

## **401. LAW**

### **1. JURISPRUDENCE**

Meaning and Definition of Jurisprudence - General and Particular Jurisprudence - Elements of Ancient Indian Jurisprudence - Schools of Jurisprudence - Analytical, Historical, Philosophical and Sociological Schools of Jurisprudence. Theories of Law - Meaning and Definition of Law - The Nature and Function of Law - The Purpose of Law - The Classification of Law - Equity, Law and Justice - Theory of Sovereignty.

Sources of Law - Legal and Historical Sources - Legislation - Definition of legislation - Classification of legislation- Supreme and Subordinate Legislation - Direct and Indirect Legislation - Principles of Statutory Interpretation. Precedent - Definition of Precedent - Kinds of Precedent - Stare Decisis- Original and Declaratory Precedents - Authoritative and Persuasive Precedents. Custom - Definition of Custom – Kinds of Custom – General and Local Custom – Custom and Prescription - Requisites of a valid custom - Relative merits and demerits of Legislation, Precedent and Custom as a source of Law. Codification - Advantages and disadvantages of codification. Persons - Nature of personality - Legal Status of Lower Animals, Dead Persons and Unborn persons - Legal Persons - Corporations - Purpose of Incorporation - Nature of Corporate Personality Rights and Duties - Definition of Right - Classification of Rights and Duties - Absolute and Relative Rights and Duties - Rights and Cognate concepts like Liberty, Power, Immunity, Privilege etc. Obligation - Nature of Obligation - Obligation arising out of Contract, Quasi Contract, trust and breach of obligation etc. Liability - Nature and kinds of liability - Acts - Men's Rea - Intention and Motive - Relevance of Motive - Negligence - Strict Liability - Accident - Vicarious Liability - measure of Civil and Criminal Liability. Ownership - Definition and kinds of Ownership - Possession - Elements of Possession -Relation between Ownership and Possession - Possessory Remedies - Property - Meaning - Kinds of Property - Modes of Acquisition of Property - Legal Sanctions - Meaning of Sanction - Classification of Sanctions - Civil and Criminal Justice - Concept of Justice - Theories regarding purpose of Criminal Justice - Deterrent, Preventive, Reformative and Retributive theories.

### **2. LAW OF CONTRACT**

Definition and essentials of a valid Contract - Definition and essentials of a valid Offer - Definition and essentials of valid Acceptance - Communication of Offer and Acceptance - Revocation of Offer and Acceptance through various modes including electronic medium - Consideration - salient features - Exception to consideration - Doctrine of Privity of Contract - Exceptions to the privity of contract - Standard form of Contract.

Capacity of the parties - Effect of Minor's Agreement - Contracts with insane persons and persons disqualified by law - Concepts of Free Consent - Coercion - Undue influence - Misrepresentation - Fraud - Mistake - Lawful Object - Immoral agreements and various heads of public policy - illegal agreements - Uncertain agreements - Wagering agreements - Contingent contracts - Void and Voidable contracts. Discharge of Contracts - By performance - Appropriation of payments - Performance by joint promisors - Discharge by Novation - Remission - Accord and Satisfaction - Discharge by impossibility of performance (Doctrine of Frustration) - Discharge by Breach - Anticipatory Breach - Actual breach. Quasi Contract - Necessaries supplied to a person who is incapable of entering into a contract - Payment by an interested person - Liability to pay for non- gratuitous acts - Rights of finder of lost goods – Things delivered by mistake or coercion - Quantum merit - Remedies for breach of contract - Kinds of damages – liquidated and unliquidated damages and penalty - Duty to mitigate. Specific

Relief - Recovering possession of property - Specific performance of the contract - Rectification of instruments - Rescission of contracts - Cancellation of instruments.

Declaratory Decrees-Preventive Relief-Injunctions - Generally - Temporary and Perpetual injunctions - Mandatory & Prohibitory injunctions – Injunctions to perform negative agreement. Indemnity and Guarantee - Contract of Indemnity, definition - Rights of Indemnity holder - Liability of the indemnified - Contract of Guarantee - Definition of Guarantee - Essential characteristics of Contract of Guarantee - Distinction between Indemnity and Guarantee - Kinds of Guarantee - Rights and liabilities of Surety - Discharge of surety. Contract of Bailment - Definition of bailment - Essential requisites of bailment - Kinds of bailment - Rights and duties of bailor and bailee - Termination of bailment - Pledge - Definition of pledge – Rights and duties of Pawnor and Pawnee - Pledge by non-owner. Contract of Agency - Definition of Agent - Creation of Agency - Rights and duties of Agent – Delegation of authority - Personal liability of agent - Relations of principal and agent with third parties - Termination of Agency. Contract of Sale of Goods - Formation of contract - Subject matter of sale - Conditions and Warranties - Express and implied conditions and warranties - Pricing - Caveat Emptor - Hire Purchaser Agreements.

### **3. FAMILY LAW-I**

Sources of Hindu Law – Scope and application of Hindu Law – Schools of Hindu Law - Mitakshara and Dayabhaga Schools – Concept of Joint Family, Coparcenary, Joint Family Property and Coparcenary Property - Institution of Karta- Powers and Functions of Karta - Pious Obligation - Partition - Debts and alienation of property.

Marriage - Definition - Importance of institution of marriage under Hindu Law – Conditions of Hindu Marriage - Ceremonies and Registration - Monogamy - Polygamy-Recent Trends in the institution of marriage. Matrimonial Remedies under the Hindu Marriage Act, 1955 - Restitution of Conjugal Rights - Nullity of marriage - Judicial separation - Divorce - Maintenance pendente lite - importance of conciliation- Role of Family Courts in Resolution of matrimonial disputes. Concept of Adoption – Historical perspectives of adoption in India – In country and inter-country adoptions - Law of Maintenance - Law of Guardianship – The Hindu Adoption and Maintenance Act, 1956 – The Hindu Minority and Guardianship Act 1956.

Succession – Intestate succession – Succession to the property of Hindu Male and Female; Dwelling House – The Hindu Succession Act, 1956 as amended by the Hindu Succession (Andhra Pradesh Amendment) Act, 1986 & the Hindu Succession (Amendment) Act, 2005 - Notional Partition - Classes of heirs – Enlargement of limited estate of women into their absolute estate – Daughter’s right to inherit ancestral property and impact of recent changes in law.

### **4. CONSTITUTIONAL LAW-**

Constitution-Meaning and Classification of Indian Constitution - Historical Perspectives - Government of India Act, 1919-Government of India Act, 1935-Drafting of Indian Constitution - Role of Drafting Committee of the Constituent Assembly. Nature and Salient Features of Indian Constitution - Preamble to Indian Constitution - Union and its Territories-Citizenship - Fundamental Rights Directive Principles of State Policy –Relationship between Fundamental Rights and Directive Principles - Fundamental Duties –Legislature under Indian Constitution - Union and State Legislatures - Composition, Powers, Functions and Privileges - Executive under Indian Constitution - President and Union Council of Ministers Governor and State Council of Ministers - Powers and position of President and Governor: Judiciary under Constitution - Supreme Court - Appointment of Judges, Powers and Jurisdiction – High Courts - Appointment

and Transfer of Judges - Independence of judiciary - Judicial Accountability  
Centre State Relations - Legislative, Administrative and Financial Relations - Cooperation and Coordination between the Centre and States - Judicial Interpretation of Centre-State Relations - Doctrines evolved by Judiciary Liability of State in Torts and Contracts - Freedom of Interstate Trade, Commerce and Inter course - Services under the State - All India Services - Public Service Commission's -Emergency - Need of Emergency Powers - Different kinds of Emergency - National, State and Financial emergency - Impact of Emergency on Federalism and Fundamental Rights - Amendment of Indian Constitution and Basic Structure Theory

## 5. LAW OF TORTS

Nature of Law of Torts - Definition of Tort - Elements of Tort - Development of Law of Torts in England and India - Wrongful Act and Legal Damage - Damnum Sine Injuria and Injuria Sine Damno - Tort distinguished from Crime and Breach of Contract - General Principles of Liability in Torts - Fault - Wrongful intent - Malice - Negligence - Liability without fault - Statutory liability - Parties to proceedings.

General Defences to an action in Torts - Vicarious Liability - Liability of the State for Torts - Defence of Sovereign Immunity - Joint Liability - Liability of Joint Treadors - Rule of Strict Liability (Ryland's V Fletcher) - Rule of Absolute Liability (MC Mehta vs. Union of India) - Occupiers liability - Extinction of liability - Waiver and Acquiescence - Release - Accord and Satisfaction - Death. Specific Torts - Torts affecting the person - Assault - Battery - False Imprisonment - Malicious Prosecution - Nervous Shock - Torts affecting Immovable Property - Trespass to land - Nuisance - Public Nuisance and Private Nuisance - Torts relating to movable property - Liability arising out of accidents (Relevant provisions of the Motor Vehicles Act).

Defamation - Negligence - Torts against Business Relations - Injurious falsehood - Negligent Misstatement - Passing off - Conspiracy - Torts affecting family relations - Remedies - Judicial and Extra-judicial Remedies - Damages - Kinds of Damages - Assessment of Damages - Remoteness of damage - Injunctions - Death in relation to tort - Action personalismoritur cum persona. Consumer Laws: Common Law and the Consumer - Duty to take care and liability for negligence - Product Liability - Consumerism - Consumer Protection Act, 1986- Salient features of the Act - Definition of Consumer - Rights of Consumers - Defects in goods and deficiency in services - Unfair trade practices- Redressal Machinery under the Consumer Protection Act - Liability of the Service Providers, Manufacturers and Traders under the Act - Remedies.

## 6. LAW OF CRIMES

Concept of crime - Definition and meaning of crime - Distinction between crime and tort - Stages of crime - Intention, Preparation, Attempt and Commission of Crime - Elements of Crime - Actus Reus and Mensrea - Codification of Law of Crimes in India - Application of the Indian Penal Code - Territorial and Extra Territorial application - General Explanations - Punishments. General exceptions - Abetment - Criminal Conspiracy - Offences against the State - Offences against public peace and Tranquility - Increasing tendency of offences under S.153-A and S.153-B  
Offences affecting human body (offences affecting human life) Culpable Homicide and Murder - Hurt and Grievous Hurt - Wrongful restraint and Wrongful confinement - Criminal force and Assault - Kidnapping and Abduction - Sexual offences - Unnatural offences. Offences affecting the public health, safety, convenience, decency and morals - Offences against Property - Theft - Extortion - Robbery & Dacoity - Cheating - Mischief - Criminal Trespass - Criminal misappropriation and Criminal breach of trust. Offences by or relating to public servants - False

Evidence and Offences against Public Justice - Offences relating to documents - Offences relating to Marriage - Cruelty by husband and relatives of husband - Defamation.

## **7. LAW OF EVIDENCE**

The Indian Evidence Act, 1872 — Salient features of the Act – Meaning and kinds of Evidence – the impact of the Information Technology Act, 2000 on the Indian Evidence Act - Interpretation clause — May Presume, Shall presume and Conclusive proof - Fact, Fact in issue and Relevant facts — Distinction between Relevancy and Admissibility - Doctrine of Res gestae — Motive, preparation and conduct - Conspiracy - When Facts not otherwise relevant become relevant - Right and custom - Facts showing the state of mind etc. Admissions & Confessions: General Principles concerning Admissions - Differences between "Admission" and "Confession" - Confessions obtained by inducement, threat or promise – Confessions made to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused person against co-accused. Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses - Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.

Relevancy of Judgments - Opinion of witnesses - Expert's opinion - Opinion on Relationship especially proof of marriage - Facts which need not be proved - Oral and Documentary Evidence - General Principles concerning oral evidence and documentary evidence - Primary and Secondary evidence - Modes of proof of execution of documents - Presumptions as to documents - General Principles regarding Exclusion of Oral by Documentary Evidence - Relevance of social media in the law of evidence. Rules relating to Burden of Proof - Presumption as to Dowry Death - Estoppels - Kinds of estoppels - Res Judicata, Waiver and Presumption. Competency to testify Privileged communications - Testimony of Accomplice - Examination in Chief, Cross examination and Re-examination - Leading questions - Lawful questions in cross examination - Compulsion to answer questions put to witness - Hostile witness - Impeaching the credit of witness - Refreshing memory - Questions of corroboration - Improper admission and rejection of evidence.

## **8. COMPANY LAW**

Corporate Personality - General Principles of Company Law - Nature and Definition of Company - Private Company and Public Company - Characteristics of a Company - Different kinds of Company - Registration & Incorporation of Company - Lifting the Corporate Veil - Company distinguished from Partnership, HUF and LLP-Position under the Companies Acts of 1956 and 2013. Promoters - Memorandum of Association - Doctrine of Ultravires - Articles of Association - Doctrine of Indoor Management - Prospectus - Civil and Criminal liability for misstatement in prospectus - Statement in lieu of Prospectus - Preincorporation Contracts - Membership in a Company - Borrowing Powers - Debentures & Charges-Position under the Companies Acts of 1956 and 2013. Shares & Stock - Kinds of shares - Statutory restrictions on allotment of shares - Intermediaries – Call on shares for future of shares- Transfer of shares – Transmission of shares – Reduction on transfer of shares - Rectification of register on transfer -

Certification and issue of certificate of transfer of shares - Limitation of time for issue of certificates - Object and effect of share certificate-Position under the Companies Acts of 1956 and 2013.

Directors – Different kinds of Directors - Appointment, position , qualifications and disqualifications- powers of Directors - Rights and Duties of Directors - Meetings and proceedings - kinds of meetings - Statutory meeting- Statutory report - Annual General Meeting - Extraordinary meeting - Power of the Tribunal to order meeting - class meetings - Requisites for a valid meeting - Chairman for meetings - Duties of Chairman - Proxy - Resolutions – Minutes Shareholders Activism-Corporate Social Responsibility-Position under the Companies Acts of 1956 and 2013. Accounts and Audit - Inspection and Investigation - Compromises, Reconstruction and Amalgamation - Majority rule and Rights of minority shareholders - Prevention of oppression and mismanagement - Revival and rehabilitation of sick industrial companies - Mergers, Amalgamation and Takeover - Dissolution of a company – Winding up of companies-Modes of winding up of companies – consequences of winding up - The insolvency and Bankruptcy Code, 2016 in relation to winding up of companies –Authorities under the Act- Department of Company Affairs - NCLAT, NCLT, Company Law Board, Regional Directors, ROC, Public Trustee or Advisory Committee & SFIO -Their powers and functions- – Jurisdiction of Courts - The impact of the Companies Act, 2013.

## **9. INTELLECTUAL PROPERTY LAW**

Intellectual Property-Meaning, Nature and Classification –Significance and need of protection of Intellectual Property — Main forms of Intellectual Property : Patents,Trademarks,Industrial designs, Geographical Indications of Goods, Copyright and Neighboring Rights-New forms of Intellectual Property: Plant Varieties Protection and Biotechnology, GRTK, Layout Designs, Computer Programs.

Evolution of International Protection of IPRs-Introduction to the leading International instruments concerning Intellectual Property Rights –General Principles of Protection-The Paris Convention,1883- The Berne Convention,1886 - The Madrid Agreement,1891-The Patent Co-operation Treaty,1970 - The World Intellectual Property Organization (WIPO) Conventions- TRIPS Agreement,1994.Copyright: Meaning, Nature, historical evolution and significance- The Copyright Act, 1957 – Salient Features-Idea-Expression Dichotomy-Subject matter of Copyright Protection- neighboring rights - Ownership of Copyright - Rights of Authors and owners -Assignment of copyright - Collective management of copyright- infringement of copyright and Criteria - Exceptions to infringement - Authorities under the Act - Remedies for infringement of copyright.Intellectual Property in Trademarks and the rationale of their protection - The Trade Marks Act, 1999 - Definition of Trademarks - Distinction between Trademark and Property Mark - Registration - Passing off - Infringement of Trademark - Criteria of Infringement - Remedies-Concept of Industrial designs-The Designs Act, 2000 - Definition and characteristics of Design - Law in India - Protection and rights of design holders - Copyright in design - Registration - Remedies for infringement. Patents - Concept of Patent - Historical overview of the Patent Law in India - The Patents Act, 1970 and its salient features - Patentable Inventions - Kinds of Patents - Procedure for obtaining patent in India and in other countries - Rights and obligations of a patentee -

Limitations on patent rights: compulsory licensing, acquisition by government and secrecy directions- Infringement of patent rights and remedies available.

#### **10. ALTERNATE DISPUTE RESOLUTION**

There shall be classroom instruction on the following topics: Unit-I: Alternate Dispute Resolution - Characteristics - Advantages and Disadvantages - Unilateral - Bilateral - Triadic(Third Party) Intervention - Techniques and processes - Negotiation - Conciliation - Arbitration - Distinction between Arbitration, Conciliation and Negotiation. The Arbitration and Conciliation Act, 1996 -Historical Background and Objectives of the Act - Definitions of Arbitration, Arbitrator, Arbitration Agreement - Appointment of Arbitrator - Termination of Arbitrator - Proceedings in Arbitral Tribunal - Termination of Proceedings - Arbitral Award - Setting aside of Arbitral Award - Finality and Enforcement of Award - Appeals - Enforcement of Foreign Awards. Conciliation - Appointment of Conciliators - Powers and Functions of Conciliator - Procedure - Settlement of disputes through conciliation6: Other Alternative Dispute Resolution Systems -Tribunals - Lokpal and Lokayukta-LokAdalats- Family Courts. Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.

#### **11. LABOUR LAW**

Concept of Labour through the ages - Trade Unions: History of Trade Union Movement - The Trade Union Act 1926 - Definitions - Registration - Rights and Liabilities of Registered Trade Unions - Immunities - Amalgamation and dissolution of Unions - Reorganization of Trade Unions. Prevention and Settlement of Industrial Disputes in India - The role of State in Industrial Relations – The Industrial Disputes Act 1947 - Definition of industry - Industrial Dispute - Individual Dispute - workman- Lay off - Retrenchment - Closure -Award – Strike - Lockout ,Authorities under the ID Act - Works committee - Conciliation - Court of inquiry - Labour Courts- Tribunal - Powers and functions of authorities - Voluntary Arbitration - Provisions under Chapter V-A & V- B of the Act- Alteration of conditions of service - Management rights of action during pendency of proceedings - Recovery of money due from employer – Unfair labour practices - miscellaneous provisions of the Act ,Standing Orders - Concept and Nature of Standing Orders - scope and coverage Certification process - its operation and binding effect - Modification and Temporary application of Model Standing Orders - Interpretation and enforcement of Standing Orders and provisions contained in the Industrial Employment (Standing Orders) Act 1946. Disciplinary Proceedings in Industries - Charge sheet - Explanation - Domestic enquiry - Enquiry officer - Enquiry report - Punishment - Principles of Natural Justice.

The Remunerative Aspects - Wages - Concepts of wages - Minimum, Fair, Living Wages - Wage and Industrial Policies - Whitley Commission Recommendations - Provisions of Payment of Wages Act 1936 - Timely payment of wages - Authorized deductions - Claims - Minimum Wages Act 1948 - Definitions - Types of wages - Minimum rates of wages - Procedure for fixing and revising Minimum Wages - Claims -Remedy. Bonus - concept - Right to claim Bonus - Full Bench formula - Bonus Commission - Payment of Bonus Act 1965 - Application - Computation of gross profit, available, allocable surplus - Eligibility of Bonus - Disqualification of Bonus - set on - set off of allocable surplus- Minimum and Maximum Bonus-Recovery of Bonus. Employees Security and Welfare

aspect - Social Security - Concept and meaning - Social Insurance - Social Assistance Schemes. Social Security Legislations - Law relating to workmen's compensation – The Employee's Compensation Act 1923 – Definitions -Employer's liability for compensation - Nexus between injury and employment - payment of compensation - penalty for default - Employees State Insurance Act 1948 –Application - Benefits under the Act - Adjudication of disputes and claims – ESI Corporation.

## **12. INTERNATIONAL LAW**

Definition, Nature, Scope and Importance of International Law - Relation of International Law to Municipal Law - Sources of International Law - Codification. State Recognition - State Succession - Responsibility of States for International delinquencies - State Territory - Modes of acquiring State Territory, Position of Individual in International Law - Nationality - Extradition - Asylum - Privileges and Immunities of Diplomatic Envoys - Treaties - Formation of Treaties - Modes of Consent, Reservation and termination. The Legal Regime of the Seas - Evolution of the Law of the Sea - Freedoms of the High Seas - Common Heritage of Mankind - United Nations Convention on the Law of the Seas - Legal Regime of Airspace - Important Conventions relating to Airspace – Paris, Havana, Warsaw and Chicago Conventions – Five Freedoms of Air – Legal Regime of Outer space – Important Conventions such as Outer space Treaty, Agreement on Rescue and Return of Astronauts, Liability Convention, and Agreement on Registration of Space objects, Moon Treaty - Uni space. International Organizations - League of Nations and United Nations - International Court of Justice - International Criminal Court - Specialized agencies of the UN - WHO, UNESCO, ILO, IMF and WTO.

Concept of marriage - Validity of marriage, Formal validity of Marriage (English Law, Indian Law) matrimonial causes , Dissolution of marriage, Grounds of Divorce, Recognition of Foreign Divorces, Nullity of marriage, Recognition of Foreign Nullity Decrees, Judicial separation, Grounds for Judicial separation, Recognition of foreign decrees of Judicial Separation - Restitution of Conjugal Rights, Matrimonial Reliefs in respect of Polygamous marriages, Enforcement of foreign maintenance orders, Foreign Custody Orders, Indian Law, English Law, Choice of Law. Legitimacy, jurisdiction of courts, Legitimation, Jurisdiction of court, Recognition of foreign legitimation, Indian Law, English Law, choice of law-Adoption, jurisdiction of courts, recognition of foreign adoptions, adoption by foreign parents, Indian Law, English Law. Guardianship and custody, jurisdiction, recognition and enforcement of foreign guardianship and custody orders, Indian law, choice of law. Commercial contracts - Proper law of contract, capacity to contract, Formal and informal contracts.

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