



**SEMESTER IV | B.A.LL.B.(Hons.)
SYLLABUS (SESSION: JAN-JUNE 2023)**

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CONSTITUTIONAL GOVERNANCE-II (COMPULSORY PAPER)
SEMESTER IV | B.A. LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)

Faculties' Names	Prof. (Dr.) Uday Shankar, Dr. Deepak K. Srivastava, Mrs. Rajput Shraddha Bhausingh, Dr. Priyanka R. Mohod	Year/ Semester	2/IV
Course Name	Constitutional Governance-II	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Basic understanding of the Constitution of India.
Introduction, Course Objective & Pedagogy	<p>India is a democratic country, and its Constitution epitomizes the most important values of the democratic government- how it comes into existence, its powers, functions, responsibilities, and obligations. How supremacy is constrained and dispersed.</p> <p>The Constitution contains the fundamental law of the land. It is the source of all powers and limitations on the three organs of State, viz., the Legislature, Executive, and Judiciary. State action would only be valid if it is permissible under the Constitution. Therefore, it is imperative to have a clear understanding of the nature and workings of the Constitution. This course is designed to orient the students towards said understanding and develop an analytical approach through case law.</p> <p>Indian Constitution is the most thorough Constitution in the world. A constitution must be more comprehensively dealt with as a specific subject. In this manner, the study of the Constitution of India is divided into two parts in different Semesters (Semesters III and IV). At present, we would deal thoroughly with Constitutional Governance – II.</p> <p>The main objective of Constitutional Governance – II is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with valuable aspirations. The course examines in detail the forms of government working in contemporary times and the context of the welfare of people at large. Course Objectives are:</p> <p>CO1- to study the basics of the distribution of powers for efficient country governance.</p> <p>CO2 -to understand the nature, scope, and legal issues involved in the working of the Constitution Law and the role played by the</p>		

	<p>three organs. It introduces the students to the Centre-State relationship.</p> <p>CO3- to familiarise students with the leading case laws and amendments to the provisions of the Constitution</p> <p>CO4- to study the diverse principles of judicial interpretation that constructs notions of Government and its different wings.</p> <p>Constitutional Law teaching requires giving the student an understanding of the interpretation of the case and the working of different organs of government. In this attempt, teaching will discuss every provision by referencing the Constitutional Assembly Debates and interpretation given by the court in relation thereto. Students will be encouraged to participate in the discussion and to obtain answers to their questions. Simultaneously the focus will be on contemporary issues that arise before courts and possible interpretation of the power and functions of the institutions.</p> <p>The methods followed for teaching are Lecture Method, Case Law Method, Moot Court Exercise and Group Discussion.</p>
Learning outcomes:	<p>At the end of the course, students will be able to:</p> <p>LO1- develop the necessary legal skill to understand the power and functions of the organs of the state.</p> <p>LO2- they will acquire the analytical ability to interpret constitutional issues in contemporary times.</p>

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.

LECTURE PLAN

S.No.	Module	No. of Lectures
1.	The Union and State Executive	1-8
2.	The Union and State Legislature	9-16
3.	The Union and State Judiciary	17-28
4.	Distribution of Legislative Powers	29-33
5.	Administrative Relations	34-38
6.	Financial Relations	39-42
7.	Emergency Provisions	43-46

8.	Freedom of Trade, Commerce and Intercourse within the Territory of India	47-50
	Tutorial	51-60

DETAILED SYLLABUS

Module	CONTENT
1. The Union and State Executive	<ul style="list-style-type: none"> • The President and Vice President – Qualifications, Election, Term of Office, Impeachment (Articles 52 to 78, 361); • Nature, Scope and Extent of Executive Power of the Union and States (Articles 73 and 162); • Union Council of Ministers –State Council of Ministers (Articles 163-164); Scope and Extent of Judicial Review of Executive Actions (Articles 74, 75,77,78,111,102, 103(2), 217(3), 163); • Powers of the President: Powers and Position of the President (Articles 74-75); Essential Conditions for promulgation of an Ordinance: ‘Ordinance’ under Article 13; Judicial Review; Validity of Successive Promulgation of the same Ordinance (Articles 123, 213) Pardoning Power;
2. The Union and State Legislature	<ul style="list-style-type: none"> • Qualification/Disqualification of Members (Article 84, Article 102); • Legislative Privilege (Articles 79, 122);
3. The Union and State Judiciary	<ul style="list-style-type: none"> • Union and State Judiciary; Supreme Court of India (Articles 124-147) – Composition, Appointment and Removal of Judges of Supreme court (Articles 124-130), Procedure (Article 145); The High Court in the States; Appointment, Removal and Transfer of Judges; • Jurisdiction of Supreme Court – Original Exclusive (Articles 71, 131), Original Concurrent Jurisdiction of Supreme Court and High Courts (Article 32 read with Article 226); • Concept of Basic Structure; • Appellate Jurisdiction of Supreme Court – Civil, Criminal and in other matters (Articles 132-135, Articles 141-142); Special Leave to Appeal (Art. 136) , Advisory Jurisdiction (Art. 143);
4. Distribution of Legislative Powers	<ul style="list-style-type: none"> • Doctrine of Territorial Nexus (Article 245); • Subject matter of laws made by Parliament and by the Legislatures of States (Articles 246, Schedule VII); • Interpretation of Legislative Lists: <ol style="list-style-type: none"> a) Plenary and Ancillary Power of Legislation b) Doctrine of Harmonious Construction c) Doctrine of Pith and Substance

	<p>d) Colourable exercise of Legislative Power</p> <ul style="list-style-type: none"> • Residuary Power of Legislation (Article 248); • Parliament's Power to Legislate on State subject matter– Articles 246 (4), 247, 249 – 253, 352, 356; • Doctrine of Repugnancy (Article 254);
5. Administrative Relations	<ul style="list-style-type: none"> • Distribution of Executive Powers (Art. 256 to 263); • Centre-State Administrative Co-ordination; • Centre's Directives to the State;
6. Financial Relations	<ul style="list-style-type: none"> • Distribution of Fiscal Power between Union and States (Art. 268 to 293); • Restrictions on the fiscal power of the States; • Borrowing power of the State; • <i>Constitution (101st Amendment) Act, 2016;</i>
7. Emergency Provisions	<ul style="list-style-type: none"> • Proclamation of Emergency on the grounds of war, external aggression, and armed rebellion (Articles 352, 358, 359); • Power of Union Executive to issue directions (e.g., Articles 256, 257) and the effect of non-compliance (Article 365); Duty of the Union to protect the States against external aggression and internal disturbance (Article 355); • Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357); • Financial Emergency (Article 360);
8. Freedom of Trade, Commerce and Intercourse within the Territory of India	<ul style="list-style-type: none"> • Concept of Trade and Commerce: • Scope of Freedom of Trade, Commerce and Intercourse; • Restrictions on Trade, Commerce and Intercourse among States- Powers of Parliament and State Legislatures; • State Monopoly; (301-307).

READINGS:**STATUTES AND REPORTS:**

- The Constitution of India 1950
- Punchhi Commission Report on Centre-State Relations, 2010
<http://14.139.60.153/handle/123456789/11042>.
- Sarkaria Commission Report on Centre-State Relations 1988.
<http://14.139.60.153/handle/123456789/11043>.

CASE LAWS:

- A. K. Roy v. Union of India, AIR 1982 SC 710
- A.D.M Jabalpur v. Shiv Kant Shukla, AIR 1976 SC 1207
- Ajoy Ktumar Barrierjee v. Union of India AIR 1984 SC 1130
- Anil Kumar Jha v. Union of India (2005) 3 SCC 150
- B. R. Kapur v. State of Tamil Nadu AIR 2001 SC 3435
- B.P. Singhal v. Union of India (2010) 6 SCC 331
- Ballabhadas Mathurdas Lakhani v. Municipal Committee, Malkapur, (1970) 2 SCC 267
- Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802
- Bangalore Development Authority v. Aircraft Employee's Coop Society Ltd. (2012) 3 SCC 442
- Bengal Immunity Co. Ltd. v. State of Bihar, AIR 1955 SC 661
- Bharat Kala Bhandar (P) Ltd. v. Municipal Committee, Dhamangao, AIR. 1966 S.C. 249
- City Corpn. of Calicut v. Thachambalath Sadasivan (1985) 2 SCC 112
- Consumer Education and Research Society v. Union of India & Ors. (2009) 9 SCC 648
- D. C. Wadhwa v. State of Bihar, AIR 1987 SC 579123
- Daryao v. State of UP, AIR 1961 SC 1457
- Devi Das Gopal Krishnan v. State of Punjab, AIR 1967 SC 1895
- Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338
- G. V. K. Industries Ltd. v. Income Tax Officer (2011) 4 SCC 36
- Golak Nath v. State of Punjab, (1967) 2 SCR 762
- Govt. of Madras, Home Deptt. v. Zenith Lamp & Electrical Ltd., AIR 1973 SC 724
- Gujarat University v. Krishna Ranganath Mudholkar, AIR 1963 SC 703
- Harishankar Bagla v. State of M.P., AIR 1954 SC 465
- Hoechst Pharmaceuticals Ltd. v. State of Bihar, AIR 1983 SC 1019
- I.R. Coelho v. State of Tamil Nadu, AIR 2007 SC 861
- In Re C P & Berar Sales of Motor Spirit & Lubricants Taxation Act, 1938 AIR 1939 FC1.
- In re Keshav Singh, AIR 1965 SC 745
- In re Special Reference No. 1 of 1998 (Judges Appointments case), AIR 1999 SC 1
- Indira Nehru Gandhi vs. Shri Raj Narain &Anr., AIR 1975 SC 2299
- Jagannath Ramanuj D s v. State of Orissa, AIR 1954 SC 400,
- Jaya Bachchan v. Union of India, AIR 2006 SC 2119
- Jayantilal Amratlal Shodhan v. F.N. Rana AIR 1964 SC 648
- K.C. Gajapati Narayan Deo v. State of Orissa, AIR 1953 SC 375 234
- Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461
- Khazan Singh v. State of U.P. AIR 1974 SC 669
- Kihoto Hollohon v. Zachillhu, AIR 1993 SC 4120
- Krishna Kumar Singh v. State of Bihar (2017) 3 SCC 1
- L. Chandra Kumar v. Union of India, AIR 1997 SC 1125
- Lily Thomas v. Union of India (2013) 7 SCC 653

- Lok Prahari (through General Secretary SN Shukla) v. Election Commission of India (2018)18 SCC 114
- M.C. Mehta v. Union of India, AIR 1987 SC 1086
- M.P. Special Police Establishment v. State of M.P., (2004) 8 SCC 788
- Madras Bar Association v. Union of India AIR 2015 SC 1571
- Minerva Mills Ltd. v. Union of India (1980) 3 SCC 625.
- Mohd. Arif v. The Reg. Supreme Court of India (2014) 9 SCC 737
- NDMC v. State of Punjab, (1997) 7 SCC 339
- Nehru Gandhi v. Raj Narain, AIR 1975 SCC 2299
- Prafulla Kumar v. Bank of Commerce, Kulna, AIR 1947 PC 60
- Raj Narain v. State of Uttar Pradesh, AIR 1975 SC 865
- Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184
- Rajkumar Narsing Pratap Singh Deo v. State of Orissa, 1964 AIR (SC) 1793
- Ram Dial v. State of Punjab, AIR 1965 SC 1518
- Rameshwar Prasad v. Union of India, AIR 2006 SC 980
- Rudul Sah v. State of Bihar, AIR 1983 SC 1086
- Rupa Ashok Hurra v. Ashok Hurra, AIR 2002 SC 1771 34.
- S. R. Bommai v. Union of India, AIR 1994 SC 1918
- S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272
- S.P. Gupta v. President of India, AIR 1982 SC 149
- Sajjan Singh v. State of Rajasthan, AIR 1965 SC 845
- Samsher Singh v. State of Punjab, AIR 1974 SC 2192
- Sankari Prasad Singh v. Union of India, AIR 1951 SC 458
- SC Adv. on Record Association v. Union of India, 2016 (5) SCC 1
- SC Advocates on Record Association v. Union of India (1993) 4 SCC 441
- Shanti Bhushan v. Supreme Court of India through its Registrar (2018) 8 SCC 396
- South India Corp. (P) Ltd. v. Board of Revenue, AIR, 1964 SC 207,
- Special Ref. No. 1 of 2002 (Re Gujarat Assembly Election Matter), AIR 2003 SC 87
- State (NCT of Delhi) v. Union of India (2018) 8 SCC 501
- State of Bihar v. Charushila Dasi, AIR 1959 SC 10
- State of Bombay v. R. M. D. C., AIR 1957 SC 699
- State of Bombay v. United Motors (India) Ltd, (1953) 4 SCC 133
- State of Karnataka v. M/s. Drive-in Enterprises, AIR 2001 SC 1328 226
- State of Kerala v. Mar Appraem Kuri Company Ltd. (2012) 7 SCC 106
- State of Rajasthan & Ors v. Union of India, AIR 1977 SC 1361
- State of Rajasthan v. G. Chawla, AIR 1959 SC 544
- Tata Iron & Steel Company v. State of Bihar, AIR 1958 SC 452
- Town Municipal Committee v. Ramchandra Vasudeo Chimote, AIR 1964 SC 1166
- Trilokchand Motichand v. H.B. Munshi, AIR 1969 SC 966\
- U. N. R. Rao v. Indira Gandhi, AIR 1971 SC 1002
- Union of India v. H. S. Dhillon, AIR 1972 SC 1061
- Union of India v. P.K. Roy, AIR 1968 SC 850
- Union of India v. Sankalchand Himatlal Sheth (1977) 4 SCC 193
- Union of India v. City Municipal Council, Bellary, (1979) 2 SCC 1

- Vijay Kr Sharma v. State of Karnataka, (1990) 2 SCC 56
- Zakarius Lakra v. Union of India (2005) 3 SCC 161
- Zaverbhai v. State of Bombay, AIR 1954 SC 752

BOOKS:

Essential Books:

- Jain, M. P. Indian Constitutional Law. 8th ed. Nagpur: Lexis Nexis Butterworths Wadhwa, 2018.
- V. N. Shukla. Constitution of India. 14th ed. Lucknow: Eastern Book Co., 2022.

Suggested Books:

- Austin Granville: The Indian Constitution: Cornerstone of a Nation. New Delhi, Oxford University Press 1999.
- Austin, Granville. Working a Democratic Constitution: A History of the Indian Experience. New Delhi: Oxford University Press, 2003
- Seervai, H. M. Constitutional Law of India: A Critical Commentary. 3 vols. 4th ed. New Delhi: Universal Law Publishers, 2006.
- V.D. Mahajan, Constitutional Law of India, Eastern Book Company, Lucknow, 7th Ed. 1991
- Uday Raj Rai, Constitutional Law: Governance Structure, Eastern Book Company, Lucknow, 2nd Ed. 2022
- Basu D.D. Constitutional Law of India, Lexis Nexis, 25th Ed. 2021
- V.R. Krishna Iyer, Constitutional Miscellany, Eastern Book Company 2nd Edition 2003 (Reprinted 2007)

ARTICLES/BLOGS:

- D. R. GADGIL , THE SCOPE OF UNION SUBJECTS, Published by Sage Publication, https://www.jstor.org/stable/45067749#metadata_info_tab_contents
- P. Parameshwar Ra, SEPARATION OF POWERS IN A DEMOCRACY: THE INDIAN EXPERIENCE, Published by Canadian Mennonite University, <http://www.jstor.com/stable/24469690>
- Autar Krishan Koul and Autar Krishan Kaul, ARTICLE 131 OF THE INDIAN CONSTITUTION: SOME OBSERVATIONS, Published by Indian Law Institute, <https://www.jstor.org/stable/43950110>
- H. M. Rajashekara, The Nature of Indian Federalism: A Critique, Published by University of California Press, <https://www.jstor.org/stable/2645661>



ENVIRONMENTAL LAW (COMPULSORY COURSE)
SEMESTER IV | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)

Faculty	Prof. (Dr.) Vishnu Konoorayar, Dr. Rana Navneet Roy and Dr. Archana Gharote	Year/ Semester	2 / IV
Course Name	Environmental Law	No. of Credits	04
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The '<i>Environment</i>' and the '<i>Natural Resources</i>' are vital for the survival of life on the Earth. However, in the past many decades, there has been over-exploitation and degradation of all vital components of our environment. Almost all the major components such as land, water, air are polluted; the quality of forests, wildlife and biodiversity is diminishing; many species are endangered and on the verge of extinction. The degradation of the environment also affects society in multiple ways. It challenges all our progress in eradicating poverty and hunger, impacts human beings' health and quality of life, and raises many concerns and questions on the economic progress that the human race has achieved so far. Hence, there is a need to balance developmental activities with protecting the environment and societal concerns. In this context, Environmental Law has emerged as one of the most important tools for protecting, conserving and managing the environment, preventing pollution and achieving Sustainable Development.</p> <p>This Course will help the students think critically and creatively about law, its inter-relation with the environment and natural resources, and the practical application of the law to the challenges. Course Objective is to develop an understanding about:</p> <ul style="list-style-type: none"> CO1- Meaning and importance of environment and natural resources CO2- Reasons and causes of environmental pollution and its impact on living organisms. CO3- History and origin of environmental law and its relevance in present times CO4- Development of international environmental law and the various environmental law principles CO5- Constitutional and other legal provisions relating to environmental protection 		

	A combination of lecture-based and problem-based learning would be used. Judicial decisions would form the starting point for discussions in the classroom. Much emphasis will be given to self-study
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LEARNING OUTCOMES: On completion of this Course, the students would be able to:

LO1- Understand the substantive and procedural laws relevant to protecting the environment and natural resources.

LO2- Apply the theoretical knowledge to the challenges of protecting the environment and realising sustainable development goals.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Mid Term Examination	25
End term Examination	50
Continuous Internal Assessments (CIA)	25
Total	100

Note: Pass marks 50% of the final Grade

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-4
2	INTERNATIONAL ENVIRONMENTAL GOVERNANCE	5 - 11
3	DEVELOPMENT OF ENVIRONMENTAL LAW IN INDIA AND FUNDAMENTAL PRINCIPLES OF ENVIRONMENTAL LAW	12 - 20
4	PROTECTION OF ENVIRONMENT UNDER INDIAN CONSTITUTION	21 - 25
5	ENVIRONMENTAL PROTECTION: INTRODUCTION TO THE LAWS IN INDIA	26 - 31
6	PROTECTION OF WATER, AIR AND ENVIRONMENT IN INDIA	32 – 45
7	PROTECTION OF WILD LIFE, FOREST AND BIODIVERSITY	46 - 50
	TUTORIALS AND REVISION	51- 60

DETAILED SYLLABUS

MODULE	TOPICS	LECTURE SESSIONS
MODULE I	Introduction 1. Environment: Meaning, Definition, Concepts, Components and Types. 2. Environment v. Development 3. Environmental pollution- Types and Sources	04

MODULE II	International Environmental Governance <ol style="list-style-type: none"> 1. Introduction to International Environmental Governance 2. History and Development of International Environmental Law- Major international instruments for environmental protection 3. United Nations Conference on Human Environment, 1972 (Stockholm Conference) – Aims and Objectives of the Conference, Outcomes and impact of Stockholm Conference. 4. The Brundtland Commission, Brundtland Report 1987. 5. United Nations Conference on Environment and Development, 1992 (Earth Summit)-Aims and Objectives of the Conference, Rio Declaration 1992, Agenda 21, UNFCCC 6. Johannesburg Summit, 2002 	07
MODULE III	A -Development of Environmental Law in India <ol style="list-style-type: none"> 1. Protection of Environment during Ancient and Medieval Period. 2. Protection of Environment during British Period 3. Introduction to environmental in independent India. B – Fundamental Principles <ol style="list-style-type: none"> 1. No Harm Principle; 2. Sustainable Development; 3. Precautionary Principle/Approach; 4. Polluter Pays Principle; 5. Absolute Liability Principle; 6. Strict Liability Principle; 7. Public Trust Doctrine; 8. Doctrine of Inter-Generational Equity; 9. Principle of Common but Differentiated Responsibility. 	09
MODULE IV	Protection of Environment under the Indian Constitution <ol style="list-style-type: none"> 1. Introduction: Various Provisions, International Obligations, 42nd Amendment Act, 1976. 2. Directive Principles of State Policy and Environment 3. Fundamental Duties and Environment 4. Fundamental Rights and Environmental protection- Judicial Role, Writ Jurisdiction, Expansion of Locus Standi, PIL, Dynamic Interpretation of Constitutional provisions. 	05
MODULE V	Environmental Protection: Introduction to the laws in India <ol style="list-style-type: none"> 1. Criminal Law: Public Nuisance under IPC and CrPC, 	

	<ol style="list-style-type: none"> 2. Tort Actions-Damages and injunction, Nuisance, Negligence, Strict liability and absolute liability, Bhopal Litigation. 3. Other Remedies: Class Actions and Suits under CPC, Public Liability Insurance Act, 1991 4. Public Participation in Environmental Decision Making. 5. Salient features of National Green Tribunal Act, 2010. 	06
Module VI	<p>Protection of Water, Air and Environment in India</p> <ol style="list-style-type: none"> 1. The Water (Prevention and Control of Pollution) Act of 1974 - The Framework of the Act, Regulatory Mechanism: Its Powers and Functions, Offences and Penalties under Water Act, Role of Judiciary in Prevention of Water Pollution – An Appraisal. 2. The Air (Prevention and Control of Pollution) Act of 1981/ The Noise Pollution (Regulation and Control) Rules, 2000 - The Framework of the Act, Regulatory Mechanism: Its Powers and Functions, Offences and Penalties under Air Act, Role of Judiciary in Prevention of Air Pollution/Noise Pollution – An appraisal. 3. The Environment Protection Act (EPA) of 1986 - Main Aims and Objectives of the Act, importance of Section 3 and 5 of EPA, Violation and Penalties under the Act – EIA Notifications/Various Rules under the Act- An appraisal 	14
Module VII	<p>Protection of Forest, Wild Life and Biodiversity</p> <ol style="list-style-type: none"> 1. Importance of Forest and need for its Conservation, Indian Forest Act, 1927: Forest Conservation Act, 1980; Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; PESA 1996 and Judicial Approach for Forest Conservation. – An overview 2. Salient Features of the Wildlife Protection Act, 1972. 3. Biodiversity Conservation- The Biological Diversity Act, 2002 and its Salient Features 	05
	TUTORIALS/REVISION	50 +10
	TOTAL	60

READINGS:**CONSTITUTIONS, POLICY DOCUMENTS, STATUTES, RULES AND REGULATIONS**

(EBC Reader/ Open Access materials):

1. Constitution of India
2. Air (Prevention and Control of Pollution) Act, 1981
3. Biological Diversity Act, 2002
4. Code of Civil Procedure, 1908

5. Criminal Procedure Code, 1973
6. Environment (Protection) Act, 1986
7. Forest (Conservation) Act, 1980
8. Indian Forest Act, 1927
9. Indian Penal Code, 1860,
10. National Environment Policy, 2006
11. National Forest Policy, 1988
12. National Green Tribunal Act, 2010
13. National Water Policy, 2012
14. Public Liability Insurance Act, 1991
15. Public Liability Insurance Act, 1991
16. Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006.
17. Water (Prevention and Control of Pollution) Act, 1974
18. Wildlife (Protection) Act, 1972
19. Wildlife Conservation Strategy, 2002
20. World Commission on Environment and Development, Our Common Future, 1987

CASE LAWS:

Select International Cases (Open Access materials)

1. Trail Smelter Arbitration (United State/Canada), 3 U.N. Rep. Int'l Arb. Awards 1905 (1941)
2. Case Concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia), International Court of Justice, Judgment of 25 September 1997
3. Case Concerning Pulp Mills on the River Uruguay (Argentina/Uruguay), International Court of Justice, Judgment of 20 April 2010

Select Indian Cases (Open Access materials)

1. Centre For Environment Law, WWF-I v. Union of India & Others, Supreme Court, I.A. No. 100 in Writ Petition (Civil) No. 337 of 1995, decided on 15 April 2013
2. Church of God (Full Gospel) in India v. KKR Majestic Welfare Colony Welfare Association, AIR 2000 SC 2773
3. Divya Pharmacy v Union of India, High Court of Uttarakhand, WP 3437/2016, Decided on 21 December 2018.
4. Forum Prevention of Env'n. & Sound Pollution v. Union of India, AIR 2005 SC 3136
5. Indian Council for Enviro-Legal Action v. Union of India, (2011) 12 SCC 768
6. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446
7. Intellectuals Forum, Tirupathi v. State of A.P., AIR 2006 SC 1350
8. Jitendra Singh v. Ministry of Environment & Ors., Supreme Court, Civil Appeal No. 5109/2019, decided on 25 November 2019
9. M.C. Mehta v. Kamal Nath, 2002 (2) SCALE 654
10. M.C. Mehta v. Union of India, AIR 1988 SC 1115
11. M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388
12. M.C. Mehta v. Kamal Nath, AIR 2000 SC 1997
13. M.C. Mehta v. Union of India, AIR 1988 SC 1037
14. M.C. Mehta v. Union of India, AIR 1997 SC 734
15. M/s Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution, AIR 1986 Del. 152
16. MC Mehta v Union of India, 1987 AIR 1086 (Oleum Gas Leak case)

17. Municipal Council, Ratlam v. Vardichand, (1980) 4 SCC 162
18. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751
19. Orissa Mining Corporation v Ministry of Environmetn and Forest, (2013)6 SCC 476
20. Sansar Chand v State of Rajasthan, 2010 (10) SCC 604
21. Rural Litigation and Entitlement Kendra v. State of U.P., (1985) 2 SCC 431
22. S. Jagannath v. Union of India, AIR 1997 SC 811
23. Sachidanand Pandey v. State of West Bengal, AIR 1987 SC 1109
24. State of M.P. v. Kedia Leather & Liquor Ltd., AIR 2003 SC 3236
25. Subhash Kumar v. State of Bihar, AIR 1991 SC 420
26. Techi Tagi Tara v. Rajendra Singh Bhandari & Ors, Supreme Court, Civil Appeal No. 1359/017, Judgement of 22 September 2017.
27. T.N. Godavarman Thirumulpad v Union of India (all important cases)
28. Union Carbide Corporation v Union of India, AIR 1992 SC 248
29. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715

READINGS FROM HNLU DIGITAL LIBRARY:

1. Gurudip Singh, *Environmental Law*, EBC Reader
2. SC Shastri, *Environmental Law*, EBC Reader
3. Usha Tandon, *Climate Change: Law, Policy and Governance*, EBC Reader
4. Shobhalata Udupudi *et al*, *Environmental Law: Contemporary Issues*, EBC Reader
5. Land Mark Judgements of the Supreme Court 1950-2014 (XV Environment), Thomson Reuters
6. Surendra Malik and Sudeep Malik, *Supreme Court on Environment Law (1950 to 2018)* -2 volumes- from EBC Reader
7. P. Ishwara Bhat, *Natural Resources Law- Concepts and Approaches*, EBC Reader
8. DownToEarth Magazine (General Reading)

MHRD NME-ICT -E PG-Pathshala Lectures & Materials available at

<https://epgp.inflibnet.ac.in/Home/Download> :

1. Ecosystems: Concept, Structure and Functions: https://youtu.be/-Ug_KO51_N0 ; <https://youtu.be/h-4gCIAW-PI> ; https://youtu.be/tRS_wEj6m3g
2. Introduction to International Environmental Law: <https://youtu.be/rrXwefu--ng>
3. Sources of Environmental Law: <https://youtu.be/GVcZ9AgXC6M>
4. Principles of Environmental Law: <https://youtu.be/UBjpY4WJgJE>
5. Procedural Environmental Rights: <https://youtu.be/25fvoDy0IoY>
6. Environmental Pollution: Issues, Challenges and Responses at the National and International Level: https://youtu.be/mMGzJSK_Rv8
7. Constitutional Provisions Relating to Environmental Protection: <https://youtu.be/hsS28672MGw>
8. Water Act, 1974: <https://youtu.be/G0fgSDzYYqM>
9. Law Relating to Water Pollution in India: <https://youtu.be/2o1tquCLvIU>
10. Law Relating to wetlands: <https://youtu.be/h5giXvSCnvE>
11. Law relating to Coastal Regulation: <https://youtu.be/kO9lCvJvjH4> & <https://youtu.be/qPfQIdpRTVw>
12. Dams and environment: <https://youtu.be/hJuMaySMKSU>
13. Air Act, 1981: <https://youtu.be/X26iAEuTLal>
14. Air Pollution: <https://youtu.be/3uJg8lprGP8>
15. EPA, 1986: <https://youtu.be/s33HEsLnngA>
16. Climate Change: <https://youtu.be/v66zKRvkqP8>

17. Biodiversity: <https://youtu.be/VfCS6sNe4qo>
18. Biological Diversity Act, 2002: <https://youtu.be/TS0UgQ7OOPI>
19. Access, Benefit Sharing and Traditional Knowledge: <https://youtu.be/2mHRMcNQF0E>
20. National Forest Policy: <https://youtu.be/riAMFdAdfEM>
21. Indian Forest Act, 1927: <https://youtu.be/Rv90Fn910FA>
22. Forest (Conservation) Act, 1980: <https://youtu.be/nvt49F0uPxo>
23. FRA: <https://youtu.be/chZ7hXdOK4w>
24. Forest Conservation: <https://youtu.be/tw98ehhqLs4>
25. Wildlife Protection: <https://youtu.be/SascHO8luEw>
26. Mining: <https://youtu.be/intC7lZJ-y4>
27. Financial Mechanisms and Technology Transfer: <https://youtu.be/-1CQSWxulI4>
28. Industrial Disasters and the Environment: <https://youtu.be/LkMfn5VKyuM>
29. Hazardous Waste: <https://youtu.be/AWGQ2K70xdg> & https://youtu.be/pD4d2_iUFUg
30. E-Waste Management: <https://youtu.be/2VQ3GusEKGk>
31. Solid Waste Management: <https://youtu.be/DFSgsgbNogAk>
32. Waste Management: <https://youtu.be/3fNzsOaIV4k>
33. Manufacture, Use, Import, Export and Storage of Hazardous microorganisms, Genetically engineered organisms or cells, 1989: <https://youtu.be/5F78zkJeKAo>
34. Biomedical Waste Management Rule, 2016: <https://youtu.be/PbQeUmwKujS>

BOOKS AND ARTICLES (Available at HNLU Library):

1. Phillippe Sands and Jacqueline Peel, *Principles of International Environmental Law*, (4th Edn), Cambridge University Press, 2018.
2. P Leelakrishnan, *Environmental Law in India*, (6th Edn.), Lexis Nexis, New Delhi, 2021.
3. Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India: Cases, Materials and statutes*, (2nd Edn), Oxford University Press, New Delhi, 2002, Reprint 2021.
4. S. Shantakumar, *Introduction to Environmental Law*, (2nd Edn.), Wadhwa & Company, Nagpur, reprint 2016
5. Paramjit S Jaswal, Nishtha Jaswal and Vibhuti Jaswal, *Environmental Law*, (5th Edn), Allahabad Law Agency, Faridabad, 2021.
6. Maheshwara Swamy, *Textbook on Environmental Law*, (2nd Edn.), Asia Law House, Hyderabad, 2008.



SEMESTER IV | B.A.LL.B. (Hons.)
SYLLABUS: LABOUR LAW-I
(ACADEMIC SESSION: JAN-JUNE)

Faculty Members	Dr. Balwinder Kaur Dr. Atul Jaybhaye	Year/ Semester	II/IVSEM
Course Name	Labour Law-I	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No. of Contact Hours	50 lectures + 10 Tutorials = 60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The primary objective of this course is to draw the attention of the students briefly to the march of the industrial society from the laissez-faire era to the dawn of the concept of the welfare state and the need for state intervention in the area of an employer-employee relationship for achieving higher economic growth tempered with social justice; the need for which is more imperative in the present-day era of globalization when both developed and developing economies have framed new economic policies. The students need to be acquainted with the historical perspective relating to the development of trade unions of workers in various countries which has been more or less the same. The struggle of the workers to replace was intense and painful. Employers thwarted their attempt to combine by invoking the doctrine of restraint of trade against their combinations and used doctrines of civil and criminal conspiracies against them to expose them to economic and physical hardships. It was in this background that state intervention became necessary to declare such combinations of workers as lawful bodies symbolizing their aspirations, their right to organize and the right to press their demands collectively and to resort to industrial actions if their claims were not accepted. For this purpose, they were granted immunities in a limited way against the doctrine of restraint of trade and acts amounting to simple conspiracies, both civil and criminal. The students need also to know about the relevance and importance of trade unions in the present global economic scenario in achieving the object of overall economic development, better conditions of employment and job opportunities for teeming millions. In most countries, the state has provided a legal framework that establishes general ground rules for unions' management interaction and brings out an amicable settlement of industrial conflicts. Additionally, provision of state service for conciliation, mediation and arbitration to facilitate the settlement of the industrial dispute is envisaged by law so that the production of goods</p>		

	<p>and supply of various services to the society are ensured, as far as possible, without any disruption, if mutual negotiations in the form of collective bargaining fail to bring a settlement of the dispute. The other important functions of the state have been to establish minimum standards which an employer must adopt and which provide the baseline on which collective bargaining with the employer for securing higher standards takes place. The state has a basic duty to bring equilibrium amongst the competing and conflicting interests in the society namely, the capital, the workers and the society at large.</p> <p>The Course Objective is to develop an understanding about: The course of Labour Law – I has been designed to generate understanding amongst the students about the objectives of the labour legislations/Code and enable them to critically examine the developments and changes that have taken place in the field of labour law from time to time. The course introduces the students to the important Code on Industrial Relations 2020 which amalgamates legislations, viz. the Trade Unions Act, 1926, the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946, which regulate industrial relations at the Central level in India.</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in Project work, Lecture series, Case methods, Group work, Term paper and Assignments.</p>
Learning Outcomes:	<p>Thorough understanding of the Industrial Relations Code, 2020. To examine whether the present legal framework provided by the state is adequate to meet the challenges of globalization and to keep the students abreast of the latest developments in the present economic order and discuss critically the resultant changes that need to be made in industrial relations law for achieving higher economic growth tempered with social justice Acquire requisite depth and balance of Laws to tackle real-world challenges at the workplace.</p>
Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

Course Plan

S. No.	Topics	No. of Lectures
1.	Module 1- Introduction	1-15
2.	Module 2- Industrial Dispute	16-30
3.	Module 3- Strike and Lockout	31-40
4.	Module 4- Trade Union	41-45
5.	Module 5- Management of Discipline and Disciplinary Procedure	46-52
6.	Module 6- The Industrial Employment (Standing Orders)	53-60

DETAILED SYLLABUS

Modules	CONTENT
MODULE:-I	<p>Introduction: Industrial Jurisprudence; Labour history and policy in India; Constitutional Paradigm of Labour and Industrial Law: Part III and Part IV Principles and need of Labour Legislation in India; Classification of Labour and Industrial Laws. Employment rights and problems of the working force.</p> <ol style="list-style-type: none"> 1. Concept, evolution, and perspective of industrial relation, 2. Collective Bargaining concept and its application in harmonious industrial relation. 3. Role of ILO in promoting Collective bargaining.
MODULE: -2	<p>Industrial Dispute: Concept of Appropriate Government, Workman, Industry and Industrial Disputes; Industrial Dispute versus Individual Dispute; Industrial Dispute settlement machinery- Works Committee, Conciliation Officers and Board of Conciliation. Adjudicatory machinery for dispute resolution-Labour Court, Industrial Tribunal, National Tribunal, and Voluntary Arbitration; Reference of disputes to board, Courts or tribunals; Enforcement of the Awards and Settlements under Industrial Relations 2020.</p>
MODULE: -3	<p>Strike and Lockout- Definition-Justification -Types - Right to Strike and its constitutional validity-Lay off and Retrenchment and Lockout-Transfer and closure, Wage for Strike and Lockout period.</p>
MODULE: -4	<p>Trade Union History of Trade Unionism in India; Development of Trade Union Law in India; Definition and Concept of Trade Union, Trade Dispute and Workman under the Trade Union; -Registration of Trade Unions; -Rights and Liabilities of Registered Trade Union;</p>

	-Immunity of Registered Trade Union; -Amalgamation and Dissolution of Trade Unions; -Recognition of Trade Union; -Penalties
MODULE: -5	Management of Discipline and Disciplinary Procedure Disciplinary Action Management's prerogative During the pendency of proceedings and Notice of change
MODULE: -6	The Industrial Employment (Standing Orders) Importance of Standing Orders; Object of Standing Orders. Application and non-application of the chapter; Concept of Employer, Industrial Establishment and Standing Orders under the Industrial Relations Code 2020; Conditions for Certification of Standing Orders; Reasonableness of Standing Orders, Certification of Standing Orders; Powers of Certifying officer and Appellate Authority; Penalties and Grievance Procedure under the Industrial Relations Code 2020

Prescribed Texts:

The Industrial Relations Code 2020

Books

1. S.C Srivastava, Industrial Relations and Labour Laws, Vikas Publishing House Pvt Ltd. 7th ed. 2020
2. V.G. Goswami, Labour and Industrial Laws, Central Law Agency, Allahabad. 11th ed. 2019
3. S.N. Mishra, Labour and Industrial Law Central Law publication, Allahabad. 11th ed. 2018

Scholarly Articles

1. Kahn Freund's Labour and Law (Hamlyn Lecture Series) Introduction: Some Reflections on Law and Power, pp. 14-20 (1983).
2. Employment Relations in India in the Post-Reform Period: Positives, Challenges, and Opportunities, Indian Journal of Labour Economics, Vol.54, No.1, 2011
3. What Should Indian Trade Unions Do? An Agenda for Trade Unions at the Risk of Sermonising! Indian Journal of Labour Economics, Vol.51, No.4, 2008
4. Trade Union and the New Challenges: One Step Forward, Two Steps Backward, Indian Journal of Labour Economics, Vol.49, No.4, 2006.
5. Trade Union in India-A Sociological Approach by N.R. Sheth available at <https://www.jstor.org/stable/23618623>.
6. The Rise and Fall of India Trade Unions: A Legislative and Judicial Perspective available at <https://www.jstor.org/stable/27768099>.
7. Meaning of 'Industry' under the Industrial Disputes Act, 1947 available at <https://www.jstor.org/stable/43949706>.

Suggested Readings:

1. Report of the National Commission on Labour (1969)
2. Report of the Second National Commission on Labour (2002)
3. Labour and Industrial Cases - LIC 2022 by AIR Edition: 2022

Case Laws:

1. Agra Electrical Supply Co. v. Sri Alladin AIR 1970 SC 512.
2. Associated Cement Co. Ltd. v. PD. Vyas AIR 1969 SC 665.
3. Bangalore Water Supply and Sewerage Board v. A. Rajappa AIR 1978 SC 548.
4. B.R. Singh v. Union of India (1989) 4 SCC 710.
5. Bokajan Cement Corporation Employees v. Cement Corporation of India Ltd AIR 2004 SC 245.
6. Coir Board Eranakulam v. Indira Devi PS (I), AIR 1998 SC 2801.
7. Deepali Gundu Surwase v. Kranti Junior Adhyapak & Ors (2013) 10 SCC 324
8. Essorpe Mills Ltd. v. P.O.; Labour Court (2008) 7 SCC 594
9. General Manager, Telecom v. A. Srinivasa Rao 1997 (8) SCC 767
10. Gujarat Steel Tubes Ltd v. Gujarat Steel Tubes Mazdoor Sabha (1980) 2 SCC 593
11. Guest Keen Williams P Ltd v. P J Sterling, AIR 1959 SC 1279
12. Jay Engineering Works v. State of West Bengal, AIR 1968 Cal 407 (SB).
13. Management, Shahdara (Delhi) Saharanpur Light Railway Co. v. SS Railway Work Union AIR 1969 SC 573.
14. Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh AIR 2019 SC 228
15. O. K. Ghosh v. Ex Joseph, AIR 1963 SC 812.
16. Rookes V. Barnard, 1964 AC 1129.
17. Rohtas Industries Staff Union v. State of Bihar, AIR 1963 Pat. 170 Syndicate Bank v. K. Umesh Nayak (1994) 5 SCC 572
18. State of U.P. v. Jai Bir Singh (2005) 5 SCC 1
19. U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey (2006) 1 SCC 479.



MAJOR POLITICAL SYSTEMS IN THE WORLD

SEMESTER IV | B.A.LL.B. (Hons.)

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Mr. Aashutosh Kumar Aahire	Year/ Semester	2/IV
Course Name	Major Political Systems in the World	No. of Credits	4
Course Code	NA	Session Duration	1 hour
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>Major Political Systems in the World</i> is to present a systematic analysis of all the important dimensions of Major Political Systems of the World, by adopting a comparative approach.</p> <p>The Course aims to develop insights to the actual working of the UK, and USA Parliamentary and Presidential Democracies respectively, Democratic Centralism of China, Direct Democracy of Switzerland, which includes working of the Legislature, Executive and Political Parties and their respective Judicial systems.</p> <p>The comparative perspective enables the student to understand the differences and similarities between the various constitutional arrangements.</p> <p>Course Objective is to develop an understanding about:</p> <p style="padding-left: 40px;">CO1- To understand the actual working of the political systems of UK, USA, Switzerland and People's Republic of China in the light of their constitutions.</p> <p style="padding-left: 40px;">CO2 - Comparative analysis of the political systems of UK, USA, Switzerland and People's Republic of China.</p> <p>The course will be explored by Lectures, PPTs, Articles, discussion on Current Events etc. 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: Through the curriculum, the students will be introduced to the big picture of major political systems of the world. At the end of the course, students will be able to:

LO1- equipped with the knowledge of key aspects of the major political systems of the world.

LO2 – understand differences and similarities, advantages and disadvantages between the major political systems of the world.

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.	The Political System of United Kingdom of Great Britain and Northern Ireland	1-15
2.	The Political System of United States of America	16-30
3.	The Political System of Switzerland	31-45
4.	The Political System of People's Republic of China	46-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 The Political System of United Kingdom of Great Britain and Northern Ireland	1.1 History and Growth of the British Constitution 1.2 Sources of the British Constitution 1.3 Salient Features of the British Constitution 1.4 The British Executive: The Crown and the Cabinet 1.5 The British Parliament 1.6 The British Judiciary 1.7 Political Parties
Module 2 The Political System of United States of America	2.1 History and Growth of the US Constitution 2.2 Salient Features of the American Constitution 2.3 The American Federalism 2.4 The American Presidency 2.5 The Congress 2.6 The Federal Judiciary 2.7 Political Parties
Module 3	3.1 History and Growth of the Swiss Constitution 3.2 Salient Features of the Swiss Constitution

The Political System of Switzerland	3.3 The Federal Legislature 3.4 The Federal Executive 3.5 The Federal Judiciary 3.6 Direct Democracy in Switzerland 3.7 Political Parties in Switzerland
Module 4 The Political System of People's Republic of China	4.1 History and Growth of the Chinese Constitution 4.2 Salient Features of the 1982 Chinese Constitution 4.3 The National People's Congress 4.4 The Chinese Executive: The President and the State Council 4.5 The Judiciary 4.6 Political Parties: The Communist Party of China

READINGS:**Text Books: -**

- Vishnoo Bhagwan, Vidya Bhushan and Vandana Mohla, *World Constitutions: A Comparative Study*, Sterling Publishers (P) Ltd., New Delhi, 2018.
- A.C. Kapoor and K.K. Mishra, *Select World Constitutions*, S. Chand & Company Pvt Ltd., New Delhi, 2014.
- J. C. Johari, *Select Constitution of the World*, Lotus Press, New Delhi, 2012.
- S. N. Ray, *Modern Comparative Politics: Approaches Methods and Issues*, New Delhi, PHI Learning Private limited, 2011.
- N. Khanna, *Comparative Study of Government and Politics*, New Delhi, R Chand and Company, 2004.

Suggested Readings:

1. M.V. Pylee, *Select Constitutions of the World*, Universal Law Publishing, Gurgaon 2016.
2. Duncan Watts, *British Government and Politics: A Comparative Guide* Edinburgh University Press, Edinburgh, 2006.
3. Duncan Watts, *Understanding UK/US Government and Politics*, Manchester University Press, Manchester, 2003.
4. Martin Loughlin, *The British Constitution: A Very Short Introduction*, Oxford University Press, Oxford, 2013
5. Ivor Jennings, *The British Constitution*, Cambridge University Press, Cambridge, 1967.
6. A. V. Dicey, *Introduction to the Study of Law of the Constitution*, Macmillan, London, 1982.
7. Walter Bagehot, *The English Constitution*, Oxford Worlds Classics, Oxford, 2010
8. Ray Raphael, *The U.S. Constitution: Explained Clause by Clause for Every American Today*
9. H. Finer, *Theory and Practice of Modern Government*, London, Methuen, 1969.
10. R.C. Macridis, *The Study of Comparative Government*, New York, Doubleday, 1955.
11. Alexis de Tocqueville, *Democracy in America*, 2 Vol.
12. Timothy O. Lenz and Mirya Holman, *American Government*, University Press of Florida, Florida, 2013.
13. Hanspeter Kriesi and Alexander H. Trechsel, *The Politics of Switzerland: Continuity and Change in a Consensus Democracy*, Cambridge University Press, Cambridge, 2008.
14. Clive H. Church, *The Politics and Government of Switzerland*, Palgrave Macmillan 2003.
15. Sebastian Heilmann, *China's Political System*; Rowman & Littlefield 2016.



PUBLIC INTERNATIONAL LAW (CORE PAPER)
SEMESTER IV | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr. Mohd. Atif Khan & Dr. Ankit Singh	Year/ Semester	2/IV
Course Name	Public International Law	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Basics of Political Science
Introduction, Course Objective & Pedagogy	<p>This course will provide a broad overview of public international law and its various aspects in present complex and interdependent world. It also covers current challenges of the international legal system. Student will learn the foundational questions about the nature of international law, its origin development, various theories working behind international law. It also includes the areas like subjects of international law, foundation of a state and sovereignty and how international law interacts with municipal law. Course further develops the understanding of students to understand the jurisdiction, state responsibility, state succession, interpretation of treaties and the status of individual. Course also includes the problems related with asylum and extradition.</p> <p>The main objective of this course is to acquaint the learner with the contemporary trends and transitioning jurisprudence attached to international political regime:</p> <p>CO1 – To impart theoretical knowledge relating to concept and scope of public international law; CO2 – To facilitate conceptual understanding of sources and subjects of international law; CO3 – To develop an analytical understanding of the relation between municipal law and international law CO4 – To develop critical thinking about the concept of state and other phenomena of international politics CO5 – To build a comprehensive understanding of the relation between individuals and public international law</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 discussion, deliberation, and brainstorming sessions. Learners will be encouraged to undertake explorative research work into various avenues of public international law.</p>		

LEARNING OUTCOMES: After successful completion of the course, following outcomes are expected to benefit the learners:

LO1 – Understand the scope and nature of public international law and its contemporary relevance

LO2 – Examine various jurisprudential theories attached to the concept of international law

LO3 – Develop a comprehensive knowledge about sources of international law and functioning of international institutions

LO4 – Analyze the concept of state, recognition and succession in the realm of public international law

LO5 – Develop a critical understanding of the relationship between individuals and international law

LO6 – Equipped with skills and knowledge to formulate and synthesize new ideas and undertake research on pertinent issues relating to the domain

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	INTRODUCTION	1-12
2	SOURCES AND SUBJECTS OF PUBLIC INTERNATIONAL LAW	13-21
3	NEXUS BETWEEN MUNICIPAL LAW AND INTERNATIONAL LAW	22-35
4	STATE: SOVEREIGNTY AND JURISDICTION	36-44
5	RECOGNITION AND SUCCESSION UNDER PUBLIC INTERNATIONAL LAW	45-52
6	INDIVIDUALS AND PUBLIC INTERNATIONAL LAW	53-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	1. Public International Law: Meaning, Scope and Definitions and Development 2. Theories of International Law: Naturalist, Positivist 3. International Law as Positive Morality

Module 2 SOURCES AND SUBJECTS OF PUBLIC INTERNATIONAL LAW	1. Treaties and Conventions: <i>Pacta Sunt Servanda</i> 2. Customs 3. General Principles of Law: <i>Jus Cogens</i> 4. Judicial Decisions: <i>ex aequo et bono</i> 5. Other Sources 6. Subjects of International Law: States, Organizations, Individuals
Module 3 NEXUS BETWEEN MUNICIPAL LAW AND INTERNATIONAL LAW	1. Theories: Monist, Dualist, Specific Adoption, Transformation and Delegation 2. Indian Constitution and International Law 3. Indian Judiciary on International Law
Module 4 STATE: SOVEREIGNTY AND JURISDICTION	1. Concept of State 2. State Sovereignty 3. State Territory: Land, Water and Air 4. State Jurisdiction: Civil and Criminal
Module 5 RECOGNITION AND SUCCESSION UNDER PUBLIC INTERNATIONAL LAW	1. Recognition of States: De Facto and De Jure 2. Theories of Recognition: Constitutive, Declarative and Evidentiary 2. Collective Recognition 3. Recognition of Insurgency and Belligerency 4. State Succession: Concept, Kinds and Theories of Succession
Module 6 INDIVIDUALS AND PUBLIC INTERNATIONAL LAW	1. Acquisition and Loss of Nationality: Statelessness, Refugees 2. International Criminals: Asylum and Extradition

READINGS:

CASE LAWS:

- *United Kingdom of Great Britain and Northern Ireland v. Albania* (Corfu Channel Case), 1947-49
- *The Republic of Nicaragua v. The United States of America*, 1986
- *Colombia v. Peru* (Asylum case), 1950
- *The North Sea Continental Shelf Cases* (Germany/Denmark; Germany/Netherlands), 1969

- The Lotus Case (*France vs Turkey*), 1927
- *Right of Passage over Indian Territory Case, Portugal v India*, [1960] ICJ Rep 6

BOOKS

- Malcolm Nathan Shaw, *International Law*, Cambridge University Press, 2003
- Tim Hillier, *Sourcebook on Public International Law*, Routledge, 1998
- Ian Brownlie, *Principles of Public International Law*, Oxford University Press, 2008
- Joseph Gabriel Starke, Ivan Anthony Shearer, *Starke's International Law*, Butterworths, 1994
- Lassa Oppenheim, Robert Jennings and Arthur Watts, *Oppenheim's International Law*, Oxford University Press, USA, 2008
- Ian Brownlie, *Basic Documents in International Law*, Oxford University Press, 2008
- Gideon Boas, *Public International Law*, Edward Elgar, 2012.
- Anthony Aust, *Handbook of International Law*, 2nd Edition, Cambridge University Press, 2010
- William R. Slomanson, *Fundamental Perspectives on International Law*, Sixth Edition, Wadsworth, Cengage Learning, 2011.
- David Armstrong (ed.), *Routledge Handbook of International Law*, 2009.



**TRANSFER OF PROPERTY ACT
SEMESTER IV | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JAN-JUNE)**

Faculty Name	Dr. Kiran Kori Dr. Balwinder Kaur Mr. Sagar Chandrakar	Year/ Semester	2nd Year / IV Semester
Course Name	Transfer of Property Act	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>As we know that property has been one of the fundamental elements of socio-economic life since very beginning. It is a bundle of rights in a thing or land which has gradually been given a wider meaning to include every kind of proprietary or quasi-proprietary claims, such as shares in a limited company, sale of property, lease or renting of property, mortgage on another's land, gifting property and exchange of property including intellectual property e.g., copyrights, patents, etc. Apart from these, there are certain other transactions which resemble transfer of property, though they do not actually amount to a transfer such as partition, family settlement, availing paying guest accommodation, creation of a charge, lease in perpetuity etc. As a result of this the High Courts and Supreme Court are facing a high volume of property litigation. All this has increased the importance of Property Law given in the Transfer of Property Act, 1882.</p> <p>The Transfer of Property Act, 1882 broadly deals with the transfer <i>inter vivos</i> of immovable properties albeit some of its provisions are also applicable to the transfer of movable properties. This Act was</p>		

	<p>enacted to provide a definite and uniform statutory law governing transfer of immovable properties in India.</p> <p>The objective of the course is as follows:</p> <p>CO1- To understand the basic and advance concepts of law of transfer of property.</p> <p>CO2- To provide students with the critical aptitudes necessary in an academic environment, and in an increasingly complex and interdependent world.</p> <p>CO3- To assist students in the development of intellectual flexibility and creativity so that they may engage in life-long learning.</p> <p>CO4- To interpret and apply the provisions of the general principles of the Transfer of Property Act, 1882.</p> <p>CO5- To Develop skills of analyzing various legal provisions considering practical issues.</p> <p>CO6- To improve the students' interest in engaging subject with laws governing immovable property nuances.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the nuances of Law relating to Transfer of Property with requisite provisions of Indian Registration Act, Indian Easements Act, and Indian Succession Act. At the end of the course, students will be able to:

LO1 To discuss the nature and scope of Laws relating to Transfer of Property.

LO2 To enable students relate various provisions of TPA with practical examples.

LO3 To enable them look at the remedies available against violation of provisions of TPA.

LO4 To enable them analyse provisions of TPA along with Indian Registration Act, Indian Easements Act and Indian Succession Act and their 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	Historical Background & General Introduction	1-10
2	General Rules regarding Transfer of Property	11-22
3	Rules regarding Transfer of Immovable Property	23-33
4	Sale of Immovable Property	34-39
5	Mortgage	40-49
6	Lease	50-55
7	Gifts and Exchange	56-60

DETAILED SYLLABUS

UNIT	CONTENT
MODULE - I Historical Background and General Introduction	<p>A: Meaning and Definition of Property.</p> <p>B: Definition and Concept of Following Terms:</p> <ul style="list-style-type: none"> i. Movable & Immovable Property ii. Instrument iii. Attestation iv. Registration v. Actionable claim

	vi. Notice
MODULE – II General Rules regarding Transfer of Property	<ul style="list-style-type: none"> i. Transfer of Property- Meaning and Elements ii. Transferability and non-transferability of Property iii. Restrictions on Alienation of Property iv. Restrictions on Enjoyment of Property v. Transfer to Unborn Person vi. Rule against Perpetuity vii. Vested and Contingent Interests viii. Transfers with Conditions ix. Doctrine of Election x. Apportionment of property
MODULE-III Rules regarding Transfer of immovable Property	<ul style="list-style-type: none"> i. Transfer by Ostensible Owner ii. Feeding the Grant by Estoppel iii. Doctrine of Lis Pendens iv. Concept of Fraudulent Transfer v. Doctrine of Part Performance
MODULE – IV Sale of Immovable Property	<ul style="list-style-type: none"> i. Meaning and Essentials ii. Rights and Liabilities of Buyer and Seller iii. Marshalling by Subsequent Purchaser
MODULE - V Mortgage	<ul style="list-style-type: none"> i. Meaning, Essentials and Kinds of Mortgage ii. Rights of Mortgagor iii. Rights of Mortgagee iv. Right of a Mortgagee against other Mortgagees v. Doctrine of Marshalling and Contribution vi. Doctrine of Subrogation
MODULE - VI Lease	<ul style="list-style-type: none"> i. Meaning and Essentials ii. Determination of Lease

	iii. Rights and Liabilities of Lessor and Lessee
MODULE - VII Gifts and Exchange	<p>A: Gifts</p> <p>i. Meaning and Essentials of Gift</p> <p>ii. Transfer how effected</p> <p>iii. Onerous Gift</p> <p>iv. Universal Donee</p> <p>B: Exchange</p> <p>i. Meaning and Definition</p> <p>ii. Rights and liabilities of Parties to exchange</p>

READINGS:

- H. S. Gaur, *Commentary of Transfer of Property Act*, Delhi Law House, 15th Ed. (2022).
- G.C.V. Subbarao, *Law of Transfer of Property*, Alt Publications (2018).
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