

SEMESTER III

LABOUR & INDUSTRIAL LAW-I

OBJECTIVE OF THE COURSE: Economy of a country is dependent on its industry and agriculture. One of the most important factors of both agricultural and industrial production is labour. In this module the students will be introduced to these factors.

Marks – 100

Credit : 04

MODULE – I: Industrial Disputes Act, 1947

Object and Reason; Definitions; Authority under the Act; Strike; Lock- out ; Public utility service; Lay off; Retrenchment and Closure in certain Establishments; Unfair Labour Practice.

MODULE – II: Workmen’s Compensation Act, 1923

Object and reason- definitions; Employer’s liability for compensation; Determination of quantum of compensation; Distribution of Compensation; Indemnity and Benefits of employers.

MODULE – III: Factories Act, 1948

Object and Reason; definition; Health-Safety and Welfare measurer; Employment of young person’s ; Working hours of adult.

MODULE – IV : Maternity Benefit Act, 1961

Object and Reason; Definitions ; Right to payment of Maternity Benefit ; Payment of Maternity Benefit in certain cases ; Maximum period of entitlement ; Prohibition of pregnant employment; Benefit in certain cases ; Payment in case of death ; Leave – miscarriage ; Dismissal during absence due to pregnancy ; Inspector – Penalties .

******* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

RECOMMENDED READINGS:

******* Only current editions are to be read.**

1. K.D. Srivastava – The Industrial Disputes Act.
2. S.N. Mishra – Labour and Industrial Laws
3. Indian Law Institute – Labour Law and Labour Relations
4. O.P. Mishra- the Law of Industrial Disputes
5. V.V. Giri – Labour Problems in Indian Industry
6. S.C. Srivastava – Social Security and Labour Laws
7. S.K. Puri – Labour and Industrial Law
8. R. Dayal – Labour and Industrial Law

LAW OF CRIMES – II

(Criminal Procedure Code)

OBJECTIVE OF THE COURSE: The world of offences is now familiar to the students. However to punish for the offence committed, there is a process which will be taught in this module.

Marks – 100

Credit : 04

MODULE – I: Object Purpose and History of the Criminal Procedure Code

MODULE – II: Definitions – Section 2

MODULE – III: Constitution and Powers of Criminal and Executive Courts – Section 6 to 35

MODULE – IV: Arrest of Persons- Section 41 to 60

MODULE – V: Process to Compel Appearance and Production of Things and Reciprocal Arrangements Sections 61 to 105L

MODULE – VI: Preventive and Precautionary Measures of Security Proceedings Section 106 to 124, Section 129 to 153.

MODULE – VII: Maintenance of Wives, Children and Parents – Section 125 to 128

MODULE – VIII: Information to the Police and their Powers to Investigate – Section 154 to 176

MODULE – IX: Jurisdiction of the Criminal Courts in Inquiries and Trials-Section 177 to 189.

MODULE – X: Cognizance of Offences and Commencement of Judicial Proceedings – Sections 190 to 210

MODULE – XI: Charge – Section 211 to 224

MODULE – XII: Trial before various Courts

- a. Court of Sessions-Section 225 to237
- b. Warrant Cases by Magistrates-Sections 238 to 250
- c. Summons cases by Magistrates- Section 251 to259
- d. Summary Trial-Section 260 to265

MODULE – XIII: Mode of Taking Evidence and General Provisions as to Inquiries and Trials-
Section 266 to 352

MODULE – XIV: Judgement – Sections 353 to 365

MODULE – XV: Appeals-Sections 372 to 394

MODULE – XVI: Reference and Revision-Section 395 to 405

MODULE – XVII: Provisions as to Bills and Bonds – Section 436 to 450

MODULE – XVIII: Irregular Proceedings-Section 460 to466

MODULE – XIX: Limitation for taking cognizance –Sections 467 to 473

MODULE – XX: Probation of Offenders Act, 1958- Sections 1 to 19.

MODULE – XXI: Juvenile Justice (Care and Protection of children) Act, 2000 – Sections 1 to 70

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RECOMMENDED READINGS:

******* Only current editions are to be read.**

1. R.V.Kelkar's CriminalProcedure
2. Ratanlal and Dhirajlal-CriminalProcedure
3. Mishra-Code of CriminalProcedure
4. B.B.Mitra-Code of CriminalProcedure
5. Sarkar's Code of CriminalProcedure

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

OBJECTIVE OF THE COURSE: Legislation is a major source of Law. Legislators create law after much deliberation. This process takes into account the present and future need of the nation. Interpretation of statute is a method by which the judiciary explores the intention of the legislators behind the statute. This involves a method which will be taught in this module.

Credit : 04

MODULE – I: PRINCIPLES OF LEGISLATION- Law making {legislature, executive, Judiciary}- Principles of utility.

MODULE – II: INTERPRETATION OF STATUTE – Meaning of the term Statute- Component, operation and repeal-Internal Aids to interpretation [Title, Preamble, Headings & Marginal notes, Sections & Subsections, Punctuations, Illustrations, Exceptions, proviso & saving clauses, Schedules, Non Obstante clause]-External Aids to interpretation [Dictionary, Translation *TravauxPreparatoires*, Statutes in pari material, *ContemporaneaExposito*, Debates, Reports]

MODULE – III: RULES OF STATUTORY INTERPRETATION- Primary Rules [Literal

rule, Golden rule, Mischief rule, harmonies Construction] Secondary Rules [*Noscitur a sociis*, *eiusdem generic*, *Reddendo singular singularis*].

MODULE – IV: PRESUMPTION IN STATUTORY INTERPRETATION- Statutes are valid-Statutes are territorial in operation-Presumption as to jurisdiction-presumption against the inconvenient and absurd – Presumption against intended injustice – Presumption against impairing obligations or permitting advantage from one's own wrong –Prospective operation of statutes.

MODULE – V: MAXIMS OF STATUTORY INTERPRETATION

1. *Delegatus non potestdelegare*
2. *Expression unius exclusionalterius*
3. *Generallisspecialibus nonderogant*
4. *In pari delicto potioreest conditionpossidentis*
5. *Utres valet potior quampariat*
6. *Expressumfacitcessaretacitum*
7. *In bonampartem*

MODULE – VI: INTERPRETATION WITH REFERENCE TO SUBJECT MATTER AND PURPOSE

- Restrictive and beneficialconstruction
- Taxingstatutes
- Penal Statues
- Welfare Legislations
- Substantive and adjunctivalStatute
- Discretionary and mandatoryprovisions
- Enabling statutes
- Codifying and Consolidatingstatute
- Right conferringstatute
- Power conferringstatute

MODULE – VII: PRINCIPLES OF CONSTITUTIONAL INTERPRETATION

- Doctrine of Pith and Substance
- Doctrine of Colourable Legislation
- Doctrine of Residuary Power
- Doctrine of Repugnancy
- Doctrine of Ancillary Powers
- “Occupied Field”

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RECOMMENDED READINGS :

***** Only current editions are to be read.

G.P. Singh, Principles of Statutory Interpretation, Wadhwa & Co.

P. St. Langan (Ed), Maxwell on Interpretation of Statute, N.M.

Tripathy K. Shanmukham, N.S. Bindras, Interpretation of Statute, The Law Book Co.

V. Sarathi, Interpretation of Statute, Eastern Law Book Co.

M.P. Singh (Ed), V.N. Shukla’s Constitution of India, Eastern Law Book Co.

M.P. Jain, Constitution Law of India, Wadhwa & Co.

ENVIRONMENTAL LAW

OBJECTIVE OF THE COURSE: The Environment in which we live is in danger. In this module the students will learn the laws which are enacted to protect and preserve the environment.

Marks – 100

Credit : 04

MODULE – I: CONCEPT OF ENVIRONMENT AND ITS IMPORTANT – POLLUTION AND HEALTH HAZARD

MODULE – II: NATIONAL POLICY OF ENVIRONMENT MODULE –

III: COMMON LAW PERSPECTIVE MODULE – IV:

CONSTITUTIONAL LAW PERSPECTIVE

MODULE – V: SUSTAINABLE DEVELOPMENT- PRECAUTIONARY PRINCIPLE – POLLUTER PAY PRINCIPLE – PUBLIC TRUST DOCTRINE

MODULE – VI: PRINCIPLE OF LIABILITY AND PUBLIC LIABILITY INSURANCE

MODULE – VII: THE ENVIRONMENT (PROTECTION) ACT, 1986- PREAMBLE – DEFINITION – GENERAL POWERS OF CENTRAL GOVERNMENT – PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENT POLLUTION

MODULE – VIII: PREVENTION AND CONTROL OF AIR POLLUTION

MODULE – IX: PREVENTION AND CONTROL OF WATER POLLUTION

MODULE – X: WILD LIFE PROTECTION

MODULE – XI: FOREST CONSERVATION

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RECOMMENDED READINGS:

***** Only current editions are to be read.

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981
THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT 1974
THE WILD LIFE (PROTECTION) ACT 1972
THE FOREST (CONSERVATION) ACT 1980

Tiwari. A.K.- Environmental Laws in India
Leelakrishnan. P- Environmental Law in India
Khan. Dr. I.A.- Environmental Law
Divan Shyam&Rosencranz Armin- Environmental Law and Policy in India
Shastri. S.C.- Environmental Law
Tiwari. Dr. H.N- Environmental Law
Jaswal P.S- Environmental Law

PRACTICAL – I
(Professional Ethics and Professional Accounting System)

OBJECTIVE OF THE COURSE: The lawyers, like other professionals have a code of conduct and basic knowledge of professional accounting. This module deals with them.

Marks – 100

Credit : 04

MODULE – I: Krishnamurtylyer’s book on ‘ADVOCACY’

MODULE – II: The Contempt Law and Practice

MODULE – III: The Bar Council Code of Ethics

MODULE – IV: 50 selected opinions of the Disciplinary Committees of Bar Councils.

MODULE – V: 10 major judgements of the Supreme Court on above subjects.

Written submissions: Marks – 90

Viva voce: Marks – 10

NOTE: Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X , and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **X Semester along with Moot Court Exercise and Internship Practical Paper**. The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions
7. Law Firms
8. Companies
9. Local Self-Government
10. Other Legal Functionaries
11. Any other body approved by the College

SERVICE LEARNING UNDER MOTOR VEHICLES ACT, 1988

Part A- (Students are expected to know the following)

1. Introduction to Motor Vehicles Act in India
 - a. Motor Vehicles Act, 1988

- b. The Central Motor Vehicles Rules, 1989
- c. Motor Vehicles Amendment Bill, 2017
2. Drafting of Complaint under the Motor Vehicles Act, 1988
3. Liabilities under the M.V. Act, 1988
 - a. No fault liability under section 140.
 - b. Liability under section 163 A
 - c. Liability under 166
4. Analysis of legal issues arising out of Motor Accident Claim Cases

Part B- (Students are expected to do the following exercises for evaluation)

Students are expected to maintain a diary reporting 5 cases (of 20 marks each), to be observed in Motor Accidental Claims Tribunal during their visit.

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8. Companies
9. Local Self-government
10. Other Legal Functionaries
11. Any other body approved by the University