

SEMESTER: IX

**SYLLABUS FOR B.A.L.L.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-25)
SEMESTER: IX**

Name of Subject	Labour and Industrial Laws
Paper No	P-I
Type of Subject	Compulsory
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Course Outcomes	<p>20. Developing a profound knowledge of Labour and Industrial Laws, including key statutes, regulations, and legal principles governing the employer-employee relationship.</p> <p>21. Employing case law to improve knowledge and understanding of labour and industrial law by methodically evaluating and analysing cases and court rulings related to various areas of the law.</p> <p>22. Evaluating and critiquing existing labour policies, explore their socio-economic implications, and advocate for reforms that align with contemporary needs and concerns.</p> <p>23. Gaining practical insights into ensuring statutory compliance in the workplace, covering aspects such as wages, working hours, safety standards, and other regulatory requirements.</p> <p>24. Reviewing and analysing current labour laws, examining their socioeconomic aspects and promoting changes that respond to the demands and concerns of the modern world.</p> <p>25. Recognizing the impact of international labour standards on local laws, broadening the understanding of labour relations on a global scale.</p>

SYLLABUS

Important Note for Examiner:

Question paper of External Examination shall be divided into 5 Units

- Unit 1 to 4 of the question paper shall be based upon Section-A to D of the syllabus in the respective order of the Sections.
- The first four Units of the question paper shall have 2 questions of 15 marks each. The candidates shall be required to attempt any 1 question from each Section.
- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each.

MAXIMUM MARKS: 80

TIME ALLOWED: 3 HRS

SECTION-A

- Exploitation of Labour and its different patterns.
- Code on Social Security 2020- Working conditions in Unorganized sector with special reference to the Constitution of India.
- The Unorganized Worker's Social Security Act, 2008.
- Maternity Benefit Act 1961.

Important Cases:

- *National campaign committee central legislation on construction labourers v. union of India, W.P (c) of 2006.*
- *Bandhua Mukti Morcha v. Union of India. (1984) 3 SCC 161*

SECTION-B

- Industrial Relations Code 2020
- Terms of employment with special reference to Industrial Employment (Standing Order) Act, 1946.
- Code On Wages 2019-
- Wages under the Payment of Wages Act, 1936
 - The Minimum Wages Act, 1948.
 - Equal Remuneration Act 1976.

Important Cases:

- *People's Union For Democratic v. Union Of India & Others (1982) AIR1473, 1983 SCR (1) 456*
- *Steel Authority of India Ltd. &Anr. v. Jaggu&Ors. ETC.CIVIL APPEAL NO(s). 8094 OF 2011*

SECTION-C

- The Industrial Relations Code 2020
- The Industrial employment (standing orders) Act 1946.
- The Industrial Dispute Act, 1947-
- The concept of Industry, Industrial Dispute, Workman.
Strike and
Lockout, Layoff,
Retrenchment

Important Cases:

- *Workmen of M/S Firestone Tyre and Rubber Co. of India v. Management AIR, 1973 Sc 1227*
- *Bangalore Water Supply v. A. Rajappa & Other, 1978 AIR 548, 1978 SCR (3) 207*

SECTION-D

- Authorities under the ID Code:
- Works Committee, Conciliation Officers, Board of Conciliations, Labour Court
- Industrial Tribunal, National Industrial Tribunal, Voluntary Arbitration
- Meaning of Award, its commencement, binding nature, enforceability and judicial review of Award.

Statutory Materials:

The Constitution of India, 1950

The Industrial Dispute Act, 1947

The Payment of Wages Act, 1936

The Minimum Wages Act, 1948

The Employees Compensation Act, 1923

The Unorganized Worker's Social Security Act, 2008

The Industrial Employment (Standing Orders) Act, 1946

Suggested Readings:

- D.D. Seth, *Commentaries on Industrial Dispute Act, 1947*, (Jain Book Agency, 6th edi, 2016)
- J. K. Soonavala, *Supreme Court on Industrial Law*, (Lexis Nexis, 4th edi, 2017)
- K.D. Shrivastva, *Commentaries on the Payment of Wages Act, 1936*, (published by Eastern Book Company)
- K.D. Shrivastva, *Commentaries on the Minimum Wages Act, 1948*, (published by Eastern Book Company)
- Meenu Paul, *Labour and Industrial Law*, (Allahabad Law Agency, New Delhi, 9th edi., 2014)
- O.P. Malhotra, *Law of Industrial Disputes*, (Lexis Nexis, 7th edi, 2015)
- P.L. Malik, *Industrial Law*, (25th edi, 2017)

- P.R. Bagri, *Law of Industrial Disputes*, (Bharat Law House ,edi.2 , 1983)
- S.C. Srivastva, *Social Security and Labour Laws, 1985: Eastern Harry Calvert, Social Security Laws, 1978*
- S.B. Rao, *Law and Practice on Minimum Wages*, (Law Publishing House, 5th edi.)
- V.K. Kharbanda & M.P. Shrivastav, *Industrial Employment (Standing Orders) Act, 1946*

Course Co-Ordinator: Dr. Virender Negi

Prepared: Dr. Monika Negi. Chaudhary Manika Ali

**SYLLABUS FOR B.A.LL.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-25)
SEMESTER: IX**

Name of Subject	Moots and Practical Training (Commun with Motts)
Paper No	P-II
Type of Subject	Compulsory
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Course Outcomes	<ol style="list-style-type: none"> 1. Provides practical training to the students about how to conduct legal research, prepare the case and present the oral submissions and arguments in the court. 2. Guides and teaches the students on how to prepare written submissions in the form of memorials and how to present oral arguments in a moot court setting. 3. Teaches the students on how to analyse and understand the written submissions and arguments presented by the opposite party, so as to be able to put forth appropriate reply. 4. Teaches the students court room demeanour and etiquettes and prepares them for entering the legal profession. 5. Encourages peer group learning and consultation amongst the students.

SYLLABUS

Important Note for Examiner:

Question paper of External Examination shall be divided into 5 Units

- Unit 1 to 4 of the question paper shall be based upon Section-A to D of the syllabus in the respective order of the Sections.
- The first four Units of the question paper shall have 2 questions of 15 marks each. The candidates shall be required to attempt any 1 question from each Section.
- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each.

(I) Moot (2 Compulsory Moots)

This section of the paper aims to provide practical training to the students about how to conduct legal research, prepare the case and present the oral submissions and arguments in the court. Each student will be examined on two moot propositions, one civil and the other criminal. The moot propositions will deal with civil suits, consumer, service, tax, international and criminal law. The students are provided moot propositions by the moot coordinator and the teacher in charge. The student will prepare written submissions in the form of memorials and present oral arguments in a moot court setting. Each moot is of fifteen marks (ten marks for the oral pleadings/arguments and five marks for the memorial). Encouraging peer group learning and consultation the students may be asked to work in teams and sit in the library to prepare the moot at the teacher's discretion, but each student will prepare his own memorial and present his case from only one side in presence of other students of his moot group/class.

- | | |
|--------------------|---------------------------|
| (a) Memorial | 05 Marks |
| (b) Oral Pleadings | 10 Marks (Total 30 marks) |

(II) Trial Observation

- | | |
|--------------|----------|
| (a) Civil | 10 Marks |
| (b) Criminal | 10 Marks |

(05 marks for attendance by Advocates, 05 marks for attendance by respective faculty and 10 marks given by the Advocates for assessment of performance in the Courts)

(III) Participation in Legal Aid Clinic 30 Marks(2 activities)

Article 39A of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability. Articles 14 and 22(1) also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. The Bar Council has

mandated all legal institutes to incorporate clinical legal education as part of the curriculum. Legal Aid forms an important component of the clinical legal education. In order to further the objective of spreading legal awareness among people at large and also to ensure that the students develop an approach to give back to the society, we organize various legal literacy camps, seminars, mediations, legal counseling sessions, online legal aid through online portal developed by the institute, public speaking, poster making, street plays etc. For the students of ninth semester, two legal aid activities are mandatory in which they participate in legal awareness campaign through street plays on various socio-legal issues and also conduct surveys on legal issues in the tricity. The students are conditioned to provide legal help to the weaker sections of the society through various initiatives taken by the Legal Aid Clinic of the department.

(IV) Internship & Court Visits

10 Marks

The BA/BCOM LLB courses are professional courses in law carried under the aegis of Bar Council of India to equip the students with first hand practical information and strategy. The department in the 9th semester specifically includes moot court examination (both civil, criminal and constitutional matters) and compulsory court visits (both the district and the high court level). The students are required to make court visits so to avail an experience of the functioning of the courts and the moot examinations have been carefully designed by the faculty members to inculcate the advocacy skills before they step into the professional world

(V) Viva Voce

10 Marks

(VI) Total

100 Marks

1. Each student will appear in two moots.
2. Each student will observe one criminal trial and one civil proceedings while Under internship with an advocate/ Law firm. The record of observance of the proceeding will be maintained in the Internship dairy which will be evaluated by the concerned teachers.
3. The participation in Legal Aid clinic will be recorded in the attendance register maintained in the Legal Aid clinic.
4. All students in the 9th semester shall go for internship in the beginning of 9th semester for one month. An internship dairy shall be maintained and same shall be submitted for evaluation.
5. The student at the end of the semester will appear before the teachers concerned with the dairies and other documents for viva voce.

Course Co-ordinator: Prof. Pushpinder Kaur

Prepared by: Dr. Shivani Gupta

**SYLLABUS FOR B.A.LL.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-2025)
SEMESTER: IX**

Name of Subject	Forensic Science
Paper No	III
Type of Subject	Compulsory
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Course Outcomes	<ol style="list-style-type: none"> 1. Considering that science and technology are used in the commission of crime, the course helps understand the application of science to make out the realities behind crime and criminal. 2. Teaches the students the relevance of the tasks and procedures conducted before the trial stage. 3. Equips the students with the knowledge of the most advanced forms of technology used for the collection, storage, transportation and preservation of various types of evidences. 4. Spreads scientific temperament among the students of law, considering that a lawyer equipped with appropriate scientific temperament can better apply the evidenced collected from the crime scene, thus also develops better co-ordinations between the investigator and the lawyer. 5. Helps all the agencies involved in dispensation of justice for the better establish of the rule of law.

SYLLABUS

IMPORTANT NOTE FOR EXAMINERS:

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- The first four Units of the question paper shall have 2 questions of 15 marks each. The candidates shall be required to attempt any 1 question from each Section.
- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each.

TIME ALLOWED: 3 HRS

MAXIMUM MARKS: 80

SECTION-A

Forensic Science: Definition, nature and scope

Crime scene investigation:

Understanding and purpose of Crime scene examination and investigation, physical evidence, its collection, packing and transportation, chain of custody, Crime scene tool, kits and equipment etc.

SECTION-B

Police and forensic scientist relationship with reference to crime investigation

Personal Identity: Definition, Race, Sex Determination, Anthropometry, Dactylography, Foot Deformities Prints, Scars, Tattoo Marks, Occupational Marks, Hand Writing, Clothes Personal Articles, Speech and Voices, Finger Printing, Gait.

SECTION-C

Death and its Medico-Legal Aspect-Definition, Mode of Death, Sudden Death, Sign of Death, Time since Death, Presumption of Death, Presumption of Survivorship

Medico-Legal aspect of Wounds: Nature of injury, Examination of Injured Persons, Cause of Death from Wounds, Difference between wounds inflicted during life and after

Difference between Suicidal, Homicidal and Accidental Wounds

SECTION-D

Recent advances in Forensic Science: Narco Analysis, Brain Mapping, DNA finger printing and their admissibility in the Court, Polygraph Test and NHRC guidelines of administration of Polygraph test.

Suggested Readings:

- *Modi's Medical Jurisprudence and Toxicology*, K. Mathiharan and Amrit K Patnaik, LexisNexis, Buttersworth, 2010
- *Textbook of Modis Medical Jurisprudence and Toxicology*, K. Kannan and K. Mathiharan, Buttersworths India, 2012
- *Medical Jurisprudence*, R.M. Jhala and K Raju, Eastern Book Company, 1997.
- *Analytical Toxicology*, S.N. Tiwari, Govt of India Publication, New Delhi, 1987.
- *Medical Jurisprudence and Toxicology (Law Practice and Procedure)*, K.S. Narayan Reddy, ALT Publications, 2006

Course Co-ordinator: Prof. (Dr.) Ajay Ranga

Prepared by: Dr. Shivani Gupta

**SYLLABUS FOR B.A.LL.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-2025)
SEMESTER: IX**

Name of Subject	International Human Rights
Paper No	P-IV
Type of Subject	Compulsory
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Course Outcomes	<ol style="list-style-type: none"> 1. Examining and recognizing the international dimensions of human rights. 2. Discussing the historical background and theoretical foundations of human rights. 3. Explaining a range of human rights spread over different generations in the form of civil, political, economic, social and cultural rights as well as solidarity rights from national and international perspective. 4. Focusing on the international legal framework for the protection of human rights as it sets up the standards for domestic governments and gives rise to binding obligations through the various multilateral treaties. 5. Appraising the students about the monitoring mechanisms under the UN Charter in the form of Universal Periodic Review, Special Procedures by UNHRC, OHCHR and other Treaty based bodies. 6. Speculating to promote the foundational human rights i.e. Right to Life, Right to Equality and Right to Human Dignity by studying the specific multilateral treaties/International Covenants covered in the course.

SYLLABUS

Important Note for Examiner:

Question paper of External Examination shall be divided into 5 Units

- Unit 1 to 4 of the question paper shall be based upon Section-A to D of the syllabus in the respective order of the Sections.
- The first four Units of the question paper shall have 2 questions of 15

marks each. The candidates shall be required to attempt any 1 question from each Section.

- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each.

MAXIMUM MARKS: 80

TIME ALLOWED: 3 HRS

SECTION-A

Meaning and Evolution of concept of Human Rights

Human Rights and UN Charter

Human Rights Council

Office and Functions of United Nations High Commissioner of Human Rights (OHCHR)

SECTION-B

International Protection of Human Rights under:

Universal Declaration of Human Rights 1948

International Covenant on Civil and Political Rights, 1966 along with its optional protocols

International Covenant on Economic, Social and Cultural Rights, 1966 along with its optional protocols

Case Laws:

Maneka Gandhi v. Union of India, (1978) 1SCC 248

Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1

SECTION-C

International Convention on Elimination of All Forms of Racial Discrimination, 1965

Convention on Elimination of All Forms of Discrimination against Women, 1979 and Optional Protocol

Convention on the Rights of the Child, 1989 and Optional Protocols

Case Study:

Stolen Generations

Case Laws:

Vishakav. State of Rajasthan, AIR 1997 SC 3011

M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699

SECTION-D

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984 and Optional Protocol

International Convention for the Protection of All Persons from Enforced Disappearance, 2006

Convention on the Rights of Persons with Disabilities, 2006 and Optional Protocol

Case Laws:

D.K. Basu v. State of West Bengal, 1997 1 SCC 416

Case Study:

Guantanamo Bay

Enforced Disappearances cases - Amnesty International

Case Studies: For latest case studies in the field of human rights, the students are advised to visit: refworld.org/publisher/OHCHR.html

Suggested Readings:

- Phillip Alston, *The United Nations and Human Rights: A Critical Appraisal*, Oxford: Clarendon Press, 1992
- Peter R. Baehr, *Human Rights: Universality in Practice*, New York: Palgrave, 1999
- Upendra, Baxi *The Future of Human Rights*, New Delhi: Oxford University Press, 2002
- Michael, Freeman, *Human Rights: An Interdisciplinary Approach*, Cambridge: Polity Press, 2003
- Winstone E. Langley, *Encyclopedia of Human Rights Issues since 1945* London: Fitzroy Dearborn Publishers, 1999
- Hersch, Lauterpacht, *An International Bill of the Rights of Man*, New York: Columbia University Press, 1945
- Johannes, Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, Philadelphia: University of Pennsylvania Press, 1999.
- H.O, Aggarwal, *Human Rights*, Central Law Publications, 2014
- S.K. Kapoor, *International Law and Human Rights*, Central Law Agency, 2014
- D.D. Basu, *Human Rights in Constitutional Law*, Lexis Nexis, 2008
- M.K. Sinha, *Implementation of Basis Human Rights*, Lexis, Nexis, 2013
- Thomas, Buergenthal, *International Human Rights in a Nutshell*, West Publisher Company, 2009

Course Coordinator: Dr. Jasneet Walia

Prepared by: Ms. Kritika Sheoran

**SYLLABUS FOR B.A. L.L.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-25)
SEMESTER: IX**

Name of Subject	Indirect Tax
Paper No	P- V (a)
Type of Subject	Compulsory[Opt any one out of V (a)/ V (b)/ V (c)]
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Course Outcomes	<ol style="list-style-type: none"> 1. Learners will develop an understanding of previous indirect tax regime, the current GST structure and its implementation in the economy. 2. Learners will get an insight about the concepts and provisions related to GST such as valuation of GST, filing of returns, refund of taxes etc. and their practical application. 3. Learners will be able to utilise the concepts and knowledge of GST which is conducive for the legal cases particularly in Corporate Law. 4. Learners will also get an insight about the various aspects related to valuation and levy of custom duties.

SYLLABUS

IMPORTANT NOTE:

Question paper of External Examination shall be divided into 5 Units

- Unit 1 to 4 of the question paper shall be based upon Section-A to D of the syllabus in the respective order of the Sections.
- The first four Units of the question paper shall have 2 questions (1 theory & 1 practical) of 15 marks each. The candidates shall be required to attempt any 1 question from each Section.
- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each
- Calculator is allowed

TIME ALLOWED: 3 HRS

MAXIMUM MARKS: 80

SECTION A

Indirect Tax in India: Meaning, Features, Difference between direct & Indirect Tax, Types of indirect taxes, Shortcoming of old Indirect Tax system

Introduction to GST: Evolution of GST, Need, Objectives, Benefits, Structure of GST, Important definitions under GST Act, GST council, GST network, GST Authority.

Registration: Meaning, optional registration, compulsory registration, procedure for new registration, amendment & cancellation of registration. Composition levy Scheme (Concept)

SECTION B

Concept of Supply: Meaning, Features, Types: Inter -state, intra- state, mixed composite, exempt supply.

Time of supply (TOS): Meaning, TOS of Goods & Services, TOS under Reverse Charge Mechanism, Invoicing provisions, provisions related with changes in GST rate.

Place of Supply (POS): Meaning, POS of goods & service, intra state & Inter State supply.

Value of Supply: Meaning, provisions related with determination of value of supply of goods & services, determination of GST liability.

SECTION C

Input Tax credit (ITC): Meaning, manner of utilization of ITC, Block credit, supply not eligible for ITC, Matching, reversal & Reclaim of ITC.

GST Assessment: Meaning, Types of Assessment-self assessment, provisional assessment, summary assessment, best judgment assessment.

Payment under GST: Manner of Payment of GST liability, concept of Electronic Cash, credit & liability ledger, refund of excess GST.

Returns: Meaning, purpose & Importance, different types of return, due date of filing return.

SECTION D

GST Audit: meaning, types-mandatory, departmental & special audit. Penalty under GST, E-way bill.

Offences and Penalties: Types of Offences: Cognizable and Non-Cognizable, Penalties for different offences

Custom Duty: Levy and Collection of Custom duty (Concept).

Suggested Readings

- GST, Ready RECKNOR (July, 2017.) ,Taxmann's Publications Pvt.Ltd.
- Dr. Harshvardhan, Goods and Services Tax, 7th Edition, Bharat Publishers, Latest edition.

- S.S. Gupta. GST Law and Practices, Taxmann Publications Pvt. Ltd. Latest Edition, Nitya Tax Associates, Basic of GST, Taxmann Publications.
- Goods and Services Tax in India-Notifications by Government of India GST Bill 2012 Integrated Goods and Services
- Deepak Jauhari & Anita Jauhari – GST simplified, Tax Wave publications. Edition: Latest.
- Aurn Kumar Gupta & Virander Chauhan – Goods & Services Tax, Commercial law publishers (India) Pvt. Ltd. Edition: Latest.
- Goods and Services Tax in India – Notifications on different dates.
- GST Bill 2012 & 2017.

Course Coordinators:

Dr. Abha Sethi

Dr. Shafali

Dr. Harvinder Singh

**SYLLABUS FOR B.A.LL.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-25)
SEMESTER: IX**

Name of Subject	Private International Law
Paper No	P-V (b)
Type of Subject	Compulsory [Opt any one out of V (a)/ V (b)/ V (c)]
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Subject Outcomes	<ol style="list-style-type: none"> 1. Equipping the learners to identify and understand the fundamentals and trace the development of private international law. 2. Illustrating the complexities involved in interaction of various jurisdictions with each other. 3. Teaching the practical nuances of Private International Law system so that students may attain a deeper understanding of the subject. 4. Comparing and corelating the important aspect of choice of Law to apply where there are conflicts between domestic Law of countries. 5. Support theoretical knowledge gained through reading provisions of the law with practical knowledge so that students may utilize their skills and services in the field of Litigation where parties from varied jurisdictions are involved. 6. Facilitating and training the students to understand the grounds of application of Private International Law mainly choice of Law, Jurisdictional Issues and recognition and Enforcement of Foreign Judgements.

SYLLABUS

IMPORTANT NOTE FOR EXAMINERS:

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- The first four Units of the question paper shall have 2 questions of 15

marks each. The candidates shall be required to attempt any 1 question from each Section.

- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each.

TIME ALLOWED: 3 HRS

MAXIMUM MARKS: 80

SECTION-A

Introduction

Difference between Public and Private International Law

Theories of Private International Law

Characterization: Theories and Stages

Renvoi and its theories

Limitation on application or exclusion of foreign law: when foreign law is excluded: grounds- Public Policy

Recognition and enforcement of Foreign Judgments

Need for recognizing foreign judgments Limitations in recognizing and enforcement Section 13, 14 and 44 of CPC and S. 41 of Indian Evidence Act.

Important Cases/Case Studies:

- *Thompson v. Distillers, 1 [1968] 3 N.S.W.R. 3.*
- *Grant v. Australian Knitting Mills Ltd., [1968] 3 N.S.W.R. 3.*

SECTION-B

Connecting Factors

Incidental Question

Time Factor

Concept of Domicile

General principles/fundamental principles

Elements: intention and residence

Domicile of Origin

Domicile of Choice

Domicile of dependence: married women's position in English and Indian Laws

Domicile of corporation

Torts

Traditional Theories

Torts of recent importance in Private International Law such as Maritime Torts, Aerial Torts

Important Cases/Case Studies:

Penn v Lord Baltimore in 1750

Brownlie v FS Cairo (Nile Plaza) LLC in 2021.

SECTION-C**Marriage**

Marriage as a contract and also status how different from other contracts (social personal contract)

Questions of formal and essential validity

Formal validity by lex loci celebrations

Capacity to marriage, Consent, Not within prohibited degrees, Polygamous marriages, Of proper Age.

Matrimonial Causes

Concept of matrimonial cause (Relief) English and Indian positions

Polygamous marriages and matrimonial relief

Divorce, nullity, judicial separation Restitution of Conjugal Rights (in English Law)

Adoption, Custody and Guardianship of Children

Bases of Jurisdiction

Recognition of Foreign Adoptions

Adoption by Foreign Parents

Guardianship and Custody: Jurisdiction and Enforcement

Important Cases/Case Studies:

- *NachiappaChettiar v. Muthu KaruppanChettiar, AIR 1946 MADRAS 398*
- *In Re Helbert Wagg & Co. Ltd.'s Claim, (1956) Ch 323.*

SECTION-D**Property**

Distinction between movable and immovable property

Immovables governed by lex situs-exceptions in English law- S.16 CPC lex situs rule

Transfer of Tangible Movables: Theories

Transfer of Intangible Movables: Theories

Formal and essential validity

Succession

Testate and intestate (Involuntary Assignment)- relevant provisions of Indian Succession Act, 1925

Intestate Succession Wills- Formal and Essential Validity

Capacity-lexdomicilii to make will (movables generally), immovable: lex situs

Contracts

Validity of contracts

Capacity to contract-Main four theories Lex Loci, Lex Domicilii, lex situs and proper law

Formal validity- lex loci contractus governs

Essential validity- proper law is usually accepted as governing

Discharge of contract- Lex loci solutionis governing

Doctrine of 'proper law' of contract subjective and objective theories

Important Cases/Case Studies:

- *Boys v. Chaplin*, [1971] AC 356
- *Shaw v. Gould*, L.R. 3 H.L.C. 55 (1868)

Suggested Readings:

- Atul M Setalvad: *Conflict of Laws*, 1st Ed., Lexis Nexis, Butterworths, New Delhi, 2007.
- Cheshire and Norths, *Private International Law*, Oxford University Press, 13th Ed, 2006.
- *Dicey, Morris and Collins on the Conflict of Laws*, 14th Ed, Sweet and Maxwell, 2006.
- Paras and Peeyushi Diwan: *Private International Law*, Deep and Deep Publications, 4th Ed, 1998.

Prepared by: Dr. Supreet

**SYLLABUS FOR B.A.LL.B. (HONS.) 5 YEARS INTEGRATED COURSE
(2024-2025)
SEMESTER: IX**

Name of Subject	ELECTION LAWS
Paper No	V(c)
Type of Subject	Compulsory [Opt any one out of V (a)/ V (b)/ V (c)]
Assessment Method	External Examination: 80 Marks Internal Assessment: 20 Marks (10 + 5 + 5) Mid-Term Test: 10 Marks Project/Assignment: 05 Marks Presentation/Viva Voce: 05 Marks
Subject Outcomes	<ol style="list-style-type: none"> 1. Defining and examining the Indian democracy and laws enacted in order to achieve democracy in true sense of the term. 2. Explaining and tracing the constitutional provisions relating to election and various legislative & statutory provisions enacted under its umbrella. 3. Articulating an ability to critically analyse the legal and policy issues and to develop a comprehensive understanding of socio-legal as well as political legal framework enabling the students to apply the provisions to the factual situations. 4. Evaluating and analysing the democratic framework at Central and State level and explain anti-defection provisions and critically analyse the role of judiciary in the election process. 5. Comparing and assessing various facets of election laws to develop a critical mind which would enable the student to argue and defend the matters related to elections and trial petitions. 6. Preparing the students for State Judicial Services, UPSC Exams and other competitive exams as well as higher education.

SYLLABUS

IMPORTANT NOTE FOR EXAMINERS:

Question paper of External Examination shall be divided into 5 Units

- Unit 1 to 4 of the question paper shall be based upon Section-A to D of

the syllabus in the respective order of the Sections.

- The first four Units of the question paper shall have 2 questions of 15 marks each. The candidates shall be required to attempt any 1 question from each Section.
- Unit-5 of the question paper shall be compulsory and based on the whole syllabus. It shall consist of 5 short notes of 4 marks each.

TIME ALLOWED: 3 HRS

MAXIMUM MARKS: 80

SECTION-A

ELECTION AND DEMOCRATIC PROCESS

Part XV of Constitution Articles 324 to 329

Concept of representation through peoples participation- Election to State and Union Legislatures
Superintendence, direction and control of election to be vested in an Election Commission, Article 324

No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or Sex, Article 325

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage, Article 326

Power of Parliament to make provision with respect of elections to Legislatures, Article 327

Power of Legislature of a State to make provision with respect of election to such Legislature, Article 328

Bar to interference by courts in electoral matters, Article 329

CASE LAWS:

- *A.C. Jose v. Sivan Pillai &Ors.* 1984 AIR 921
- *Samarth Lal v. The Election Commissioner &Ors.* 1985

SECTION-B

The representation of the People Act, 1950

Electoral Process

Allocation of Seats (Section 3,4)

Delimitation of Constituencies (Sections 8 to 13)

Preparation of Electoral rolls for Assembly and Parliamentary Constituencies

The registration of Election Rules 1960

Article 341- The Constitution (Scheduled Castes) Order, 1950

CASE LAWS:

- *Soosai etc. v. Union of India &Ors.* 1986 AIR 733
- *Lakshmi Charan Sen &Ors.etc. v. A.K.M. Hassan Uzzaman&Ors. etc.* 1985 AIR 1233

SECTION-C**Conduct of Election Rules, 1961****REGISTRATION OF ELECTORS RULES, 1960**

Qualifications for being enrolled as a voter (Rule 16 to 27)

Preparation of draft rolls (Rule 10)

Manner of Lodging claims and objections (Rule 14)

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Electoral Reforms

THE REPRESENTATION OF THE PEOPLE ACT, 1951

Qualifications for members of the House of People and State Legislative Assemblies

Disqualifications for membership of the House of People and State Legislative Assemblies

Notification for general election to the House of the People-Section 14

Notification for general election to a State Legislative Assembly- Section 15

Administrative Machinery for conduct of Elections

CASE LAWS:

- *P.U.C.L. &Ors., etc. v. Electoral Registration Officer &Ors., etc.* W.P. (C) No. 56 of 1995
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SECTION-D

Election Commission- a constitutional entity

Wide ambit of power under Article of Constitution

Jurisdiction of the High Courts under Article 226 of the Constitution

THE REPRESENTATION OF THE PEOPLE ACT, 1951:

Disputes regarding election petitions (Sections 79 to 116)

Presentation of election petitions to Election Commissioners

Trial of Election Petition

Cost and Security for Costs

Corrupt Practices

CASE LAWS:

- *Jyoti Basu&Ors. V. Debi Ghosal &Ors.* 1982 AIR 983
- *Election Commission of India v. State of Haryana* 1984 AIR 1406

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- Choudhry, R.N.: Election Laws and Practice in India
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Prepared by: Ms. Umang Garg