

BA.LL.B (Hons.)

3rd Semester

July-December 2024





CONSOLIDATED CURRICULUM

BA.LL.B (Hons.)

July-Dec.-2024

Semester – III

S.NO.	SUBJECT	PAGE NO.
1.	INTERNATIONAL RELATIONS	3-7
2.	INDIAN SOCIETY: STRUCTURE & PROCESSES	8-12
3.	LAW OF TORTS	13-19
4.	CONSTITUTIONAL GOVERNANCE I	20-28
5.	ECONOMICS : LAW, POVERTY&DEVELOPMENT	29-33
6.	FAMILY LAW II	34-41



INTERNATIONAL RELATIONS
Semester-III | B.A.LL.B. (Hons.)
Session: July-December 2024

Faculty Name	Dr. Avinash Samal Mr. Aashutosh Kumar Aahire	Year/ Semester	2 nd Year/III Sem
Course Name	International Relations	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	60 Lectures = 60 hours	Pre-requisites	Basic understanding of Political Science, History & Geography
Course Outline, Objectives & Pedagogy	<p>Course Outline:</p> <p>This course is designed to equip students with the conceptual tools needed to understand international relations from a wider perspective. Acquainting students with the origin and historical evolution of international relations, it focuses on major theoretical frameworks, key concepts and the main actors and institutions that are useful for making sense of contemporary debates and challenges in international relations. In addition to dealing with the concepts and theories related to international relations, the course covers the modern history and contemporary events that have shaped how states and other actors interact with each other across national borders. Presenting an overview of the international relations in terms of war, superpower rivalry and cold war, decolonization and non-aligned movement, the course discusses the role of United</p>		

<p>Nations and other regional organizations in promoting international peace and economic cooperation over the years. It also discusses the instrument of foreign policy that the nation-states adopt in pursuing international relations with countries across borders. Finally, it discusses the contemporary issues at the global level that have been affecting international relations in a big way.</p> <p>Course Objectives:</p>	
CO-1	To give an insight into the complex nature of international relations and its significance from the perspective of peaceful coexistence;
CO-2	To acquaint students with the key concepts and theoretical frameworks for understanding and analyzing international relations;
CO-3	To provide an overview of twentieth century international relations in terms of war, conflicts and cooperation initiated by nation-states to establish international peace and harmony;
CO-4	To introduce the students to the international and regional organizations working for promoting cooperation and collaboration among nation states for securing international peace and progress; and
CO-5	To acquaint the students with the broad contours of foreign policy as an instrument of promoting national interest.
CO-6	To familiarize the students with the contemporary political and economic issues that have been impacting and shaping international relations at the global level.
<p>Pedagogy:</p> <p>The course will be taught through lectures, brainstorming sessions, debates and discussion on current events of international importance. In addition to the prescribed text and reference books, the course will rely on journal articles and online sources such as websites/blogs, etc.</p>	

Learning Outcomes:

On successful completion of this course, students will be able to:

- L0-1** comprehend the broad history of international relations and the complexities of interactions between various actors;
- L0-2** learn the key concepts and theories of international relations and apply them to understand international situations and issues in the modern world;
- L0-3** develop critical thinking capacity about various dimensions of international relations and conduct independent research utilizing a variety of sources;
- L0-4** critically engage with contemporary international political issues, analyse and express their ideas thoughtfully and confidently; and
- L0-5** produce coherent and well substantiated arguments.

Course Plan:

Sl.No.	Topics	Lecture Sessions
1.	Introduction to International Relations	01-06
2.	Theoretical Perspectives in International Relations	07-16
3.	Historical Overview of International Relations	17-29
4.	United Nations and International Relations	30-37
5.	Regional Organizations and International Relations	38-43
6.	Foreign Policy and International Relations	44-55
7.	Contemporary Issues in International Relations	56-60

Detailed Syllabus:

Units	Contents
Module 1	Introduction to International Relations 1.1 Meaning of International Relations 1.2 International Relations vs. International Politics 1.3 Evolution of International Relations 1.4 Nature, Scope and Significance of International Relations
Module 2	Theoretical Perspectives in International Relations 2.1 Liberalism and Neo-Liberalism 2.2 Realism and Neo-Realism 2.3 Dependency Theory

	2.4 World Systems Theory
Module 3	Historical Overview of International Relations 3.1 World War – I and World War – II: Causes, Consequences, and its Impact on International Relations 3.2 Cold War: Origin and Evolution of Cold War, Détente and End of Détente, New Cold War and the End of Cold War, Factors contributing to the end of Cold War 3.3 Decolonization and the Emergence of the Third World 3.4 Non-Aligned Movement: Objectives, Achievements and its relevance in Contemporary World
Module 4	United Nations and International Relations United Nations: Origin, Objectives and the Principal Organs 4.1 General Assembly 4.2 Security Council 4.3 Economic and Social Council (ECOSOC) 4.4 Trusteeship Council 4.5 The Secretariat 4.6 International Court of Justice (ICJ)
Module 5	Regional Organizations and International Relations 5.1 Brief overview of the emergence of Regional Organizations 5.2 Prominent Regional Organizations 5.2.1 European Union (EU) 5.2.2 Association of South-East Asian Nations (ASEAN) 5.2.3 South Asian Association for Regional Cooperation (SAARC)
Module 6	Foreign Policy and International Relations 6.1 Meaning, Definition and Determinants of Foreign Policy 6.2 India's Foreign Policy: Basic Principles, Objectives, Continuity and Change 6.3 India's Relations with its Neighbours: Pakistan, China, Nepal, Bangladesh & Sri Lanka 6.4 India's Relations with Major Powers: USA & Russia
Module 7	Contemporary Issues in International Relations 7.1 War and International Relations 7.2 Terrorism and International Relations 7.3 Trade and International Relations 7.4 Environment and International Relations

Suggested Readings:

- Brown, Chris and Kirsten Ainley (2009). *Understanding International Relations*. New York: Palgrave Macmillan (Third Edition).
- Ghosh, Peu (2013). *International Relations*. Delhi: PHI Learning Pvt. Ltd. (Third Edition).
- Khanna, V. N. (2015). *International Relations*. Delhi: Vikas Publishing House Pvt. Ltd. (Fifth Edition).
- Palmer, Norman D. and Howard C. Perkins (2001). *International Relations: The World*

- *Community in Transition*. New Delhi: CBS Publishers and Distributors Pvt. Ltd. (First Indian Edition).
- Pevehouse, Jon C. W. and Joshua S. Goldstein (2017). *International Relations*. New Delhi: Pearson India Publication.
- Sharma, Reetika, Ramvir Gorla and Vivek Mishra (2011). *India and the Dynamics of World Politics*. Chandigarh: Pearson.
- Griffiths, Martin (2007). *International Relations Theory for the Twenty-First Century: An Introduction*. New York: Routledge
- Khanna, V. N., & Kumar, L. K. (2018). *Foreign Policy of India*. Vikash Publishing House

Online Learning Materials:

- Online Books and other Learning Materials on International Relations are available at E-IR's Student Portal: [E-International Relations — the world's leading open access website for students and scholars of international politics \(e-ir.info\)](http://e-ir.info)
- Online Books on International Relations are available at PDF Drive [International Relations E-Books - PDF Drive](#)
- [International Relations. A Self-Study Guide to Theory \(oapen.org\)](https://oapen.org/)
- [International Relations - Open Textbook Library \(umn.edu\)](https://openstax.org/)
- [\(461\) William Spaniel - YouTube](#)
- Introduction to international relations by M. Cox [program-2109677112zFMKGsZz4i.pdf \(hse.ru\)](#)
- Key Theories of international relations [Key Theories of International Relations | Norwich University Online](#)
- International Relations: Origin and Growth [International Relations Origin and Growth - Political Science \(politicalscienceview.com\)](https://politicalscienceview.com/)
- United nations [United Nations | Peace, dignity and equality on a healthy planet](#)
- Foreign Policy of India [Ministry of External Affairs, Government of India \(mea.gov.in\)](http://mea.gov.in)



INDIAN SOCIETY: STRUCTURE & PROCESSES
III SEMESTER | B.A.LL.B. (Hons.)
(SESSION: JULY-DECEMBER), 2024

Faculty	Dr.Ayan Hazra	Year/ Term	Second Year /III semester
Course Name	Sociology III	Session duration	1 hour
No of Contact hours	60 Lectures +=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:

L01: 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.

L02: 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.

COURSE PLAN

Sl. No.	UNIT	No. of Sessions/ Lectures
1.	Module-1: Understanding Indian Society	08
2.	Module 2: Cultural Evolution of Indian Society	10
3.	Module 3: The Caste System and its Structure	12
4.	Module 4: The Caste System and its Structure- II	10
5.	Module 4: Tribal Life in India	10
6.	Module 5: Understanding Gender	10
	Total Lectures	60

DETAILED SYLLABUS

UNIT	CONTENT
<u>Module-1</u> Understanding Indian Society	<ol style="list-style-type: none">1. Basic Concepts to Understand Indian Society<ul style="list-style-type: none">• Great Tradition and Little Tradition• Universalization and Parochialisation• Sacred Complex• Nature-Man-Spirit Complex• Sanskritization• Westernization• Dominant Caste• Tribe-Caste Continuum• Pseudo-Tribalism

<u>Module -2</u> Cultural Evolution of Indian Society	<ol style="list-style-type: none"> 1. Hindu Philosophy, The Purusartha (Dharma, Artha, Kamaand Moksha) 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 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 5. Islam Central doctrine, Prophet Muhammad and the Beginning of Islam, Modern Historiographical Approaches, Theories Pertaining to the Rise of Islam: Some Historiographical Reconsideration, Spread of Islam after the Death of Prophet Muhammad, Islam and the West: The Crusades
<u>Module 3</u> The Caste System and its Structure	<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), Varana – Jati Theory 3. Characteristics of Caste, Merits and Demerits of Caste System, Causes for the changes in Caste System, Ideology of Purity and Impurity, 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 Caste Identity: Attributional & Interactional Approaches 6 Jajmani System, its Relations, functions, Roles & Change 7 Scheduled Caste as a Community—their Strength and the Background, Constitution and the Scheduled Castes, Social Mobility during Pre-Independence Period, Social Mobility during the British Rule, Scheduled Castes in Post-Independent India 8 Sanskritization, Factors and Changes, Dominant Caste

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.Omnien, C.N. Vengopal.2018. Sociology. Eastern Book Company.
10. Ram Ahuja.1999. Society in India- Concepts, Theories & Recent Trends. RawatPublications.
11. Ram Ahuja.1997. Social Problems in India. Rawat Publications.
12. Reema Bhatia.2021. Gender: A Sociological Understanding. Pearson Publication
13. Indra Deva.1999. Social & Culture in India: The Dynamics Through the Ages. RawatPublications.
14. 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>
<https://www.youtube.com/watch?v=lQeSdJyUyQE>
<https://www.youtube.com/watch?v=w88sWMukcO4>
<https://www.youtube.com/watch?v=C0U5z2LJRHY>
<https://www.youtube.com/watch?v=5HpPIpJajks>
<https://www.youtube.com/watch?v=dfmye5zlRJ8>
<https://www.youtube.com/watch?v=GUtgVunde9Q>
<https://www.youtube.com/watch?v=odHJld4giL0>
<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>
<https://www.youtube.com/watch?v=hD5fIMcmM2c>
<https://www.youtube.com/watch?v=XrWjuElWYy4>



LAW OF TORTS

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

SYLLABUS (SESSION: 2nd Year/III Semester)

Faculty Name	Dr. Dipak Das Dr. Rana Navneet Roy	Year/ Semester	2 nd Year/ III Semester
Course Name	Law of Torts	No. of Credits	04
Course Code	NA	Session Duration	55 Minutes
No of Contact Hours	60 Lectures	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.</p> <p>Course Objective are mentioned as follows:</p> <p>C01 – to explain the law of private rights and remedies which are not covered by statute</p> <p>C02 – 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.</p> <p>C03 – to demonstrate application of the principles of Law of Torts in contemporary areas like Human Rights, Environmental</p>		

	<p>Rights, and Intellectual Property Rights.</p> <p>CO4 - Appraise the differing requirements which lead to civil liability for different torts against person and property.</p> <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.</p>
--	--

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 defenses available against various forms of torts.

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

COURSE PLAN

S.No.	Topic	Lecture Sessions
1	INTRODUCTION TO LAW OF TORTS	5
2	DEFENCES	10
3	LIABILITY	5
4	SPECIFIC TORTS	15
5	REMEDIES	10
6	RE MOTENESS OF DAMAGES	5
7	CONSUMER PROTECTION IN INDIA	10

DETAILED SYLLABUS

UNIT	CONTENT
MODULE - I INTRODUCTION TO LAW OF TORTS	1) Definition, Nature and Scope of Law of Torts 2) Torts and Crime 3) Torts and Contract 4) Essential Elements of Law of Torts. 5) Pigeon Hole Theory 6) Parties to a Tort
MODULE - II DEFENCES	1) Specific Defences 2) <i>Volenti non fit injuria</i> 3) Act of God (<i>Vis Major</i>) 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 LIABILITY	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 & Servant, Principal & Agent and Partners 5) Vicarious Liability of State
MODULE - IV SPECIFIC TORTS	A- NUISANCE 1) Nuisance – Definition 2) Types of Nuisance 3) Defences B - NEGLIGENCE 1) Definition 2) Elements of Negligence

	3) Res Ipsa Loquitor 4) Contributory Negligence 5) Defenses C- DEFAMATION 1) Introduction- definition 2) Libel and Slander 3) Essentials of Defamation 4) Defences D- TRESPASS 1) Introduction 2) Trespass to person 3) Trespass to Land 4) Trespass- <i>ab-initio</i>
MODULE - V REMEDIES	1) Judicial Remedies 2) Damages a) Types of Damages b) Remoteness of Damages 3) Injunction 4) Constitutional Remedies 5) Extra Judicial Remedies a) Self-help b) Restitution c) Abatement of Nuisance d) Distress Damage Feasant
MODULE - VI REMOTENESS OF DAMAGES	Remoteness of Damage: a) Test of Reasonable Foresight b) Test of Remoteness
MODULE - VII CONSUMER PROTECTION IN	The Consumer Protection Act, 2019 1) History and Development of Consumer Protection Laws in India 2) Object and Reasons of the Consumer Protection Act, 2019 3) Definitions, Consumer Protection Councils

INDIA	4) Consumer Disputes Redressal Agencies
--------------	---

READINGS:

- RanchhoddasRatanlal, 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
- Baxi Upendra, Paul Thomas, Mass Disaster and Multinational Liability: The Bhopal Case, N.M. Tripathi, (1986)
- Cranor Carl F., Toxic Torts: Science, Law and the Possibility of Justice, Cambridge University Press, (2006)
- Jain N. K., Consumer Protection: Law and Practice, Regal Publications, (2008)
- Pollock Frederick, The Law of Torts: A Treatise on the Principles of Obligations Arising from Civil Wrongs in the Common Law: To which is Added the Draft of a Code of Civil Wrongs Prepared for the Government of India", BiblioBazaar: (2008)
- Salmond Heuston, The Law of Torts, Universal Law Publishing Co. Ltd., (2004)
- 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 Grammar 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:

- Kenneth W. Simons, THE CRIME/TORT DISTINCTION: LEGAL DOCTRINE AND NORMATIVE PERSPECTIVES, available at chromeextension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.bu.edu/lawlibrary/facultypublications/PDFs/Simons/Crim_Torts_Distinction.pdf
- STEVE HEDLEY, Death and Tort, available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://www.stevehedley.com/essays/death.pdf
- 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
- Aditi Agarwal, General Defenses In Torts, available at <https://www.lawctopus.com/academike/general-defenses-in-torts/>
- Anindya Ghosh and Nabarun Chandra Ray, India: Product Liability Law In India: An Evolution, available at <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/974270/product-liability-law-in-india-an-evolution>
- Bhopal to Vizag – A jurisprudential analysis of the tortious liability for companies available at <https://www.scconline.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.scconline.com/blog/post/2021/02/12/defamation-2/>
- Shubham Khunteta, Trespass: Meaning, Nature, Types, Defenses and Case Laws, available at <https://blog.ipleaders.in/trespass-meaning-nature-types-defenses-case-laws/>



HIDAYATULLAH NATIONAL LAW UNIVERSITY
CONSTITUTIONAL GOVERNANCE-I (Compulsory Paper)
(July-December 2024)

Faculty	Dr. Priyanka Mohod Mr. Abhinav Shukla	Year/ Semester	2nd Year /III Semester
Course Name	Constitutional Governance-I	No. of Credits	4
Course Code	NA	Session duration	1 hour
No. of Contact Hours (Week)	05	Pre-requisite	---
Total	60 hours		
Introduction, Course Objectives 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 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 on the definition of State, Judicial Review, Fundamental Rights, Directive Principles, Constitutional Remedies and Fundamental Duties. The second part covers federal structure, relation between Union and States: legislative, financial and administrative, Union and State Judiciary, executives etc.</p> <p>COURSE OBJECTIVES</p> <p>CO1: To study the fundamental principles and values enshrined under the Constitution of India.</p> <p>CO2: To learn about the Union and its territories and citizenship in India.</p> <p>CO3: To analyse the scope and ambit of the Fundamental Rights and Duties.</p> <p>CO4: To understand the significance of Directive Principles of State Policies in India.</p> <p>CO5: To study the Constitutional remedies available to the individual of the violation of fundamental right.</p> <p>Pedagogy: The learning is based on the discussion of judicial pronouncements, scholarly writings etc.</p>		

LEARNING OUTCOMES

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

LO 1: the foundation principles and values embedded within the Constitution of India including justice, liberty, equality, fraternity, unity, secularism and assess its relevance in contemporary Indian society.

LO 2: the Constitutional implications in the Union and its territories, as well as the principles and rights associated with Indian citizenship, including eligibility criteria, rights and duties.

LO 3: the relevance of Fundamental Rights in limiting the power of the state and demonstrating an understanding of its interplay within the Constitutional framework.

LO 4: the significance of DPSP in India, including its role in shaping socio-economic policies and relationship with Fundamental Rights.

LO 5: the importance of the constitutional remedies and its applicability to provide a relief to the person whose fundamental rights are violated in democratic country.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Module 1 Foundations of the Indian Constitution	1-8
2	Module 2 The Union and Its Territory: Defining the Nation's Boundaries and Citizenship (Articles 1-11)	9-13
3	Module 3 Liberty and Protection from Exploitation-I (Articles 12-18)	14-27
4	Module 4 Liberty and Protection from Exploitation-II (Articles 19-24)	28-40
5	Module 5 Religious Freedom: Rights, State Interference, and Reasonable Restrictions (Articles 25 -28)	41-47
6	Module 6 Educational and Cultural Safeguards (Article 29 and 30)	48-51
7	Module 7 Enforcing Rights: Constitutional Remedies (Article 32)	52-55

8	Module 8 Guiding Principles Duties of the State and Citizens (Articles 36-51(A))	56-60
---	---	-------

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

Module	Content
Module 1 Foundations of the Indian Constitution	<ul style="list-style-type: none"> a. Meaning, Definition, Scope and Significance of Constitution b. Constitution, Constitutional Law, Constitutionalism, Constitutional Governance and Constitutional Morality c. Salient features of the Constitution of India d. Preamble- its significance, amendment and interpretation.
Module 2 The Union and Its Territory: Defining the Nation's Boundaries and Citizenship (Articles 1-11)	<ul style="list-style-type: none"> a. Name of the Union, States and Union Territories: Article 1 b. Admission, Establishment of new States: Article 2 c. Formation of New States, Alteration of areas, boundaries, and names of States: Article 3 d. Laws made under Article 2 and 3 to provide for the amendment of the First and Fourth Schedule – Article 4 e. Citizenship at the commencement of the Constitution: Article 5 f. Citizenship of certain persons who have migrated from Pakistan: Article 6 g. Citizenship of certain migrants to Pakistan: Article 7 h. Citizenship of certain persons of Indian origin residing outside India: Article 8 i. Persons voluntarily acquiring citizenship of a foreign State not to be citizens: Article 9 j. Continuance of the rights of citizenship: Article 10 k. Parliament to regulate the right of citizenship by law: Article 11
Module 3 Liberty and Protection from Exploitation-I (Articles 12-18)	<ul style="list-style-type: none"> 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 Art. 368

	<ul style="list-style-type: none"> e. Right to Equality: Article 14 - Equality before Law, Equal protection of laws- Non-Discrimination- Reasonable Classification- Non Arbitrariness, Protective Discrimination f. Right against discrimination: Article 15- Special provisions for Women, children and Backward Classes, g. Reservations in Appointments and Promotions: Article 16: - Reasonable classification -Basis for classification, Equality of Opportunity h. Abolition of Untouchability: Article 17 i. Abolition of Titles: Article 18
Module 4 Liberty and Protection from Exploitation-II (Articles 19-24)	<ul style="list-style-type: none"> a. Freedom of Speech and Expression: Article 19(1) (a) -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: Article 19(1) (b) c. Freedom to form association or unions: Article 19(1) (c) d. Freedom to move freely throughout the territory of India: Article 19(1) (d) e. Freedom to reside and settle in any part of the territory of India: Article 19(1) (e) f. Freedom to practice any profession, or to carry on any occupation, trade, or business: Article 19(1) (g) g. 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. h. 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 i. 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 j. Right against Exploitation: Prohibition of Traffic in Human Beings and Forced Labour: Article 23 k. Prohibition of employment of children in factories etc.: Article 24
Module 5 Religious Freedom:	<ul style="list-style-type: none"> a. Right to Freedom of Religion, Reasonable restrictions: Article 25 b. Right to establish and maintain Religious Denominations: Article 26

Rights, State Interference, and Reasonable Restrictions (Articles 25-28)	<ul style="list-style-type: none"> c. Freedom from payment of Taxes: Article 27 d. Religious instructions in educational institutions and restriction on religious instruction in educational institutions: Article 28
Module 6 Educational and Cultural Safeguards (Articles 29-30)	<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: Article 29 b. Right of Minorities to Establish and Administer Educational Institutions, No discrimination in granting aid: Article 30
Module 7 Enforcing Rights: Constitutional Remedies (Article 32)	<ul style="list-style-type: none"> a. Nature and need for distinctive Constitutional remedies (Article 32) b. Types of remedies – Habeas Corpus, Mandamus, Prohibition, Quo Warranto, And Certiorari – nature and procedure of these writs: c. Right to move to the Supreme Court, Prerogative Remedies, Rule Locus Standi, Public Interest Litigation d. Suspension of Fundamental Rights, Effect of Emergency on fundamental rights.
Module 8 Guiding Principles Duties of the State and Citizens (Article 36-51(A))	<ul style="list-style-type: none"> a. Directive Principles - directions for social change - a new social order (Articles 36-51) b. Fundamental Rights and Directive Principles – interrelationship c. Constitutional amendments to strengthen Directive Principles - Reading Directive Principles into Fundamental Rights d. Fundamental Duties - Need, enforcement and status of Fundamental Duties (Article 51(A))

READINGS:

Statues and Amendments:

- Bare Act - The Constitution of India, 1950
- Right to Information Act 2005
- The Citizenship Act, 1955 and The Citizenship (Amendment) Act 2019
- Child Labour (Prohibition & Regulation) Amendment Act, 2016
- The Jammu and Kashmir Reorganisation Act, 2019
- Important Amendments- 1st, 17th, 24th, 39th, 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
- Sukhdev v. Bhagatram SC AIR 1975
- X v. High Court of M.P., 2022 SCC OnLine SC 171, 10-02-2022
- R.D. Shetty v. The International Airport Authority of India AIR 1979 SC 1628
- Ajay Hasia v. Khalid Mujib AIR 1981 SC 487
- Satender Kumar Antil v. CBI, (2022) 10 SCC 51
- Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002) 5 SCC111bnj]
- G. Basi Reddy v. International Crops Research Institute, JT 2003 (2) SC 180
- 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
- Bhikaji Narain Dhakras v. State of M. P., AIR 1955 SC 781
- Basheshwar 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
- Punjab State Coop. Agricultural Development Bank Ltd. v. Coop. Societies, (2022) 4 SCC 363 : (2022) 1 SCC (L&S) 687
- 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
- Mahesh Kumar Chaudhary v. State of Jharkhand, 2022 Cri LJ 4145
- RohtasBhankar 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
- Union of India v. Alapan Bandyopadhyay, (2022) 3 SCC 133...
- 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 (I)
- Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
- Jarnail Singh v. Lachhmi Narain Gupta, (2022) 10 SCC 595, 28-01-2022
- 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
- Indibilty 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.

BOOKS

Books (available in HNLU Library)

Essential Books :

- Shukla V.N. , Constitution of India, Eastern Book Company, Lucknow, 14th ed., 2022
- Tope T.K., Constitutional Law of India, Eastern Book Company, Lucknow, 3rd Ed. 2010
- Jain, M.P, Indian Constitutional Law, Wadhwa & Co., Nagpur, 8th Ed. 2022
- 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)
- 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
- Shiva Rao B., The Framing of India's Constitution, Law and Justice Publishing Co., 2021
- Seervai H.M., Constitutional Law of India, Law & Justice Publishing Co., 4th Ed. 2021
- 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](https://www.jstor.org/stable/43953754#metadata%5Binfo%5Dtab%5Bcontents%5D)
- A.T. Markose, The First Decade of the Indian Constitution, [https://www.jstor.org/stable/43953754#metadata info tab contents](https://www.jstor.org/stable/43953754#metadata%5Binfo%5Dtab%5Bcontents%5D)
- Udai Raj Rai, Reach of Fundamental Rights, <https://www.jstor.org/stable/43952346>
- 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>
- S. P. Sathe, Judicial Review In India: Limits And Policy, [https://www.jstor.org/stable/1410775#metadata info tab contents](https://www.jstor.org/stable/1410775#metadata%5Binfo%5Dtab%5Bcontents%5D)
- Partha S Ghosh, The Citizenship Discourse in India, <https://www.jstor.org/stable/41151966>
- A. N. Sinha, Law of Citizenship and Aliens in India, <https://www.jstor.org/stable/45068510>

- Shreyas Piplani, Judicial Review- A Brief Analysis, <https://www.legalpedia.co.in/article/JUDICIAL%20REVIEW%20%20Shreyas%20Piplani.pdf>
- Tarunabh Khaitan, Equality legislative review under Article 14, <https://findanexpert.unimelb.edu.au/scholarlywork/1325300-equality--legislative-review-under-article-14>
- C. Basavaraju, Reservation Under The Constitution Of India: Issues And Perspectives, <https://www.jstor.org/stable/43953443>
- M. Afzal Wani, Freedom of Conscience: Constitutional Foundations And Limits, https://www.jstor.org/stable/43953816#metadata_info_tab_contents
- P.P. Rao, Fundamental Right To Education, <https://www.jstor.org/stable/43952178>
- 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>
- V. M. Tarkunde, Secularism and the Indian Constitution, <http://www.jstor.com/stable/23003717>
- 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>
- 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 Reddy, Fundamentalness of Fundamental Rights And Directive Principles In The Indian Constitution, <https://www.jstor.org/stable/43950702>



LAW, POVERTY&DEVELOPMENT

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

SYLLABUS (SESSION: JULY-DECEMBER 2024)

Faculty Name	Dr.Eritriya Roy	Year/ Semester	2/III
Course Name	BA.LLB(Hons.)	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 lectures =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>C01- 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>C02- To analyze the role of legal resources in combating poverty and issues of development through the prism of human rights framework.</p> <p>C03- 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:

L01- The students would be able to summaries and demonstrate the idea of equitable development which can be brought by various legislations.

L02 – The course increases the ability to appraise various provisions of law protecting poor, women, disabled and other vulnerable sections of the society.

L03-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.

L04- The students would be able to discuss various fundamental concepts underlying government policies and schemes to bring equitable social justice.

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 Law and Economics: General Concepts	<ol style="list-style-type: none">1. Meaning and definition2. Functions of Law3. Relationship between Law and Economics4. Concept of Economic Efficiency
Module 2 Poverty and	<ol style="list-style-type: none">1. Legal perspective on poverty2. Different Definitions and Concepts of Poverty3. Scope, Causes and Measurement4. National and International Poverty line

Poverty in India	<ol style="list-style-type: none"> 5. Human Poverty 6. SDGs and poverty 7. Principles and role of International institutions and Government in reduction of poverty- Poverty reduction initiatives of ILO
Module 3 Economic Development and Economic Development in India	<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
Module 4 Human Rights and Laws relating to Vulnerable Groups in India	<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 –Problem of Women labour in organized and unorganized sector, Rural Agricultural labour, Child Labour, Labours in informal sector of Indian economy 5. Legal framework for protection of vulnerable groups in India
Module 5 Poverty and access to securing justice	<ol style="list-style-type: none"> 1. Right to free legal aid 2. Legal Aid Movement in India, 3. NALSA 4. Existing System of Legal Aid in India 5. Lok Adalat
Module 6 Developmental schemes to eradicate poverty and accessing human rights	<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- social insurance

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, Vol 9 (No 4), 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. Phillipe 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://alvaroaltamirano.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.sconline.com/blog/post/tag/right-to-education/>



FAMILY LAW - II
SEMESTER III | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2024)

Faculty Name	Dr. Priyanka Dhar	Year/ Semester	2/III
Course Name	Family Law II	No. of Credits	4
Course Code	NA	Session Duration	1 hour
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 to 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>COURSE OBJECTIVE:</p> <p>Following are some of the objectives of the course:</p> <p>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.

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	2-9

	Cr.P.C	
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	<ol style="list-style-type: none"> 1. Hindu Adoption and Maintenance Act, 1956 2. Requisites of a Valid Adoption 3. Right to Maintenance 4. Persons obliged to maintain
Module II Joint Family and Coparcenary	<p>A. Hindu Coparcenary</p> <ol style="list-style-type: none"> 1. Formation of Coparcenary – Under Mitakshara and Dayabhaga 2. Coparcenary and joint Family – Distinction 3. Characteristic Features of Coparcenary 4. Rights of coparceners 5. Coparcener within Coparcenary <p>B. Classification of property</p> <ol style="list-style-type: none"> 1. Joint family property or Coparcenary properties 2. Separate or self acquired property 3. Obstructed and unobstructed property <p>C. Alienation of Coparcenary property</p> <ol style="list-style-type: none"> 1. Who may alienate Coparcenary Property 2. Alienation by Father 3. Alienation by sole surviving coparcener 4. Alienation by Manager of Coparcenary Property

	<ul style="list-style-type: none"> a) Legal necessity b) Partial necessity c) Benefit of estate d) Indispensable duties <p>5. Burden of proof of necessity</p> <p>6. Coparcener's power of Alienations</p> <ul style="list-style-type: none"> a) In voluntary Alienations b) Voluntary Alienations <p>7. Coparcener's Right to challenge Alienations</p> <p>8. Alienee's Right and Remedies</p>
<p>Module III- Partition and Reunion</p>	<p>A. Meaning of partition: Under Mitakshara and Dayabhaga</p> <p>B. What property is Divisible on partition</p> <ul style="list-style-type: none"> 1. Subject of partition 2. Property available for partition 3. Property not capable of division <p>C. Persons entitled to claim partition</p> <p>D. Person entitled to a share on partition</p> <p>E. Partition how effected or kinds of partition</p> <ul style="list-style-type: none"> a. What is partial partition b. Partial Partition as to property c. Partial partition as to persons d. Effect of partial partition e. Allotment of shares on partition <p>F. Re-opening of partition</p> <p>G. Re-Union</p> <ul style="list-style-type: none"> a. Who may reunite b. Effect of reunion

Module IV- Succession amongst Hindus	1. Intestate succession A. Devolution of Mitakshara Coparcenary Property B. Succession to a Hindu Male C. Succession to property of a Hindu Female D. General rules of Succession
MUSLIM LAW	
Module V – Maintenance (Nafaqa)	1. Maintenance 2. Persons entitled to maintenance 3. Persons obliged to maintain 4. Maintenance of divorced women 5. The Muslim Women (Protection of Rights on Divorce) Act, 1986
Module VI– Hiba (Gifts)	1. Definition of Hiba 2. Capacity to make Hiba 3. Essentials of Hiba 4. Subject matter of Hiba 5. Revocation of Gifts
Module – VII -Wills	1. Capacity to make a will 2. Formalities for making a will 3. Subject matter of will 4. Limitations on the power of legator to make will 5. Doctrine of Marz – ul – maut 6. Revocation of the wills
Module VIII- Sunni & Shia law of Inheritance	General Principles 1. Competence to inherit 2. Classes of heirs 3. 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

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 MOHAMMEDAN LAW (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 Matala", 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.

CASE LAWS

- A. Raghavamma v. A. Chenchamma, AIR 1964 SC 136
- Abdul Hafiz Beg v. Sahebji, 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 All 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 All 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
- Puttrangamma 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, AIR 1981 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 Sessa 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.

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