration, Tribal Administration in Post-Independence Period, Administration at Centre and State-level 4. Issues of Acculturation, Assimilation, Integration
<p>Module 6</p>	<ol style="list-style-type: none"> 1. The Origin & Function of Religion (Solace, Healing & Emotional Release)

Religion, Rituals & Magic in Tribal Community	<ol style="list-style-type: none"> 2. Spirit Beings & Forces (Animism & Animatism, Gods & Heroes, Ancestors, Ghosts & Demons, Mana, Totems & Taboos) 3. Religious Practices (Sacred & Secular Rituals, Prayer & Sacrifice, Rite of Passage, Puberty Rites, Funerary Rites, Spirit Possession, Magic and Witchcraft)
Module 7 Tribal People & Forest Policies	<ol style="list-style-type: none"> 1. The Forest Act 1865, Forest Act 1878, The First Forest Policy 1894, The Indian Forest Act 1927, The National Forest Policy 1952, National Forest Policy 1988 and the Tribal Rights, The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act,2006 2. Tribal Problems, Approaches to Solve ST problem, Tribal Panchasheela
Module 8 Contemporary Social Issues in India	<ol style="list-style-type: none"> 1. Honour Killing' of Young Women 2. Development & Displacement of People 3. Land Acquisition Act 4. Issues in Resettlement & Rehabilitation 5. Internet & Social Behavior 6. Issues in Environmental Degradation 7. Sexual Minorities: LGBTQ in Indian Society 8. Me Too Movement: A Blow to Patriarchy 9. Banning Triple Talaaq Law & its Socio- Legal Implications 10. New Farmer's Movement 11. Anti – CAA Movement & its Implications

Readings:

1. Vinita Pandey.2016. Indian Society & Culture. Rawat Publications.
2. C.N. Shankar Rao.2004. Sociology of Indian Society. S. Chand.
3. Ram Ahuja.1993. Indian Social System. Rawat Publications.
4. S.L.Doshi, P.C. Jain.2001. Social Anthropology. Rawat Publications.
5. B.K. Nagla.2021. Indian Sociological Thought. Rawat Publications.
6. Sukant K. Chaudhury, Soumendra Mohan Patnaik.2008. Indian Tribes & the Mainstream. Rawat Publications.
7. H.C. Upreti.2006. Indian Tribes Then & Now. Pointer Publications.
8. Valerian Rodrigues.2004. The Essentials Writings of B.R.Ambedkar. Oxford Publications.
9. T.K.Omnem, C.N. Vengopal.2018. Sociology. Eastern Book Company.
10. Ram Ahuja.1999. Society in India- Concepts, Theories & Recent Trends. Rawat Publications.
11. Ram Ahuja.1997. Social Problems in India. Rawat Publications.
12. Indra Deva.1999. Social & Culture in India: The Dynamics Through the Ages. Rawat Publications.
13. S.C. Dube. 2005.Indian Society. National Book Trust.

ONLINE SOURCES

All HNLU Online Subscriptions: JSTOR, EBC READER, MANUPATRA, ETC

<https://www.youtube.com/watch?v=phyJUqdIBUs>
<https://www.youtube.com/watch?v=jo71TgSi-uw>
<https://www.youtube.com/watch?v=qiP4ZWJrzFg>
<https://www.youtube.com/watch?v=c33XPyljUiw>
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<https://www.youtube.com/watch?v=G8vjOfgvBd0>
https://www.youtube.com/watch?v=e_p3UZCV9E
https://www.youtube.com/watch?v=pjCU_70K_Rs
<https://www.youtube.com/watch?v=ePaLefbVJBU>
<https://www.youtube.com/watch?v=E7TlvbpCLg>
<https://www.youtube.com/watch?v=aCkKcw0asfk>
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<https://www.youtube.com/watch?v=XrWjuEIWYv4>



**LAW OF TORTS (COMPULSORY PAPER)
III SEMESTER | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)**

Faculty Name	Dr. Kiran Kori Ms. Urvi Shrivastava Mr. Deepak Kumar	Year/ Semester	2nd Year/III Semester
Course Name	Law of Torts	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economics. In the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and, in those areas, relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human rights for a healthy life and environment, has now a core subject to be taught as an indispensable part of a socially relevant curriculum. Course Objective are mentioned as follows:</p> <p style="text-align: center;">CO1 – to explain the law of private rights and remedies which are not covered by statute CO2 – to display understanding of the operation of this branch of common law and its potential of expansion which governs actions for damages for injuries to certain kinds of rights, like the right to personal security, property and reputation. CO3 – to demonstrate application of the principles of Law of Torts in contemporary areas like Human Rights, Environmental Rights, and Intellectual Property Rights. CO4 - Appraise the differing requirements which lead to civil liability for different torts against person and property.</p>		

	The BCI proposed a combination of laws of torts and consumer protection as a single paper. Hence the subject will be taken up in a comprehensive manner with a practical approach with the provisions of CPA, 2019.
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the big picture of Law of Torts and Consumer Protection Act. At the end of the course, students will be able to:

LO1 To discuss the nature and functions of Law of Torts to give a firm understanding of the purpose of the torts law.

LO2 To enable students relate various torts in day to day life with practical examples.

LO3 To enable them look at the remedies and defences available against various forms of torts.

LO4 To enable them analyse provisions of Consumer Protection Act, 2019 and its application

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term Examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topic	Lecture Sessions
1	INTRODUCTION TO LAW OF TORTS	1-4
2	DEFENCES	5-14
3	PARTIES	15-16
4	LIABILITY	17-21
5	NUISANCE AND NEGLIGENCE	22-31
6	DEFAMATION	32-36
7	TRESPASS	37-42
8	REMEDIES	43-51
9	CONSUMER PROTECTION	52-60

DETAILED SYLLABUS

UNIT	CONTENT
MODULE - I	1) Definition, Nature and Scope of Law of Torts
INTRODUCTION TO LAW OF TORTS	2) Torts and Crime
	3) Torts and Contract
	4) Essential Elements of Law of Torts.
	5) Pigeon Hole Theory
	MODULE - II
DEFENCES	2) <i>Volenti non fit injuria</i>
	3) Act of God (<i>Vis major</i>)

	<ul style="list-style-type: none"> 4) Inevitable Accident 5) Necessity 6) Private Defense 7) <i>Novus actus interveniens</i> 8) Statutory Authority 9) Judicial and Quasi-judicial Authority 10) Parental and Quasi-parental Authority
MODULE-III PARTIES	<ul style="list-style-type: none"> 1) Capacity and Parties in Torts 2) Joint and Several Tort-feasors <ul style="list-style-type: none"> i) Malfeasance, Misfeasance, Nonfeasance.
MODULE – IV LIABILITY	<ul style="list-style-type: none"> 1) Strict Liability – Introduction 2) Rule in <i>Ryland’ s v. Fletcher</i> 3) Absolute Liability – Bhopal Gas Leak Disaster Case. 4) Vicarious Liability – Introduction Master and Servant 5) Vicarious Liability of State.
MODULE - V NUISANCE AND NEGLIGENCE	<ul style="list-style-type: none"> 1) Nuisance – Definition 2) Types of Nuisance: Private, Public and Statutory Nuisance 3) Essentials of Private Nuisance 4) Negligence – Definition 5) Elements of Negligence 6) Res Ipsa Loquitor 7) Contributory Negligence 8) Defenses
MODULE - VI DEFAMATION	<ul style="list-style-type: none"> 1) Defamation – Introduction – Definition 2) Libel and Slander – Its Differences 3) Essentials of Defamation 4) Innuendo 5) Defenses
MODULE - VII TRESPASS	<ul style="list-style-type: none"> 1) Trespass to Person 2) Assault 3) Battery – Mayhem 4) False Imprisonment. 5) Trespass to Land – <ul style="list-style-type: none"> a) Definition b) Methods c) Trespass abinitio d) Remedies e) Defenses
MODULE - VIII REMEDIES	<ul style="list-style-type: none"> 1) Judicial Remedies 2) Damages <ul style="list-style-type: none"> a) Types of Damages b) Remoteness of Damages

	<ol style="list-style-type: none"> 3) Injunction <ol style="list-style-type: none"> a) Constitutional Remedies 4) Extra <ol style="list-style-type: none"> a) judicial Remedies 5) Self-help <ol style="list-style-type: none"> a) Expulsion of trespasser
MODULE - IX CONSUMER PROTECTION IN INDIA	<p>Consumer Protection Act, 2019</p> <ol style="list-style-type: none"> 1) History and Development of Consumer Protection Laws in India 2) Object and Reasons of Consumer Protection Act, 2019 3) Definitions, Consumer Protection Councils 4) Consumer Disputes Redressal Agencies

READINGS:

- Ranchhoddas Ratanlal, Thakore Dhirajlal Keshavlal and Singh Guru Prasanna, Ratanlal & Dhirajlal's the Law of Torts, Wadhwa & Co, Nagpur (2018)
- R K Bangia, Law of Torts, ALA, Haryana.
- G B Reddy, Law of Consumer Protection, Gogia Law Agency, Hyderabad.
- S K Verma, A. Wani, S S Jaswal, A Treatise on Consumer Protection Laws, ILI, New Delhi.
- V. Balakrishna Eradi, Consumer Protection Jurisprudence, Lexis Nexis, New Delhi
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- Singh Avatar, Prof (Dr.) Harpeet Kaur, Introduction To The Law Of Torts And Consumer Protection, Lexis Nexis, 2020
- Steele Jenny, Tort Law: Text, Cases & Materials, Oxford University Press (2007)
- Upadhyay Videh, Public Interest Litigation in India: Concepts, Cases and Concerns, LexisNexis Butterworths, (2007)
- W V H Rogers, Winfield & Jolowicz Tort, Sweet & Maxwell, London.
- B M Gandhi, Law of Torts, E B C, Lucknow.

STATUTES, RULES AND REGULATIONS:

- CONSUMER PROTECTION ACT, 2019
- THE PUBLIC LIABILITY INSURANCE ACT, 1991
- THE BHOPAL GAS LEAK DISASTER (PROCESSING OF CLAIMS) ACT, 1985

CASE LAWS:

- 1) Municipal Corporation Delhi vs. Subhagwanti, 1966

- 2) Ashby v. White (1703) 2 Lord Raym 933
- 3) Bhim Singh v. State of J&K, 1968
- 4) Gloucester Grammer School case 1410
- 5) Mayor of Bradford v. Pickles 1895
- 6) Padmawati v. Dugganaika, 1975
- 7) Hall v. Brook Lands Auto Racing Club, 1933
- 8) Brown v. Kendall, 1850
- 9) Nichols v. Marshland, 1876
- 10) Kallulal v. Hemchand, 1958
- 11) Rylands v. Fletcher, 1868
- 12) Crowhurst v. Amersham Burial Board, 1878
- 13) Bolton v. Stone, 1951
- 14) M C Mehta v. UOI, 1987
- 15) Indian Council for Enviro-Legal Action v. UOI, 1996
- 16) P & O Steam Navigation Co. v. Secretary of State, 1861
- 17) State of Raj. v. Vidyawati, 1962
- 18) Kasturilal v. State of UP, 1965
- 19) Cassidy v. Minister of Health, 1951
- 20) St. Helens Smelting Co. v. Tipping, 1865
- 21) Donoughe v. Stevenson, 1932
- 22) Glasgow Corp. v. Taylor, 1992
- 23) KSEB v. Suresh Kumar, 1986
- 24) Dr. Ram Raj Singh v. Babulal, 1982
- 25) Cassidy v. Daily Mirror, 1929
- 26) D P Choudhary v. Manju Lata, 1997
- 27) T J Ponnen v. M C Verghese, 1970
- 28) Knapffer v. London Express Newspaper Ltd., 1944
- 29) D N Sen v. RK Bhadre, 1970
- 30) Six Carpenters Case (1610) 8 Co. Ref. 146
- 31) Bird v. Jones (1845) 7 QB 742
- 32) Bhim Singh v. State of J & K AIR 1968 SC 494
- 33) Rudal Shah v. State of Bihar (1983) 4 SCC 141
- 34) Ellis v. Loftus Iron Co. 1874 LR 10 CP 19

ONLINE ARTICLES/BLOGS/REPORTS:

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- Hazel Carty, The Economic Torts and English Law: An Uncertain Future, Kentucky Law Journal, Volume 95, Issue 4, available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1327&context=klj

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- Bhopal to Vizag – A jurisprudential analysis of the tortious liability for companies available at <https://www.sconline.com/blog/post/tag/bhopal-gas-tragedy/>
- Torts: Distinction between Negligence and Nuisance, California Law Review Vol. 6, No. 3 (Mar., 1918), pp. 228-230
- Achal Gupta, Devika Sharma, Defamation, a tort available at <https://www.sconline.com/blog/post/2021/02/12/defamation-2/>
- Shubham Khunteta, Trespass: Meaning, Nature, Types, Defenses and Case Laws, available at <https://blog.iplayers.in/trespass-meaning-nature-types-defenses-case-laws/>