

**LL.B.-SEMESTER – II**  
**Effective From Academic Year 2016-17.**

PER WEEK	LECTURES	OTHERS	Internal	External	TOTAL	CREDITS
CORE COURSE 201 Constitutional Law - I	3	1	30	70	100	4
CORE COURSE 102 Constitutional Law – II	3	1	30	70	100	4
CORE COURSE 103 Company Law	3	1	30	70	100	4
CORE COURSE 104 Environment Law	3	1	30	70	100	4
CORE COURSE 105 Law relating to Women and Children	3	1	30	70	100	4
Foundation Course 106 Constitutional and Legal History	1	1	--	--	100	2
Soft Skill 107 Use of Internet in Legal Education	1	1	--	--	100	2
<b>TOTAL CREDITS</b>						<b>24</b>

**LL.B. Semester-II****CORE COURSE 201 :CONSTITUTIONAL LAW – I****OBJECTIVES:**

India is a democracy and her Constitution embodies the main principles of the democratic Government - how it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

The purpose of teaching constitutional law is to highlight its never- ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are, and are to be, interpreted progressively.

**SYLLABUS:****1. Preamble :**

1.1 Preamble: Purposes, Objectives, Importance.

1.2 Preamble: Whether a part of the Constitution, Application of Basic Structure Theory to the Preamble.

1.3 Amendment made in the Preamble: Effects thereof.

1.4 Use of Preamble in Interpretation of constitution Provisions.

1.5 Salient Features of the Constitution of India.

## **2. Fundamental Rights –I**

2.1 Under Article 12 and Judicial Approach. Meaning of Law under Article 13.

2.2 Right to Equality and Protective Discrimination, Equality of Opportunity in the matter of Public Employment.

2.3 Freedoms Guaranteed to Citizens of India under Article 19 and reasonable Restrictions.

2.4 Right against Exploitation, Abolition of untouchability and titles.

2.5 Right of Self- Incrimination and Principle of Double Jeopardy.

2.6 Constitutional Remedy for the Enforcement of Fundamental Right ( writ remedies under article 32, distinction from writ under article 226)

## **3. Fundamental Rights –II**

3.1 Right to Life and Personal Liberty, due Process of Law ( Article 21)

3.2 Safeguards against Arbitrary Arrest and Detention.

3.3 Right to Freedom of Religion and Secularism.

3.4 Prohibition of Traffic in Human beings and Forced Labour.

3.5 Prohibition of Employment of Children in Factories Act.

3.6 Right to Education ( Article 21 and Article 21 A and its developments)

3.7 Cultural and Educational Right : Articles 29 and 30.

## **4. Directive Principles and Fundamental Duties of the State :**

4.1 Directive Principle: Nature, Ideals, Distinction from Fundamental Right and Inter-relationship with Fundamental Rights.

4.2 Non – Enforceability of Directive Principles before the Court.

4.3 Classification of Directive Principles, Uniform Civil Code .

4.4 Reading Directive Principles into Fundamental Rights.

4.5 Fundamental Duties.

## **SUGGESTED READING:**

Constitution Law of India : D.D. BASU

Introduction to the Constitution of India D.D

Basu Shorter Constitution Law of India : Durga Das

Basu Constitution Law of India : V.N.SUKHLA

Constitution of India: J.N. PANDEY

Constitution Law of India : M.P.JAIN

Constitution Law of India (Vol. 1-3) : H.M.SEERVAI

Constitution Law of India : P.M.BAXI

Introduction to the Constitution Law of India : NARENDRA KUMAR

**LL.B. SEMESTER –II****CORE COURSE 202****CONSTITUTION LAW –II****1. Executive , Legislature and Judiciary :**

- 1.1 Union Executive : President, Prime Minister , their qualifications , power and duties , position of the President vis-a-vis Prime Minister
- 1.2 State Executive : Governor ,chief Minister ,power , Council of Ministers
- 1.3 Union Legislature : Composition of parliament , Lok Sabha , Rajyasabha , Qualifications and Disqualifications of the Member of parliament , Schedule X, Speaker and Dy. Speaker of both Houses and their powers, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature : Composition of House , Qualifications and Disqualifications of MLAs, Legislative Procedure of State Legislature
- 1.5 Union Judiciary : Supreme Court Judges & Chief Justice :Procedure for appointment and removal , qualifications, power and Jurisdiction of SC: Original, Appellate , Advising, Article 141,142.
- 1.6 State Judiciary: Appointment , Transfer and Removal Procedure of HC Judges and Chief Justice of HC , Powers and Jurisdiction of HC, Writs, Article 226 and 227 Distinction Between them.

**2. Amendment of the Constitution :**

- 2.1 Procedure to amend the Constitution under Article 368
- 2.2 Limited power of the Parliament to amend the provision of the Constitution
- 2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments
- 2.4 Doctrine of Basic Structure.

**3. Emergency provisions**

- 3.1 National Emergency : Grounds, Effects of proclamation of Emergency

- :Suspension of Fundamental Right during Emergency, Revocation of Emergency
- 3.2 Emergency due to failure of Constitutional Machinery in states : Grounds
- 3.3 Report of Sarkaria Commission, Guidelines of S.R. Bommai 's case
- 3.4 Financial Emergency.

#### 4. Miscellaneous

- 4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil servants, Attorney General, Advocate General, Chief Election Commission and Commission, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relation between Union and the State : Legislative and Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

#### **SUGGESTED READING:**

- Constitution Law of India : D.D. BASU
- Introduction to the Constitution of India D.D
- Basu Shorter Constitution Law of India :Durga Das
- Basu Constitution Law of India : V.N.SUKHLA
- Constitution of India: J.N. PANDEY
- Constitution Law of India : M.P.JAIN
- Constitution Law of India (Vol. 1-3) : H.M.SEERVAI
- Constitution Law of India : P.M.BAXI
- Introduction to the Constitution Law of India : NARENDRA KUMAR

**LL.B. SEMESTER –II****CORE COURSE:203****COMPANYLAW****OBJECTIVES:**

Industrialization plays a very vital role in the economic development of India. In the post-Independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, best varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

**SYLLABUS:****1. Introduction, Memorandum & Article of Association:**

- 1.1 Company : Definition, Theories of Corporate personality
- 1.2 Kinds of Companies : Private Companies – nature and advantages – Government Companies – holding and subsidiary companies
- 1.3 Registration and Incorporation of company
- 1.4 Memorandum of association , Various clauses, Alteration therein, Doctrine of ultra-virus, Consequences of ultra-virus transaction
- 1.5 Article of Association : binding force , alteration with Memorandum, doctrine of constructive notice and indoor management

**2. Prospectus, Promoters, Shareholder & Members, Share Capital etc.**

- 2.1 Prospectus: contents, Shelf Prospectus, Misrepresentation in prospectus,

Remedies for misrepresentation and liabilities thereof

2.2 Promoters, Shares, General Principles for allotment, statutory restrictions, shares Certificates , Transfer of shares , dematerialized shares ( DEMAT )

2.3 Shareholder and members of company : Distinction, Modes of becoming members of company

2.4 Share Capital : Kinds, alteration and reduction of share capital, Buy back of shares

### **3. Directors, Dividends, Audit, Accounts, Oppression & Mismanagement etc.**

3.1 Directors: Position appointment, qualifications, vacation of office, removal, resignation. Powers and duties of directors, Managing Director

3.2 Dividends, Audits and accounts, Debentures, Fixed and floating charges, kinds of debentures, protection of minority rights

3.3 Prevention of Oppression and Mismanagement

### **4. Provisions for Reconstruction, Amalgamation & Winding up of company.**

4.1 Reconstruction and Amalgamation of Company

4.2 Types of winding up : winding up by court ; Reasons, grounds, who can apply? Procedure, powers of liquidator, powers of court

4.3 Voluntary Winding Up

4.4 Corporate liability : Civil and Criminal

#### **SUGGESTED READING:**

Introduction to Company Law :Avtar Singh

Company Law :Avtar Singh

Principles of Modern Company Law : L.C.B. Gower

Company Law : Palmer, Palmer's

Guide to the Company Act : Pennington, Company LawA, Ramaiya

Lectures on Company Law :S.M.Shah

Company Law : Kailas Rai

Company Law :N.D.Kapoor&G.K.Kappor



**LL.B. SEMESTER –II****CORE COURSE 204****ENVIRONMENTAL LAW**

(Including laws for Protection wild life and other living creatures including animal welfare)

**OBJECTIVES:**

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter-generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an inter-disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

**Syllabus :****1 Environment & Environmental Pollution.**

- 1.1 Environment : Meaning
- 1.2 Eco System, Balance of Ecology
- 1.3 Environment Pollution : Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution : Air, Water and Noise Pollution

**2 Environment Protection : International Scenario & Constitutional Remedies:**

- 2.1 International Scenario : Stockholm Conference, 'Rio-de' jenario Conference, Sustainable Development

- 2.2 Constitutional perspectives for protection of Environment : Artical 21, 48-A,51-A(g), 32 and 226 42<sup>nd</sup> Constitutional Amendment
- 2.3 Constitution of Judiciary in Environment Protection though PILs, relevant decisions of the superme court
- 2.4 Doctrine of Pubic Trust, Principle of Polluter Pays.

### **3 Legislation for the Protection of Environment :**

- 3.1 Offinces, Remedies and Procedure for prevention of Water Pollution under the Water (prevention and Control of Pollution) Act,1974
- 3.2 Offinces, Remedies and Procedure for prevention of Air Pollution under the Air (prevention and Control of Pollution) Act,1981
- 3.3 Noise Pollution : Causes, effects and control measures
- 3.4 Environment (Protection) Act,1986 : Need to enact this legislation, Powers of the Central Government, Provisions for Prevention Control and Abatgement of Environment Pollution : Offences & Punishment
- 3.5 Special provisions relating to Hazardous Process : Chapter IV-A of the Factories Act,1948
- 3.6 Criminal Procedure Code : Public Naisance – sec.133-143

### **4 Miscellaneous :**

- 4.1 Public Liability Insurance Act, 1991 : Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,
- 4.2 Wild life (Protection) Act, 1972 : Authorities : Hunting of Wild Animals, protected Areas,Offences
- 4.3 Forest Act, 1927 ; Reserved Forests, Centuries,powers of Forest officer
- 4.4 National Environmental Tribunals Act : Functions,Jurisdiction
- 4.5 Prevention of Cruelty to the Animals Act : Objects & main features

**SUGGESTED READING:**

The Water (prevention and Control of Pollution) Act,1974

The Air (prevention and Control of Pollution) Act,1981

The Environment (Protection) Act,1986

The National Environmental Tribunals Act,1995

Public Liability Insurance Act, 1991

The Factories Act -1948

Environmental Law and Policy in India : Armin Resencranz

Air Pollution and Environment (Protection) Laws : Leel's Commentaries on Water

Environmental Law in India : Jain and Jain

Environmental Law by Prof.S.C.Shastrri, Eastern Book Co.

Environmental Law : Sumeet Malik

Environmental Law and Policy in India Armin Rosencranz et. Al ( eds., )

Environmental Law and Policy in India : R.B.Singh & Suresh Misra

Environmental Protection Law and Policy in India : Kailash Thakur

Trees Have standing and other Essays on Law, Morals and the Environment : Christopher D .  
Stone

Law and Environment : Leelakrishanan, P . Et. Al,(eds.)

The Environment Law in India : Leelakrishanan, P

Department of science and Technology, Government of India ,Report of the  
Committee for recommending legislative Measures and Administrative Machinery

For Ensuring Environmental Protection, (Tiwari Committee Report)

India Journal of Public Administration, Specvil Number on Environment and Administration,  
July –September, 1988 Vol.,XXXV No.3 PP 353-801 .

Centre for Science and Environment . The state of India 's Environment 1982, the state of India,  
Environment 1984-85 and the State of India Environment 1999-2000 .

**LL.B. SEMESTER II****CORE COURSE: 205****LAW RELATING TO WOMEN AND CHILD****Objectives of the Course:**

The need to Study gender and justice and juvenile as special subjects are to be emphasized as the constitutional guarantees have not achieved the desired result. The fundamental right did not preclude having special provisions.

The planners and the policy makers therefore treated women only as beneficiaries of welfare measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them into the mainstream. This trickledown theory of development is still to be materialized in spite of the positive action of women's representation in local bodies. Women are discriminated in almost all sectors.

Children constitute the weakest and most vulnerable, most helpless as well as the most precious segment of the human society. by law they are denied participation in decision making even indirectly and by nature they lack effective articulation and indication of their right . Children are recognized as legal person for many purposes if not for all legal right are confirmed by the legal system. The course should draw attention to the helpless condition of children and their exploitation and the suffering of children in poverty. The legal limitation on their capacity and legal rights and protection provides in the constitution and in varieties of laws are to be studied critically with the understanding that either the parents or the society or state shall be held legally responsible for the survival, development of personality and happiness of the children.

**Syllabus:**

1. Women in India
  - 1.1 pre independence period
  - 1.2 social and legal inequality
  - 1.3 Social reform movement in India

- 1.4 Karachi congress – fundamental rights resolution, equality of sexes.
2. Women in post-independence in India
  - 2.1 Preamble of the constitution: equality provision in fundamental rights and directive principle of the state policy.
  - 2.2 Personal laws : unequal position of women
  - 2.3 Uniform civil co towards gender justice.
3. Women and employment
  - 3.1 Labour force
  - 3.2 Protective laws
  - 3.3 Exploitation and harassment in work place.
4. Laws relating to children :
  - 4.1 Define Child and Illegitimate Child
  - 4.2 Custody of Children :
    - (a) Hindu laws
    - (b) Muslim laws
    - (c) Persian laws
    - (d) Christi laws
  - 4.3 Minority and Guardianship of Children :
    - (a) Hindu Laws
    - (b) Muslim Laws
  - 4.4 Adoption
  - 4.5 Maintenance :
    - (c) Hindu Laws
    - (d) Muslim Laws
  - 4.6 Legal position and Responsibility of child in Various Laws :
    - (a) Law of Contract
    - (b) Law of Tort
    - (c) Law of Human Rights
    - (d) Law of Indian Constitution

(e) Law of Indian Penal Code

**SUGGESTED READING:**

Constitution of India.

Law of Torts.

Indian Contract Act.

Indian Penal Code.

Protection of Human Rights Act – 1993.

Women and Law : A.N. KARIA.

Law Relating to Human Rights, Asia Law House.

Children and Human Rights, Rajat Publication.

Child Labour in India. Kalpaz Publication.

Child Labour in India. Kunal Book Publication.

**LL.B. SEMESTER –II****FOUNDATION 206 F      CONSTITUTIONAL HISTORY OF INDIA****1. Constitutional History of India.**

- 1.1 Fourth Law Commission's Recommendations regarding Independence.
- 1.2 Simon Commission Report
- 1.3 Motilal Nehru Report on Simon Commission
- 1.4 Muslim League Demand and Poona Pact, 1932 ( Communal award )
- 1.5 Government of India act,1935
  - 1.5.1 Federal Government
  - 1.5.2 Federal Court
  - 1.5.3 Provincial Autonomy
  - 1.5.4 Provincial Government
  - 1.5.5 All India Federation
  - 1.5.6 Diarchy at the Center
  - 1.5.7 Federal Legislature
    - Provincial Legislature
  - 1.5.8 Distribution of power between center and Provinces
  - 1.5.9 Special Provisions for Minority
  - 1.5.10 Abolition of Indian Council

**2. Important Constitutional Development before framing of Constitution of India :**

- 2.1 Round Table Conferences
- 2.2 The Cripps Mission,1942
- 2.3 Cabinet Mission
- 2.4 C.Rajagopalachari's Formula,1944
- 2.5 Wavell Plan and Simla Conference,1945
- 2.6 Attlee's Statement (1947)
- 2.7 Mountbatten Plan,1947

### **3. Committees to draft the Constitution of India.**

- 3.1 Framing of the Constitution of India
- 3.2 Constituent Assembly, Chairman, members and their contribution
- 3.3 Drafting Committee, Chairman, members and their contribution
- 3.4 Final Draft and adoption of Constitution of India
- 3.5 India Independence Act, 1947 : Main Features

#### **SUGGESTED READING:**

Introduction to the Constitution of India :D.D.Basu  
Landmark in India Constitutional & National Development :G.N.Singh  
Landmark in India Legal & Constitutional History :V.D.Kulshreshtha's  
Constitutional Law of India :J.N.Pandey  
Constitutional History in India : Keith  
India Constitutional Law :M.P.Jain  
Constitutional History of India :M.V.Pylee  
Framing of the Constitutional of India (Vols.1-4) ShivaRao  
Constitution of India :V.N.Shukla



**LL.B. SEMESTER –II****CORE COURSE 207 K USE OF INTERNET IN LEGAL EDUCATION****OBJECTIVES:**

In the era of computer technology, Internet and Web World, it becomes very essential for a law student to equip himself for the maximum use of ICT technology to upgrade his legal knowledge. The use of ICT, not only gives speedy information but it is useful to computer the legal position, legislative approach and view of judiciary prevailing in India as well as in different countries. For the above purpose, basic theoretical knowledge about the utilization of internet, search and different web sites etc. For legal knowledge is must. This course will be taught in the form of theoretical information in order to give the proper guidance to the law students for effective and maximum use of the ICT.

**Syllabus :****1. Theoretical Knowledge about Internet use in Legal Education :**

- 1.1 Law Related Websites : Basic knowledge, Kinds and importance
- 1.2 Selection of Law Related Websites :
  - 1.2.1 For finding out International Conventions & Treaties
  - 1.2.2 For knowing legal situation in othe countries
  - 1.2.3 For finding out India Legislations
  - 1.2.4 For searching Judgments of various courts & comments there upon
- 1.3 For sending Articles/abstract of the paper to be presented at the seminar and to know the status of acceptance
- 1.4 Use of Internet for gathering speedy legal information by the law Students/reseachers.

**2. Application of ICT IN Legal Field :**

- 2.1 Search Engines & websites : Use for legal education purpose
- 2.2 Use of Law related Internet Sites : Knowledge about pgf & ppt files
- 2.3 Use of Internet for searching Head-notes, Cases & Legal Article

2.4 Updating the legal news, current status of the pending Bills in the House through Internet.

**3. Use of ICT : Finding the status of cases & Legal Profession Office Management :**

3.1 Knowledge of status of pending before High Courts and supreme Court through Internet

3.2 Legal Profession Office Management through Internet :

3.2.1 For knowing the case list of the next day

3.2.2 To know about the business allotted to the judges etc.

3.2.3 To view the judgments of the unreported judgments from the website of the High Court

3.3 Speedy verification and perusal of the drafted memo/case and related instruction through Internet

3.4 Obtaining the latest status of the case law decided by the Apex Court ( before its publication in the Journals )

**SUGGESTED READING:**

Working with Personal Computer Software : Prof.R.P.Soni, Harshal Arolkar & Dr.Sonal Jain

Law Relating to Computer and Internet : Nandan Kamath

Internet : Law and Legal Profession : M. Gahten

Internet and online law : Kant D. Stuckey

Computer Jurisprudence and legal Responses to the Information Revolution : Michael D. Restroker

Use of computer, Internet for Law students & Legal Profession : Rega Rao

Legal Education in 21<sup>st</sup> Century : Baxi Upendra