

SIXTH SEMESTER B.A.LL.B.(HONS) 5 YRS COURSE

Course Code: 6.1

FAMILY LAW II

Unit 1: Joint Hindu Family: Institution of Joint Family and Joint Family Property and Business; Coparcenaries; Dyabhaga & Mitakshara succession; HUF – as a Tax entity and Features of JF Business; Karta – power & function, Karta’s right of alienation of property; Pious Obligation; Principle of Consanguinity and Primogeniture, Principle of Survivorship and Succession

Unit 2: Intestate Succession: General Principles of Succession under Hindu Law, Islamic Law, Christian Law, Parsi Law; Statutory conditions of disinheritance and disentitlement; Doweling house; Partition

Unit 3: Women’s Property: Stridhan – concepts and characteristics; Sources, principle of succession, Comparative analysis of right to property of women under different Religious and Statutory Law

Unit 4: Testamentary Succession: Power of testamentary succession under various religious and statutory Law under Hindu, Islamic, Christian and Parsi Law; Competence of the testator, limitation to testamentation, Abatement of legacy; Will and Administration of will – Probate, Codicil, execution of privileged and unprivileged Will, attestation, alteration and revival of Will

Unit 5: Right of Pre-emption: Pre-emption, meaning, nature, constitutionality, classification; who can claim the right, formalities and legal effect; legal devices of evading right of pre-emption,; when is the right lost

Unit 6: Gift under Islamic Law: Hiba – nature and characteristics Kinds of Hiba, conditional and Future Gift, Types of Hiba; death-bed gift, Revocation

Unit 7: Wakf: Meaning, character, formalities for creation, Administration, Power of Mutawali; Muslim Religious Institutions and Offices

Unit 8: Hindu Religious Endowment : Traditional religious principles of creation, administration and offices; Statutory methods of creation of Trust; Powers and functions of the Trustees

Case Study:-

1. Sitabai v. Ram Chandra, AIR 1970 SC 343
2. State Bank of India v. Ghamandi Ram AIR 1969 SC 343
3. T.V.Subbamma v. T Ratamma AIR 1987 SC 1775
4. Faquir Chand v. Harnam Kaur AIR 1967 SC 724

5. Satrugan v. Sabjpuri AIR 1967 SC 72
6. G.Krishna Prasad v V.Vankayya AIR 1977 SC 361
7. D.S.Agalwe v. P.M.Agalwe AIR 1988 SC 845
8. Muninaujappa v. R. Manual AIR 2001 SC 1754
9. Bhagat Ram v. Teja Singh AIR 2002 SC 1
10. Arti Bhargava v. Kavi Kumar Bhargava AIR 2001 Del 301
11. Other Leading cases

List of Books

Mulla, Hindu Law Vol I and II, Butterworth
Mayne, Hindu Law and Usage, Bharat
Diwan, Modern Hindu Law, Universal
Tyabji, Muslim Law, Tripathy
Mulla, Principles of Mohammedan Law, Tripathy
Amer Ali, Mohammedan Law, Vol I & II , EBS
Tahir Mahmmod, Family Law Reform in Muslim World, Tripathy
Tahir Mahmmod, Islamic Law in Modern India, Tripathy
Derrett Hindu Law Past and Present, Universal
Derrett, Introduction to Modern Hindu Law Universal
Ghosh, The Law of Endowment, S.C.Sarkar
Row, Sanjiva, The Indian Succession Act, Law Book Co
Basu, Indian Succession Act, Eastern
Gaur, Hindu Code Vol I & II, Law Publisher
Diwan, Law of Intestate and Testamentary Succession, Wadhwa
Mukherjee, Hindu Law of Religious & Charitable Trust, Eastern

Course Code: 6.2

Labour Law-I

UNIT-I

Labour Capital conflicts - evolution of Labour laws- Laissez fair to Welfare State- Constitutional Perspectives of Labour welfare and Industrial relations; Concept of Collective bargaining; 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.

UNIT-II

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

UNIT--III

Authorities under the I D 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.

UNIT--IV

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.

UNIT--V

Disciplinary Proceedings in Industries - Charge sheet – Explanation – Domestic enquiry - Enquiry officer – Enquiry report – Punishment – Principles of Natural Justice.

LIST OF CASES

1. Trilok nath Tripasthi v Allahabad Division bench AIR 1957 ALL 234
2. Indian oxygen ltd. V Tkeir workers sc 1969 1 LLJ 235
3. Bokaro steel workers union v state of Bihar 1995 1 LLN 1079
4. Bankingham and carnatica mills v B.P. wadia 1920
5. Ramnagar sugar com v Jatin chakravorty. AIR 1960 SC 1012
6. Bangalore water supply & sewerage Board v A rajappa AIR 1978 SC 548
7. The corporation of city of Nagpur v Its employees AIR 1960 SC 675
8. State of Bombay v Hospital mazdoor sabha AIR 1960 SC 610
9. North book jute company v Their workmen SC 1960 LLJ 580

10. ALL India ITDC Employees union unit Hotel Ashok, Bangalore v hotel banglore ans others 1984 (64) FJR 184 (Kant H.C.)
11. Abestos cement employees co-operative store ltd v labour court 91992(2) LLN 778 MAD.H.C
12. Sharad kumar v government of N.C.T. of Delhi (2002)II LL.J.265(S.C.)
13. Bharat petroleum corporation ltd v petroleum employees union & others (2003) III LL.J. 229 (MAD)
14. Tlwinder singh v p.o. labour court & another (2004) II LL.J 1050(S.C.)
15. Excel Wear Vs. Union of India
16. A.I.B.E.A Vs. I.T
17. Jay Enginnering Works Vs. Its Workmen

Suggested Readings:

1. Srivastava: *Law of Trade Unions* , Eastern Book Company, Lucknow
2. Goswami : *Labour and Industrial Law*, Central Law Agency.
3. R.F. Rustomji : *Law of Industrial Disputes* : Asia Publishing House, Mumbai
4. S.N. Misra : *Labour and Industrial Law*
5. J.N. Malik : *Trade Union Law*
6. Khan& Khan : *Labour Law* , Asia Law House, Hyderabad
7. S.C. Srivastava : *Industrial Relations and Labour Law*, Vikas Publishing House

Course Code: 6.3
Cyber Law & Information Technology Act

1) Computer Networks and Security Concept:

- a) Computer assembly and its memory
- b) Types of network
- c) Concept of internet and www
- d) Biometrics

2) Fundamentals of cyber law

- a) Jurisprudence of cyber law
- b) Need to study cyber law
- c) Worldwide case law
- d) Cyber jurisdiction and Cyber space

Reference Cases :

- 1) Sita Ram Agrawal AIR 1966 S.C. 995
- 2) Fatima Riswana Vs State (2005) 1 SCC 582, AIR 2005 SC 712
- 3) A. H. Wadia Vs. Commissioner of Income Tax AIR 1949
- 4) Briggs Vs. State of Maryland 348 Md.470 (1998) USA
- 5) State of UP Vs. Chandrika AIR (2000) S.C. 164
- 6) Stratton Oakmont Vs. Prodigy (1995) NY Misc Lexis 229 U.S.A.
- 7) Sanjay Kumar Kedia Vs. Narcotics Control Bureau, (2008) 2 SCC 294 : (2008) 1 SCC (Cri) 346 : (2008) 22 ELT 20
- 8) Kennison Vs. Daire 13 (1986) 160 CLR 129 –[Australia]
- 9) American Civil liberties Union Vs. Reno ; (929 F) (Supp 824) : (1996) U. S. Dish. Court of Pennsylvania
- 10) United States Vs. Thomas 1574 F.3d701(6th Cir.1996)[U.S.A]
- 11) State of Maharashtra Vs. Laljit Rajshi Shah AIR 2000 S.C. 937.

3) Fundamentals of E- Commerce

- a) Basic of E-commerce
- b) Types of E-commerce
- c) Benefits.

4) Cyber crimes and cyber terrorism

- a) Cyber crime and its categories
 - i) Cyber Frauds
 - ii) Cyber Thefts
 - iii) Cyber stalking
- b) Cyber terrorism
- c) Hacking, Virus, Trojan, worms etc.

5) Salient Features of IT Act – 2000

- a) Definition
- b) Creation and Transmission of Digital Signature and its authentication
- c) Electronic Governance and its project
 - i. Bhoomi Project
 - ii. Gyanoloot Project
 - iii. The TARAhaat.com Project
 - iv. National E-Governance Programmes
 - v. Electronic contracts.
- d) Various Authorities under IT Act and their powers
- e) I.T. Act and its impact on other related Acts(Amendments) [IPC, Evidence, Bankers Book Guidene Pt. Reserve Bank of India Act]
- f) Penalties
- g) Offences
- h) Miscellaneous.

6) Concept of Cyber space jurisdiction and other principles of jurisdiction

- a) Territorial Jurisdiction
- b) Extra territorial Jurisdiction
- c) Cyber- Space Jurisdiction

7) Cyber Law and IPR

- i. E-Record and copyright
- ii. Issue of affecting copyright by Hyper Linking
- iii. Infringement of copyright by Linking

- iv. Case Laws.
- v. Computer Software and Patent Law
- vi. Concept of Domain Dispute

Reference Cases:

- i. Casio India Co Limited Vs. Ashita Tele systems Pvt. Limited
- ii. Titan Industries Limited Vs. Prashant Koorapati and Others
- iii. Maruti Udyog Ltd. Vs. Tella Rao
- iv. Reddiff Communication Limited Vs. Cyberbooth and another
- v. Bennet and Coleman Ltd. Vs. Steven S. Lalwani

Books Suggested for Reading:

- i. S. R. Bhansali, Commentary on the Information Technology Act, Second Edition 2012, Universal law publication Company New Delhi India.
- ii. Vakul Sharma, Information Technology Law and Practice : Cyber Law and e-commerce, Third Edition, Universal law publication Company New Delhi India.
- iii. Vishwanathan Suresh T. "The Indian Cyber Law" Second Edn. 2001 : Bharat Law House.
- iv. Prasad T. V. R. Satya : 'Law relating to Information Technology' (Cyber Laws) 1st edn. 2001 : Asia Law House.
- v. Syed Shakil Ahmed and Reheja Rajiv, "a Guide to Information Techonology" (Cyber Laws & E- Commerce) Edn. 2001 : Capital Law House.
- vi. Reed Chrism, :Company Law" Third Edn. 1996 (First Indian Reprint 2000) : Universal law Publishing Co. Pvt. Ltd.
- vii. Kamath Nandan, "Law Relating to Computers Internet & E-Commerce (A guide to Cyber Laws & the information Technology Act 2000 with Rules & Notification)" 2nd Edn. Reprint : 2002 : Universal Book Traders.
- viii. P. Narayanan, "Intellectual Property (Trade Marks & the Emerghing concepts of Cyber Property Rights (HB)" 3rd Edn. (H.B.) 2002 : Universal Book Traders.

Course Code: 6.4
Interpretation of Statutes

UNIT-I

General-Meaning, Nature and Scope of Interpretation ;Statute- Definition and Classification
Need and Purpose of Interpretation- General Principles of Interpretation - Rules of Construction
under the General Clauses Act, 1897

UNIT-II

General /Primary Principles of Interpretation,Intention of Legislature-Statute must be read as a
whole-Statute to be workable and effective-Plain Language must be given effect irrespective of
consequences- Subsidiary Rules of Interpretation -Rule of Last Antecedent-Non Obstante
Clause-Legal Fiction-Mandatory and Directory Provisions-Conjunctive and Disjunctive words-
Construction of General Words-*Noscitur A Sociis*, *Ejusdem Generis*,*Words of Rank*,
Reddendo Singula Singulis

Unit-III:

Grammatical Rule of Interpretation — Golden Rule of Interpretation – Rule of Interpretation to
avoid mischief.

Unit-IV:

Interpretation of Penal Statutes and Statutes of Taxation — Beneficial Construction —
Construction to avoid conflict with other provisions — Doctrine of Harmonious Construction.

Unit-V:

External Aids to Interpretation — Statement of objects of legislation, Legislative debates,
identification of purpose sought to be achieved through legislation — Internal Aids to
Interpretation — Preamble, title, interpretation clause, marginal notes, explanations etc. —
Presumptions.

Unit-VI:

Effect of Repeal — Effect of amendments to statutes — Conflict between parent legislation and
subordinate legislation — Methods of interpreting substantive and procedural laws.

UNIT-VII Contemporary Issues of Interpretation- Enactment of Complex and Technical
Statutes-Traditional Usage of Latin, French words in the Stautes-Globalization and Unification
of Law- A Challenge Ahead -Judicial Review and Interpretation of Statutes-

Encroachment on Legislative Powers

Case Laws

1. Intention of Legislature.
 - a. Mohd. Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945
 - b. Dhanwantrai Balwantrai v State of Maharashtra, AIR 1964 SC 575
2. The Rule Of Literal Construction.
 - a. Suthendran v. Immigration Appeal Tribunal, (1976) 3 ALL ER 611
 - b. Dinesh Chandra Jamnadas Gandhi v. State of Gujarat, AIR 1989 SC 1011.
3. The Rule in Heydon's Case (Mischief Rule)
 - a. Bengal Immunity CO. v State of Bihar, AIR 1955 SC 1011.
 - b. CIT, M.P. and Bhopal v. Sodra Devi, AIR 1957 SC 832.
4. Rule of Harmonious Construction.
 - a. M.S.M. Sharma v. Shri Krishna Sinha, AIR 1959 SC 395
 - b. Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255.
5. Internal Aids of Construction
 - a. Keshvananda Bharati v. State of Kerala, AIR 1973 SC 1461
 - b. A. K. Gopalan v State of Madras, AIR 1950 SC 27
 - c. T. M. KAnniyan v. ITO, Pondicherry, AIR 1968 SC 637
6. External Aids of Construction.
 - a. Indra Sawhney v. Union of India, AIR
 - b. Chairman Railway Board v. Chandrima Das, AIR 2000 SC 988
7. Presumptions.
 - a. Sunil Batra v. Delhi Administration, AIR 1978 SC 1675
 - b. Peoples Union for Civil Liberties v. Union of India, AIR 1997 SC 568.

Suggested Readings

1. Vepa P. Sarathi: Interpretation of Statutes, Eastern Book Co, 4th Edition, 1976.
2. Maxwell: Interpretation of Statutes, Butterworths Publications, 1976, 12th Edition.
3. Crawford: Interpretation of Statutes, Universal Publishers.
4. Chatterjee: Interpretation of Statutes.
5. G.P. Singh: Principles of Statutory Interpretation, Wadhwa and Company, 8th Edn., 2001.
6. Cross, Statutory Interpretation

Course Code: 6.5
Human Rights

UNIT-I

Basic principles: sovereign equality of states, non-intervention, non use of force, international co- operation, peaceful settlement of disputes - Individuals as subject of International Law

UNIT - II

Meaning and definition of Human Rights - Evolution of Human Rights –Concept of natural law-
Concept of natural rights - Classification of rights; Collective Rights-Right to development-Right
to Self determination -Right to Healthy Environment

UNIT –III

Adoption of Human Rights by the UN Charter - Universal Declaration of Human Rights -
International Covenants on Human Rights (Civil and Political; Economic, Social and Cultural).

UNIT – IV

International Conventions on Human Rights - Disabled Persons, Indigenous persons, Persons
with HIV – AIDS - CEDAW, Child Rights Convention, Convention against Slavery, Convention
on Refugees - International Conference on Human Rights(1968) - World Conference on Human
Rights(1993).

UNIT –V

Protection Agencies and Mechanisms -International Commission of Human Rights - Amnesty
International-Non-Governmental Organizations-International Labour Organization- UNESCO-
UNICEF

UNIT- VI

Human rights norms reflected in fundamental rights and directive principles.

Role of courts: Supreme Court, High Courts and other courts - Human Rights Protection in India

– Protection of Human Rights Act, Statutory Commissions – Human rights, Women's, minority, and backward class.

UNIT – VII

Law Relating to refugees – Law relating to war prisoners – Law relating to victims of War – Law relating to cross border terrorism – Law relating to slaves – Genocide, Apartheid

CASE LAW:

Maneka Gandhi vs. Union of India , AIR 1978 SC 597– Right to Life and Liberty

Olga Tellis vs. BMC (Pavement Dweller's case), AIR 1986 SC180 - Right to livelihood.

Paramand Katara vs. Union of India, (1989) 4 SCC 286 - Right to health and medical assistance.

Jolly George Varghese vs. Bank of Cochin, AIR 1980 SC 470 – Enforceability of rights involved in International Covenant on Civil and Political Rights in India.

Vishaka vs. State of Rajasthan, AIR 1997 SC 3011 - Right to work with dignity.

Randhir Singh vs. Union of India, AIR 1982 SC 879- Equal Pay for equal work.

Unni Krishnan vs. State of A. P, AIR 1993 SC- Right to education

M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699 – Judicial Activism in protecting the economic, social and humanitarian rights of the children.

NHRC vs. State of Arunachal Pradesh, AIR 1996 SC 1234 – Guidelines for protection of basic human rights of Chakma refugees

Bandhua Mukti Morcha vs. Union of India, AIR 1984 SC 802 – Prohibition of Forced Labour

Sunil Batra vs. Delhi Administration, AIR 1978 SC 675 – Protection of Human Rights of Prisoners

Chairman, Railway Board vs. Chandrima Das, AIR 1996 SC 1234 – Right to live with Human dignity.

Books suggested for reading:

1. Meron Theodor, Human Rights and International Law: Legal and Policy Issues, 2 Vols.
2. S.K. Kapoor, Human rights Under International Law and Indian Law.
3. C. J. Nirmal, Human Rights in India, Oxford
4. P. R. Gandhi, International Human Rights Documents, Univrsal, Delhi
5. Wallace, International Human Rights: Texts and Materials, Sweet and Maxwell 6. Dr. H.O. Agrawal, International Law and Human Rights, Central Law Publication
7. K. R. Gupta, Global Terrorism, Atlantic Publishers 8. Dugmarti Rao, HIV / AIDS and Law, Ethics and Human Rights, Discovery Publishing House, New Delhi.
8. A.B. Kalaiah – Human Rights International Law
9. Jain M. P. Indian Constitutional Law, Wadhwa & Company Law Publishers, Nagpur (2003)
10. Pandey J.N, Constitutional Law of India, Central Law Agency, Allahabad (2010)

Course Code 6.6

Seminar I

(Practical Paper)

Implementation of Human Right Standard

This paper consist of 100 marks , Students are required to prepare and present Seminar Papers on Three Given Topics by concerned Teacher relating to the Contemporary Legal Issues in the field of Implementation of Human Rights. Each Seminar Preparation & presentation carries maximum 30 marks .The remaining 10 marks are allotted to Viva voce. The Marks for Seminar Paper & Viva will be awarded by External & Internal Examiner Together.