

**DR. BHIMRAO  
AMBEDKAR LAW UNIVERSITY, JAIPUR**  
डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

**LL.B. THREE YEAR COURSE**  
**(SEMESTER SCHEME)**



**SYLLABUS AND COURSE COMPONENT**

**THIRD SEMESTER 2025-26**

**(JULY TO DECEMBER)**

# COURSE CREDIT

## LL.B. THIRD SEMESTER

| S.NO.          | PAPER No. | PAPER NAME                               | NO. OF CREDITS |          |           |
|----------------|-----------|--|----------------|----------|-----------|
|                |           |  | LECTURES       | TUTORIAL | CREDITS   |
| 1.             | 3.1       | Company Law                              | 3              | 1        | 4         |
| 2.             | 3.2       | Jurisprudence                            | 3              | 1        | 4         |
| 3.             | 3.3       | Administrative Law                       | 3              | 1        | 4         |
| 4.             | 3.4       | Bharatiya Nagarik Suraksha Sanhita, 2023 | 3              | 1        | 4         |
| 5.             | 3.5       | Optional Paper - 1                       | 3              | 1        | 4         |
| <b>TOTAL =</b> |           |  | <b>15</b>      | <b>5</b> | <b>20</b> |

**TOTAL CONTACT HOURS PER WEEK = 15 + 5 = 20**

**TOTAL COURSE CREDIT = 20**

### **Examination Scheme:**

Total marks=100

End Term Examination-80 marks                      Internal Assessment-20 marks

Division of 20 marks-

Project-10 marks (5 marks for written submission and 5 marks for presentation)

Mid Term Examination-10 marks (on completion of 50% syllabus)

### **There shall be following scheme for Mid Term Examination:**

- (a) Section A - Students have to attempt two (2) short questions out of three (3). Each question carries equal marks i.e. 2 (Two) marks.
- (b) Section B- Students have to attempt One (1) Long question out of the two (2). It will be of 6 (six) marks.

### **Mid-Term examination shall be conducted by the College.**

End Semester Question paper scheme:

Every question paper will be divided into two sections:

- (a) Section A will consist of 7 short questions out of which 5 questions are to be attempted. Each question will carry 4 marks.  
Out of 7 questions, at least 3 questions must be application based.
  
- (b) Section B will contain 6 long questions out of which 4 are to be attempted. Each question will carry 15 marks.  
Section A and Section B will respectively cover whole syllabus.

# **COMPANY LAW**

## **(Paper 3.1)**

### **INTRODUCTION:**

In view of the important developments that have taken place in the corporate sector, the course is designed to understand the formation, management and other activities of the companies. In the present scenario, trade and commerce has become an integrate part of society. Every person is affected by trade related activities either directly or indirectly. Hence, with that aspect in mind this course has been designed with the purpose to familiarize the students with the basic tenants of Corporate Law and develop their legal acumen to analyse the provisions of law. This course provides an understanding of the legal framework governing business entities, focusing on company law and corporate governance. It covers the provisions of the Companies Act, 2013, related to the formation, management, and winding up of companies.

### **COURSE OBJECTIVES:**

The course aims to:

1. Understand the legal framework providing insight into foundational concepts about companies in India.
2. Explain the process of incorporation, management, and administration of companies.
3. Analyze the roles and responsibilities of directors, promoters, and shareholders.
4. Study the provisions relating to company meetings, accounts, audits, and winding up.

### **LEARNING OUTCOMES:**

After completing this course, students will be able to:

1. Explain the legal nature, formation, and incorporation of companies under the Companies Act, 2013.
2. Analyze the roles, powers, and duties of directors, auditors, and key managerial personnel.
3. Evaluate the rights and obligations of shareholders and the protection of minority interests.
4. Interpret and apply legal provisions relating to meetings, resolutions, company governance, and the process of winding up.

## **COURSE CONTENT:**

### **Unit I: Company and Its Incorporation:**

- 1.1 Meaning, nature, and characteristics of a company
- 1.2 Types of companies: public, private, government, one-person and small companies
- 1.3 Concept of corporate personality and lifting of corporate veil
- 1.4 Memorandum of Association and Articles of Association
- 1.5 Doctrine of indoor management, constructive notice, Doctrine of ultra vires and alteration of memorandum and articles

### **Unit II: Corporate Finance:**

- 2.1 Prospectus: meaning, contents, misstatements and liabilities
- 2.2 Meaning, kinds and nature of Shares and Share Capital
- 2.3 Transfer and transmission of shares
- 2.4 Debt Finance - Debentures, Nature of Debentures and Comparison between Shares and Debentures
- 2.5 Accounts- Books of Account, Board's report, Adoption and Filing of Financial Statement

### **Unit III: Corporate Governance:**

- 3.1 Director: kind, appointment and qualifications
- 3.2 Director: duties, liabilities and removal
- 3.3 Meetings: board meetings and general meetings – procedures and resolutions
- 3.4 Prevention of Oppression and Mismanagement: Protection of Minority Shareholders; Powers of Tribunal and Central Government, Insider Trading;
- 3.5 Class Action Suit (Sec. 245)

### **Unit IV: Winding Up, Adjudicatory Mechanism and Corporate Social Responsibility:**

- 4.1 Winding up of Companies: Modes- compulsory and voluntary
- 4.2 Grounds and Procedure for Winding up
- 4.3 Role of liquidator and dissolution of the company
- 4.4 Adjudicatory Bodies: NCLT & NCLAT- Constitution, Powers, Jurisdiction & Judicial Review
- 4.5 Corporate Social Responsibility: Introduction, Need; The Companies (Corporate Social Responsibility Policy) Rules 2014

**LEADING CASES:**

- 1) Foss v. Harbottle (1845) Ch. 319.
- 2) Salomon v. Salomon & Co., Ltd. (1897) A.C. 22 (H.L.) (1895-95) All ER Rep. 33
- 3) Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (Great Britain), Ltd., 1916 AC 307 (1916-17) All ER Rep. 191
- 4) Gilford Motor Co., Ltd. v. Horne (1933) 1 Ch. 935
- 5) Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H.L.: (1874-80) All ER Rep. 2219 (HL)
- 6) Royal British Bank v. Turquand (1856) 119 ER 886 (1843-60) All ER Rep. 435

**SUGGESTED READINGS:**

- i. Ramaiya, Guide to the Companies Act, LexisNexis, Butterworths, Wadhwa, Nagpur, 2020
- ii. Avtar Singh, Introduction to Company Law, 12th Ed Eastern Book Company, 2019
- iii. Avtar Singh, Company Law, (Hindi) Eastern Book Company, 2019
- iv. C.R. Datta, Datta on the Company Law, LexisNexis, Butterworths, Wadhwa, Nagpur, 2016
- v. Company Law Ready Reckoner: A Comprehensive Guide to Companies Act, 2013, 8th Edition, by Taxmann Publications. 2020
- vi. Kapoor G.K. and Dhamija Sanjay, Taxmann's Company Law & Practice, Taxmann, 2017
- vii. Prachi Manekar Wazalwar, National Company Law Tribunal and National Company Law Appellate Tribunal, 6th ed., Bloomsbury India, 2019
- viii. J.N. Pandey, Company Vidhi, (Hindi) 9th Ed. Central Law Publication, 2019

# **JURISPRUDENCE**

## **(Paper 3.2)**

### **INTRODUCTION:**

Jurisprudence, often called the philosophy or science of law, provides the foundational understanding of what law is, how it develops, and how it operates within society. It examines the nature, purpose, and function of law—probing questions of justice, rights, duties, ownership, and sovereignty. The study of jurisprudence enables students to appreciate law not merely as a set of rules but as a dynamic social institution influenced by morality, politics, economics, and culture. It forms the intellectual backbone of legal education, sharpening analytical and interpretive skills necessary for understanding and applying the law.

### **COURSE OBJECTIVES:**

1. To understand the nature, scope, and significance of jurisprudence in legal study.
2. To analyse various schools of legal thought and their influence on modern legal systems.
3. To explain fundamental legal concepts such as rights, duties, ownership, possession, liability, and person.
4. To evaluate legal theories and philosophies concerning justice, sovereignty, and law's relationship with morality.
5. To apply jurisprudential principles to contemporary legal and social issues, including human rights, technology, and globalization.

### **LEARNING OUTCOMES:**

After successful completion of the course, students will be able to:

1. Define and differentiate between key jurisprudential terms and theories.
2. Critically assess different schools of jurisprudence and their practical relevance.
3. Interpret and apply concepts of rights, duties, and legal relations using Hohfeldian analysis.
4. Analyze legal problems from philosophical and theoretical perspectives.
5. Demonstrate understanding of how jurisprudence shapes lawmaking, judicial reasoning, and legal reforms.
6. Engage in informed discussion on justice, morality, and the future of law in a globalized, technological world.

## **COURSE CONTENT:**

### **UNIT – I Nature and Scope:**

- 1.1 Meaning, Nature and Scope of Jurisprudence
- 1.2 Definition and classification of Law; Law and Morality – Distinction and Inter-relationship  
Codification: Advantages and Disadvantages of Codification;
- 1.3 Sources of Law – Legislation, Precedent, Custom and Juristic Writing
- 1.4 Administration of Justice – Civil and Criminal Justice
- 1.5 Codification

### **UNIT – II Schools of Jurisprudence:**

- 2.1 Analytical School of Jurisprudence, Kelsen's Pure Theory of Law
- 2.2 Historical School
- 2.3 Sociological School
- 2.4 Natural Law School
- 2.5 American Realism

### **UNIT – III Legal Concepts: Rights, Duties, and Person:**

- 3.1 Rights and Duties – Meaning, Classification, Theories and Hohfeld's Analysis
- 3.2 Person and Legal Personality – Natural and Artificial Persons, Theories of Corporate Personality
- 3.3 Ownership and Possession – Theories, Kinds, Acquisition and Termination and Relation with Ownership
- 3.4 Property – Concept, Classification and Modes of Acquisition
- 3.5 Liability – Conditions, Kinds and Theories of Punishment

### **UNIT – IV Modern Developments and Application of Jurisprudence:**

- 4.1 Natural Law and its Modern Revival
- 4.2 Concepts of Justice – Aristotle, Rawls, Nozick, Amartya Sen
- 4.3 Legal Systems – Common Law, Civil Law and Socialist Law
- 4.4 Feminist and Critical Legal Theories – Feminist Jurisprudence, Postmodernism
- 4.5 Globalization, Technology and the Future of Jurisprudence

### **LEADING CASES:**

- 1) Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561
- 2) Kesavananda Bharthi v. State of Kerala, AIR 1973 SC 1476
- 3) Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953
- 4) Maneka Gandhi v. Union of India, AIR 1978 SC 597
- 5) Minerva Mills v. Union of India, AIR 1978 SC 1789

- 6) Smt. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299
- 7) Navtej Singh Johar & Ors. v. Union of India AIR 2018 SC 1933
- 8) Naz Foundation v. Government of N.C.T. of Delhi 111 DRJ 1 / 160 Delhi Law Times 277 (2009) Delhi High Court

**SUGGESTED READINGS:**

- I. Anirudha Prasad Vidhi Shastra Ke Mool Siddhant: Principles of Jurisprudence (Hindi) Eastern Book Company, 2019
- II. B.N. Mani Tripathi, Jurisprudence (Hindi) 15th Ed., Central Law Publication, 2015
- III. Bodenheimer Jurisprudence; The Philosophy and Method of Law, Harward University Press, 2020
- IV. Dias, Jurisprudence, 5th ed., Lexis Nexis Publication, 2013
- V. H.L.A. Hart, The Concepts of Law, Oxford, Clarendon Press, 1970
- VI. Inderjeet Singh Jurisprudence An Introduction (Hindi) 3rd Ed., Central Law Publication, 2017
- VII. Michael Freeman (Ed). Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell
- VIII. Paton G.W., Jurisprudence (1972) Oxford, Clarendon Press.
- IX. P.S. Atchuthen Pillai, Jurisprudence & Legal Theory 2016 Reprint (3rd Edition), Eastern Book Company, Lucknow.
- X. Rawl's: Theory of Justice
- XI. Roscoe Pound, Introduction to the Philosophy of Law, Re-Print, Universal, Delhi, 1998
- XII. N. V. Paranjape, Jurisprudence & Legal Theory (Hindi), Central Law Agency, 2017
- XIII. Salmond on Jurisprudence, Tripathi, Bombay, 1999
- XIV. V.D. Mahajan, Jurisprudence and Legal Theory, Eastern Book Company, 2018
- XV. W. Friedman, Legal Theory, Universal Law Publishing Co., Delhi, 1999.

# **ADMINISTRATIVE LAW**

## **(Paper 3.3)**

### **INTRODUCTION**

Administrative Law is one of the most dynamic and vital branches of public law. It governs the organization, powers, functions and procedures of administrative authorities and the control mechanisms that ensure accountability and fairness in the exercise of governmental power. This course introduces students to the foundations, principles and evolution of Administrative Law, the doctrines of natural justice, delegated legislation, judicial review and the emerging trends of transparency, accountability and good governance.

### **COURSE OBJECTIVES:**

1. To provide a clear understanding of the nature, scope, and evolution of Administrative Law.
2. To study the powers and functions of administrative authorities in India.
3. To analyze mechanisms of control over administrative actions — judicial, legislative, and executive.
4. To examine principles of natural justice, delegated legislation, and administrative adjudication.
5. To explore contemporary issues such as Ombudsman and regulatory governance.

### **LEARNING OUTCOMES:**

After completing this course, students will be able to:

1. Explain the concept and growth of Administrative Law and its relevance in a welfare state.
2. Distinguish between legislative, executive, and quasi-judicial powers of administration.
3. Analyze the grounds and remedies for judicial review of administrative actions.
4. Apply the principles of natural justice and procedural fairness to administrative processes.
5. Evaluate the institutional mechanisms of accountability, including tribunals, and Lokpal.
6. Critically assess recent judicial trends and administrative reforms aimed at promoting transparency and good governance.

**COURSE CONTENT:**

**UNIT – I Nature and Scope of Administrative Law, Administrative Tribunal and Statutory Corporations:**

- 1.1 Definition, Nature and Scope of Administrative Law
- 1.2 Legal Values of Democracy, Rule of Law: Origin, Role of Indian Judiciary, Modern Concept of Rule of Law; World Justice Project Rule of Law Index
- 1.3 Separation of Powers
- 1.4 Administrative Tribunals: Composition, Functions and Jurisdiction
- 1.5 Statutory Public Corporations

**UNIT - II Delegated Legislation:**

- 2.1 Meaning, Classification, Reasons for genesis of Delegated legislation and its advantages
- 2.2 Delegated Legislation in India and Constitutionality
- 2.3 Parliamentary and procedural control of Delegated legislation
- 2.4 Safeguard and Judicial control over Delegated legislation
- 2.5 Conditional legislation and Retrospective rule making

**UNIT – III Administrative Discretion, Judicial review and Ombudsman:**

- 3.1 Meaning, Nature and Scope of Judicial Review, Limits on exercise of Judicial review
- 3.2 Abuse of discretion and Judicial review
- 3.3 Grounds of judicial review
- 3.4 Writs, Ombudsman
- 3.5 Promissory Estoppel and legitimate expectation

**UNIT – IV Principles of Natural Justice, State liability, Privileges & Immunities of Administration:**

- 4.1 Meaning, significance and Principles of Natural Justice: Rule of Audi Alteram Partem
- 4.2 Rule against Bias and Reasoned Decision
- 4.3 Exclusion of Principles of Natural Justice
- 4.4 Contractual and Tortious liability of State
- 4.5 Privilege to withhold documents, binding nature of Statute

### **LEADING CASES:**

- 1) A.K. Kripak v. Union of India, AIR 1970 SC 150
- 2) Agriculture Marketing Committee v. Shalimar Chemical Works Ltd. 1997 (5) SCC 516
- 3) St. John's Teachers Training Institute v. Regional Director, NCTE, (2003) 3 SCC 321
- 4) Jitendra Nath Gupta v. State of Bihar air 1949 FC175
- 5) L. Chandra Kumar. v. U.O.I., AIR 1997 SC 1125
- 6) Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
- 7) Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740
- 8) Rohtas Industries Pvt. Ltd. v. S.D. Agarwal, AIR 1969 SC 707
- 9) Rupa Ashok Hura v. Ashok Hura, (2002) 4 SCC 388
- 10) State of Bombay v. K.P. Krishnan, AIR 1960 SC 1223
- 11) State of Karnataka v. Union of India, AIR 1978 SC 68.
- 12) State of West Bengal v. Ashish Kumar Roy, AIR 2005 SC 254
- 13) Syed Yakoob v. Radha Krishna, AIR 1964 SC 477

### **SUGGESTED READINGS:**

- I. C. K. Takwani, Administrative Law, Eastern Book Company, 2016
- II. C. K. Takwani, Prashasanik Vidhi (Hindi) , Eastern Book Company, 2019
- III. I.P. Massey, Administrative Law, Eastern Book Company, 2017
- IV. JJ Ram Upadhyaya Administrative Law 12th, Edition Central Law Publication, 2020
- V. JJ Ram Upadhyaya Administrative Law (Hindi) 12th, Edition, Central Law Publication, 2020
- VI. M. P. Jain, Administrative Law, Lexis Nexis 2017
- VII. P.K. Das, The Right to Information Act, Universal Low Publishing
- VIII. Prof. Anand Paliwal, Dr. Krishna Kishor Trivedi, Right to Information Act and Good governance, Himanshu Publication Ed. 2017
- IX. S.P. Sathe, Administrative Law, Lexis Nexis 2010
- X. V. D. Sebastian, An Introduction to Administrative Law, Asia Law House, 2016
- XI. U. P. D. Kesari, Administrative Law (Hindi) 25th Ed. Central Law Publication, 2018.

# **BHARATIYA NAGARIK SURAKSHA SANHITA, 2023**

## **(Paper No.3.4)**

### **INTRODUCTION:**

The new Bhartiya Nagarik Suraksha Sanhita, 2023 is designed to look after the process of the administration and enforcement of the criminal laws of the country. Substantive rights would have no meaning if proper recourses are not available in case of their infringements. It provides not only the machinery for the detection of crime but also an enforcement mechanism for its implementation. The main object of the course is to familiarize students with the working of the criminal justice delivery system and also to make them understand the significant riddles of the procedure. This course is devised to deal with the basic procedural aspects with regard to criminal law in action. Indeed, understanding of the same is a must for any aspiring litigation lawyer and so it is aimed at satisfying this requirement. A thorough knowledge of The Bhartiya Nagarik Suraksha Sanhita, 2023 is indispensable for effective implementation of criminal law.

### **COURSE OBJECTIVES:**

1. To familiarize the students with the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) that has replaced the Code of Criminal Procedure, 1973 (CrPC).
2. To highlight the key changes introduced in the BNSS in order to ensure a criminal justice system with simple procedures, forensic investigation for serious offences, reduced pendency of cases, improvement in conviction rates, use of technology to facilitate access to justice and specified timelines for justice delivery.
3. To discuss the procedure for investigation and trial of offences (like initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts) under the BNSS while highlighting how these procedures are different from the Cr.PC.
4. To compare the coverage of critical issues in administration of criminal justice like protection of human rights of accused, victims and the principles of fair trial in the BNSS and the Cr.PC.

### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Identify the key changes introduced in the BNSS as compared to the CrPC.
2. Explain the powers, functions and duties of police and criminal courts under the BNSS.
3. To critically analyse the significance of the new provisions in the BNSS.
4. Employ and promote adoption of humane and just practices in administration of criminal justice with emphasis on protection (suraksha) of the citizen.
5. Be equipped with an understanding of the legal landscape to navigate through and contribute effectively to the evolving legal system.

### **Unit-I: Introduction**

1.1 Introduction to Bharatiya Nagarik Suraksha Sanhita and Its Importance

1.2 Definitions and Classification of offences

1.3 Classes of Criminal Courts , Powers and Jurisdiction

- 1.4 Executive Magistrates and Jurisdiction of Executive Magistrates
- 1.5 Security for Keeping The Peace And For Good Behaviour; Maintenance of Public Order And Tranquillity

**Unit-II: Arrest of Persons, Rights of arrested Persons**

- 2.1 Powers of Police Officers; Arrest of Persons, Rights of arrested Persons and Bail
- 2.2 Information to The Police and its Evidentiary Value; Powers to Investigate
- 2.3 Summons and warrant of arrest
- 2.4 Proclamation and Attachment; Search Warrant
- 2.5 Procedure of Police Investigation

**Unit-III: Maintenance & Condition requisite for initiation of proceedings**

- 3.1 Maintenance of wife, children, and parents
- 3.2 Condition requisite for initiation of proceedings
- 3.3 Public Prosecutors
- 3.4 Complaints to Magistrates and commencement of proceedings
- 3.5 Charges and Joinder of Charges

**Unit -IV: Trials**

- 4.1 Trial before a Court of Sessions; Trial of Warrant Cases: Instituted on police report; Instituted on other than police report; Trial of summon cases by Magistrate
- 4.2 Summary trials, Plea Bargaining, Commissions for the examination of witnesses; General Provision for enquiry and trial
- 4.3 Judgement, Appeals
- 4.4 Reference and Revision, Transfer of criminal cases
- 4.5 Execution, Suspension, Remission and Commutation of Sentences  
Miscellaneous

**LEADING CASES:**

- 1) Arnesh Kumar v. State of Bihar & Anr. AIR 2014 SC 2756
- 2) D. K. Basu v. State of West Bengal (1997) 1 SCC 416
- 3) Danial Latifi & Anr. v. Union of India AIR 2001 SC 3958
- 4) Kashmira Singh v. State of Punjab, (1977) 4 SCC 291
- 5) Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1
- 6) National Investigation Agency v. Zahoor Ahmad Shah Watali AIR 2019 SC 1734
- 7) Pritam Singh v. State of Punjab, AIR 1956 SC 415
- 8) Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589
- 9) Sakiri Vasu v. State of U.P. and Others (2008) 2 SCC 409
- 10) Satwant Singh v. State of Punjab, AIR 1956 SC 286
- 11) State of U.P. v. Singhara Singh, AIR 1964 SC 359
- 12) Tahsildar Singh v. State of U.P., 1959 AIR SC 1012

**TEXT BOOKS:**

- 1) Bare Act of The Bhartiya Nagarik Suraksha Sanhita, 2023
- 2) Chandrasekharan Pillai, (ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow, 06<sup>th</sup> Ed. 2016.
- 3) Gaur K.D. Textbook on the Code of Criminal Procedure, Universal Law Publication, 2016
- 4) Ratanlal and Dhirajlal, Code of Criminal Procedure, LexisNexis, 23<sup>rd</sup> Ed. 2020
- 5) Murlidhar Chaturvedi The Code Of Criminal Procedure (Hindi): Allahabad Law Agency 2018.

**REFERENCE BOOKS:**

- i. D. D. Basu, Criminal Procedure Code 1973, Vol. I & II, LexisNexis, 2017
- ii. Sarkar on Criminal Procedure Code, Vol. I.& II., LexisNexis, 2013
- iii. Sir John Woodroffe, Commentaries on Code of Criminal Procedure (in 2 Vols.) Ed.3<sup>rd</sup> edition, Law Publishers India Pvt. Ltd., Reprint 2018
- iv. Sohoni's Code of Criminal Procedure, 1973 (Set of 5 Volumes), 22<sup>nd</sup> Ed, Lexis Nexis, 2018.

## **OPTIONAL PAPER – I**

**THE STUDENT IS PERMITTED TO OPT ANY ONE ELECTIVE PAPER OUT OF THE FOUR PAPERS SUBJECT TO MINIMUM STRENGTH OF TWENTY (20) STUDENTS.**

### **ELECTION LAWS**

#### **(Paper 3.5.1)**

#### **INTRODUCTION:**

The study of Election Laws is a vital component of constitutional and democratic governance. This course introduces students to the legal and institutional framework governing elections — the foundation of representative democracy. It explores how laws regulate the conduct of elections, the qualification and disqualification of candidates, political parties, campaign finance, and electoral disputes. Students will analyze both constitutional provisions and statutory mechanisms that ensure free and fair elections, drawing on judicial decisions and comparative perspectives from other democracies. The course also examines the role of the Election Commission, electoral reforms and emerging challenges, such as the use of technology and social media in elections.

#### **COURSE OBJECTIVES:**

1. To introduce students to the constitutional and statutory framework governing elections in India.
2. To understand the role of the Election Commission of India (ECI) and the principles of free and fair elections.
3. To critically examine electoral processes, disputes and reforms through case laws and comparative perspectives.
4. To analyze electoral offences, disqualifications and accountability mechanisms.
5. To foster informed understanding of democratic governance, representation and electoral ethics.

#### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Explain the constitutional provisions and institutional framework for elections in India.
2. Analyze and interpret the Representation of the People Acts (1950 & 1951) and related statutory rules.
3. Evaluate the independence and functioning of the Election Commission and judicial oversight.
4. Identify electoral malpractices and offences, and propose reforms for transparency and accountability.

5. Apply comparative insights from global electoral systems to suggest improvements in Indian election law.

**COURSE CONTENT:**

**UNIT – I Constitutional and Legal Framework of Elections:**

- 1.1. Constitutional basis of elections – Part XV (Articles 324–329)
- 1.2. Concept of free, fair and fearless elections – democratic and jurisprudential foundations
- 1.3. Role and powers of the Election Commission of India
- 1.4. Delimitation of constituencies and reservation of seats
- 1.5. Electoral rolls and voter registration – rights, procedures and challenges

**UNIT – II Statutory Regulation of Elections:**

- 2.1. The Representation of the People Act, 1950 – structure and key provisions
- 2.2. The Representation of the People Act, 1951 – conduct of elections, nomination, withdrawal and polling
- 2.3. Model Code of Conduct – legal nature, enforcement and judicial recognition
- 2.4. Election Symbols (Reservation and Allotment) Order, 1968
- 2.5. Electoral offences and corrupt practices – bribery, undue influence, booth capturing and misuse of government machinery

**UNIT – III Election Disputes and Judicial Review:**

- 3.1. Election petitions and tribunals – jurisdiction and procedure
- 3.2. Disqualifications for membership – conviction, defection and office of profit
- 3.3. Judicial review of elections – Article 329(b) and limitations
- 3.4. Election expenses and disclosure of assets/liabilities
- 3.5. Landmark Supreme Court judgments on electoral integrity – PIL Cases PUCL, ADR, Lily Thomas, Subramanian Swamy

**UNIT – IV Contemporary Issues and Electoral Reforms:**

- 4.1. E-voting, VVPAT and electoral technology – legal and ethical aspects
- 4.2. Criminalization of politics and debarment of candidates
- 4.3. Election funding, transparency and electoral bonds
- 4.4. Media, Social Media and Election Laws
- 4.5. Reforms and recommendations – Law Commission reports, Election Commission proposals and Supreme Court directions

**LEADING CASES:**

- 1) Charan Lal Sahu v. Giani Zail Singh, AIR 1984 SC 309
- 2) Election Commission of India through Secretary v. Ashok Kumar, AIR 2000 SC 2979
- 3) G.V. Sreerama Reddy v. Returning Officer, (2009) 9 SCC 736
- 4) Jyoti Basu v. Debi Ghosal, AIR 1982 SC 983
- 5) Mohinder Singh Gill v. Chief Election Commissioner, New Delhi, AIR 1978 SC 851
- 6) N.P. Ponnuswami v. The Returning Officer, Namakkal Constituency, AIR 1952 SC 64
- 7) Raj Kumar Yadav v. Samir Kumar Mahaseth, (2005) 3 SCC 601
- 8) T.N. Seshan, Chief Election Commissioner of India v. Union of India (1995) 4 SCC 611

**PRESCRIBED LEGISLATIONS:**

- i. The Constitution of India, 1950
- ii. The Representation of the People Act, 1950
- iii. The Representation of the People Act, 1951
- iv. The Delimitation Act, 2002
- v. The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991
- vi. The Indian Penal Code, 1860 (Selected Relevant Provisions)
- vii. The Parliament (Prevention of Disqualification) Act, 1959
- viii. The Presidential and Vice-Presidential Elections Act, 1952

**PRESCRIBED BOOKS:**

1. V.S. Rama Devi and S.K. Mendiratta, How India Votes – Election Laws, Practice and Procedure (4th ed., 2017).
2. Kiran Gupta and P.C. Jain, Chawla's Elections - Law & Practice (10th ed., 2014)

## **MINOR ACTS AND SUPREME COURT RULES**

### **(Paper 3.5.2)**

#### **INTRODUCTION:**

This course provides an in-depth exploration of the Registration Act, a pivotal legislation governing the registration of documents in India. It includes the scope of registration, mandatory and optional registration, procedures for registration, consequences of non-registration, and legal remedies available.

Emphasis is placed on understanding the Act's practical applications in real-world scenarios, including property transactions, contracts, and legal disputes. Through case studies and interactive discussions, students comprehensively understand the Registration Act's significance in the Indian legal framework. Stamp Act, a crucial component of India's fiscal legislation provides student to explore provisions governing the taxation of various instruments and transactions, including agreements, conveyances, and deeds. Emphasis is placed on understanding the stamp duty regime, exemptions, and enforcement mechanisms. The Court Fees and Suits Valuation Act, elucidating its role in determining court fees and valuation of suits in India. Students explore the Act's provisions governing fee structures, exemptions, and valuation methodologies. Supreme Court Rules 1966, provide students with a comprehensive understanding of the procedural framework governing the Supreme Court of India. Topics include jurisdiction, appeals, pleadings, and the conduct of proceedings. Through examination of landmark cases and practical exercises, participants explore the application of rules in legal practice, emphasizing effective advocacy and compliance with court procedures. Registration Act, 1908, Indian Stamp Act, 1899 Court Fees Act, 1870, Suit's Valuation Act, 1887 and Supreme Court Rules 2013 hereinafter referred to as Minor Acts.

#### **COURSE OBJECTIVES:**

1. To acquaint students with the fundamental concepts in The Registration Act, The Indian Stamp Act, The Court Fees Act and The Supreme Court Rules 2016.
2. To examine the underlying nature, object and purpose of fiscal laws in relation to the instruments.
3. To explore various establishments and authorities vested with the powers and duties with respect to the implementation of the different Acts and Rules.
4. To understand how these Acts and rules equip the professionals to practically understand the subject.

#### **LEARNING OUTCOMES: ON THE COMPLETION OF THE COURSE:**

1. The learner will be able to demonstrate a comprehensive understanding of the fundamental concepts outlined under Minor Acts.
2. The learner will be equipped to analyze and evaluate the underlying nature, objectives, and

purposes of fiscal laws concerning legal instruments creating any right, title or interest in any immovable or other properties.

3. The learner will be able to identify and assess the nature and working of various establishments and authorities responsible for the assessment and implementation of Minor Acts and Rules.
4. The learner will gain practical insights into how the Minor Acts are applied to the procedural laws, enhancing their ability to navigate legal matters effectively.

## **COURSE CONTENT:**

### **UNIT – I Registration Act and Rules:**

- 1.1 Introduction to Registration Act
- 1.2 Documents of which Registration is compulsory
- 1.3 Documents of which Registration is optional
- 1.4 Time and place of registration
- 1.5 Effects of registration and nonregistration of Documents

### **UNIT – II Indian Stamp Act 1899 & Rules:**

- 2.1 Introduction to the Indian Stamp Act
- 2.2 Stamp Duty applicable to the documents
- 2.3 Mode of Stamping instruments
- 2.4 Valuation of Stamp Duty
- 2.5 Effect of documents not duly stamped Criminal liability

### **UNIT – III The Court Fees Act, 1870 and The Suits Valuation Act, 1887:**

- 3.1 Introduction to the Court Fees Act, 1870
- 3.2 Computation of Court Fees in Certain Suits
- 3.3 Valuation of Fees in other Cases
- 3.4 Process Fees in Courts
- 3.5 Mode of Levying court Fees

### **UNIT – IV Supreme Court Rules:**

- 4.1 Introduction to Supreme Court Rules, 1966 and Supreme Court (Amended) Rules 2025
- 4.2 Offices and Officers of the Court & Advocates
- 4.3 Appeals on Certificate by High Court - Civil Cases and Criminal Cases
- 4.4 Appeals by Special Leave
- 4.5 Application for Enforcement of Fundamental Right

**LEADING CASES:**

1. Ahmed Raza v. Syed Abid Hussain AIR 1916 PC 41
2. Barium Chemicals Pvt Ltd v. Vishwa Bharti Mining Corpn, (2009) 16 SCC 262
3. Chiranji Lal v. Hari Dass (2005) 10 SCC 746
4. District Registrar and Collector v. Canara Bank, (2005) 1 SCC 496
5. Ghanshyam Sarada v. JK Jute Mills Co. Ltd, (2017)1 SCC 599
6. Nasiruddin v. State of UP, (2018) 1 SCC 754
7. Om Prakash v. Laxmi Narayan, (2014) 1 SCC 618
8. Sita Ram Bhama v. Ram Avtar Bhama, (2018) 15 SCC 130

**PRESCRIBED BOOKS:**

1. K. Krishnamurthy, Indian Stamp Act, Lexis Nexis, 2017.
2. ML Bhargava, Digest on the Registration Act, 1908 Lawman (2019).
3. MLJ Manual on the Court fees Act, 1870 Lexis Nexis (2017).
4. Sir Dinshaw Fardunji Mulla, Registration Act, Lexis Nexis 2020.
5. AN Khanna, Law of Court Fees and Suits Valuation, Universal Law Publishing, (2017).
6. S Krishnamurthi Aiyar, Indian Stamp Act, Universal law Publishing, 12th ed. 2017.

**PRESCRIBED LEGISLATIONS /RULES ETC.:**

1. General Clauses Act, 1897
2. Indian Stamp Act, 1899
3. Registration Act ,1908
4. Supreme Court Rules, 2013 and Supreme Court (Amended) Rules 2025
5. The Court Fees Act, 1870
6. The Suits Valuation Act, 1887
7. Transfer of Property Act 1882

## **LOCAL SELF GOVERNMENT INCLUDING PANCHAYATI RAJ (Paper 3.5.3)**

### **INTRODUCTION:**

This course offers an in-depth exploration of “Local Self-Government Including Panchayat Self-Administration in India,” delving into the intricate framework of decentralized governance in one of the world’s largest democracies. It examines the foundational concepts and legal frameworks that underpin local governance, emphasizing the roles and responsibilities of Panchayats and Urban Local Bodies in promoting democratic participation and effective public administration. Key topics include the historical evolution of local governance in India, from ancient times to the present, highlighting significant milestones such as the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments. These amendments mandated the establishment of Panchayats and Municipalities as institutions of self-government at the village, intermediate and district levels, aiming to decentralize power and promote local development.

### **COURSE OBJECTIVES:**

1. To make the students understand about the views of our national leader and social reformers.
2. To familiarize the students with the various Committees of the Panchayati Raj Institutions in our country.
3. To make the students understand the Constitutional provisions relating to local self-government.
4. To introduce the students with the Rajasthan Panchayati Raj Act, 1994 as amended and apprise them with Rajasthan Cooperative Societies Act, 2001 as amended.

### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Explain the significance of local self-government as self-governing institutions in democratic set up.
2. Describe the changing pattern of Panchayati Raj.
3. Explain the Constitutional provision about local self-governments.
4. Understand how the Panchayati Raj system is working in the State of Rajasthan.

## **COURSE CONTENT:**

### **UNIT – I Local Self-Government:**

- 1.1 Concept of Local Self-Government
- 1.2 Historical Background of Local Self-Government
- 1.3 Theories of Decentralized Local Self-Government
- 1.4 Challenges Before Local Self-Government
- 1.5 Local Self-Government as an Alternative to Government System

### **UNIT – II Changing Pattern and Constitutional Status to Panchayat Raj:**

- 2.1 Changing Pattern of Panchayat Raj
- 2.2 Rajasthan Panchayati Raj Act, 1994 as amended in 2019.
- 2.3 Concept of Gram Nyayalaya/Election for Local Self-Government and Election Offences
- 2.4 The Constitution (Seventy-third Amendment) Act, 1992 and Eleventh Schedule
- 2.5 The Constitution (Seventy-fourth Amendment) Act, 1992 and Twelfth Schedule

### **UNIT – III Institutions of Local Self-Government:**

- 3.1 Historical Background of Village Administration in India
- 3.2 Functions and Role of Local Self-Governments in India
- 3.3 Gram Sabha and Gram Panchayat— Composition Powers and Functions in state of Rajasthan
- 3.4 Panchayat Samiti- Composition Powers and Functions in Rajasthan
- 3.5 Zilla Parishad- Composition Powers and Functions in Rajasthan

### **UNIT – IV Committees and Reports on Panchayat Raj/Local Self-Government:**

- 4.1 Recommendations of Ashok Mehta Committee
- 4.2 The Vasant Rao Naik Committee Report
- 4.3 Recommendations of GVK Rao Committee
- 4.4 Prem Khandu Thungan Committee Report
- 4.5 Bhuria Committee Report for Panchayat Extension to Scheduled Area Act, 1986 (PESA)

### **LEADING CASES:**

1. Secretary, Sarvodaya Educational Society v. Gijjala Panasaiah, 2002 (10) SCC 691.
2. Sakthi Coop. Industrial Estate v. Kursheed Begum, (1998) 8 SCC 528.
3. State of Rajasthan and Anr. v. Kulwant Kaur, 2006 (1) SCALE 265.
4. Gram Panchayat v. Jagir Singh, C.A. No. 10562/2014 (S.L.P. (Civil) No.35854 of 2009).

5. Ram Beti v. District Panchayat Raj Adhikari, Civil Appeal Nos. 4675,5541-48 and 5815-42 of 1997.
6. Surinder Kaur v. State of Punjab, Civil Appeal No. 4393 of 1996.
7. Boddula Krishnaiah v. State Election Commissioner, A.P., Civil AppealsNos. 5283-84 of 1996.

#### **PRESCRIBED LEGISLATIONS/RULES ETC.**

1. Constitution of India, 1950.
2. Rajasthan Panchayati Raj Act, 1994; Rajasthan Panchayati Raj Amendment Act, 2019.
3. The Rajasthan Cooperative Societies Act, 2001; The Rajasthan Cooperative Societies (Amendment) Act, 2022.
4. The Panchayats (Extension to the Scheduled Areas) Act, 1996.
5. The Gram Nyayalaya Act, 2008.

#### **BOOKS:**

1. Granville Austin, THE INDIAN CONSTITUTION CORNERSTONE OF A NATION, (1999).
2. Amit Prakash Jayal, Niraja Gopal, Pradeep Sharma, Local Governance in India: Decentralization and Beyond, (2007).
3. Kuldeep Mathur, Panchayati Raj: Oxford India Short Introductions,(Oxford India Short Introductions Series 2013).
4. S.N. Agarwal, Gandhian Constitution For Free India (1998).
5. Ram Narayan Prasad, Urban Local Self Government in India, (2006).

#### **REPORTS OF COMMITTEES AND COMMISSION:**

1. Government of India, Report of The Committee on Panchayati Raj Institutions, (1978) Recommendations of Ashok Mehta Committee;
2. The Vasantrya Naik Committee Report;
3. Recommendations of GVK Rao Committee;
4. Prem Khandu Thungan Committee Report;
5. Bhuria Committee Report for Panchayat Extension to Scheduled Area Act, 1986 (PESA).
6. A Report on Community Development through Panchayati Raj Institutions (PRIs) in Himachal Pradesh: A Study of Kasba Paprola Panchayat Submitted to National Institute of Rural Development & Panchayati Raj (NIRD & PR) Ministry of Rural Development, Government of India, (2018).
7. A Case Study on Women leadership in Panchayati Raj Institutions(PRI) at the Gram Panchayat level, National Institute of Rural Development and Panchayati Raj (2017).

# **HUMAN RIGHTS**

## **(Paper 3.5.4)**

### **INTRODUCTION:**

“Human rights” are rights inherent to all human beings, regardless of our nationality, residence, sex, and gender identity, national or ethnic origin, color, religion, language or any other status. We are all equally entitled to our human rights without discrimination. This is the modern concept of our fundamental rights but it was not always this way. The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new and is something stemming from an evolution of the consideration of human dignity over the last centuries. Its roots lie in earlier tradition and documents of many cultures.

In view of the above this course is designed to Trace the evolution of human rights, Contextualise various human rights issues, Understand the relationship between Fundamental Rights, Constitutional Rights and Human Rights, Identify the enforcement mechanism of human rights at the national and state level and Attribute the role of civil society and other non-state actors in the protection of human rights and additionally to Generate ideas for better implementation of human rights laws in India.

### **COURSE OBJECTIVES:**

The course aims to:

1. Introduce the concept, nature, origin, and evolution of human rights from a legal perspective.
2. Examine the fundamental principles of Human Rights and characteristics of the international framework of human rights law
3. Analyze constitutional and statutory protections of human rights under International Law and Constitutional Law in India.
4. Explore the role of enforcement mechanisms such as the NHRC, SHRCs and the Judiciary

### **LEARNING OUTCOMES:**

By the end of this course, students will be able to:

1. Understand the evolution, meaning and significance of human rights.
2. Interpret international human rights instruments and their enforcement mechanism
3. Evaluate constitutional and legal protections of human rights under International Law and in Domestic Law.
4. Analyze the role of judicial activism and commissions in the promotion and protection of Human Rights

### **COURSE CONTENT:**

#### **Unit I: Concept, Development, and Principles of Human Rights:**

- 1.1 Meaning, nature and significance of human rights
- 1.2 Historical evolution of human rights: Ancient, medieval and modern perspectives
- 1.3 Human Rights: Basic Needs and Capability Approach
- 1.4 International Bill of Human Rights: Nature and Scope
- 1.5 Relationship of Human Rights and Fundamental Rights

## **Unit II: International Human Rights Law:**

- 2.1 United Nations and the Universal Declaration of Human Rights (UDHR)
- 2.2 International Covenant on Civil and Political Rights (ICCPR), 1966
- 2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- 2.4 Convention on the Rights of the Child (CRC)
- 2.5 Enforcement mechanisms: Under Human Rights Treaties and UN Human Rights Council

## **Unit III: Human Rights in India:**

- 3.1 Human Rights under the Indian Constitution; Right to information
- 3.2 Human Rights of women, children and LGBTQ
- 3.3 Human Rights of persons with disabilities, old and senior citizens
- 3.4 Human Rights of Scheduled Castes, Scheduled Tribes and Minorities
- 3.5 Human Rights and Technology: Privacy, Surveillance and Data Protection

## **Unit IV: Enforcement Mechanisms in India:**

- 4.1 Concept of Human Rights under the Protection of Human Rights Act, 1993
- 4.2 Constitution, Powers and Functions of the National Human Rights Commission
- 4.3 Constitution, Powers and Functions of the State Human Rights Commission
- 4.4 National Commissions: Women, Minorities, SC/ST and Children
- 4.5 Role of Judiciary in protection of Human Rights

## **LEADING CASES:**

- 1) Jogender Kumar V. State of UP and others 1994 (Arrest)
- 2) Munshi Singh Gautam V. State of MP 1999 (Torture)
- 3) D.K. Basu V. State of West Bengal (Arrest)
- 4) Prem Shankar Shukla V. Delhi Administration (Arrest)
- 5) Ramilla Maidan incident V. Union of India & Ors. (Public Protest)

## **SUGGESTED READINGS:**

- I. Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (eds), International Human Rights Law, (OUP 2013).
- II. Dinah Shelton, Analysis of African Commission for Human Rights Decision Regarding Communication 155/96, 96 A.J.I.L. 937 (2002).
- III. Ian Brownlie and Guy Goodwin-Gill, Brownlie's Documents on Human Rights, (5th ed., OUP 2006).
- IV. Nsongurua J. Udombana, CRITICAL ESSAY: Can the Leopard Change Its Spots? The African Union Treaty and Human Rights, 17 Am. U. Int'l L. Rev. 1177, (2002).
- V. Patrick Hayden, "The Philosophy of Human Rights (Paragon Issues in Philosophy)", 2001.
- VI. Philip Alston (Author), Ryan Goodman (Author), Harry J. Steiner (ed), International Human Rights in Context: Law, Politics, Morals, (3rd ed, OUP 2007).
- VII. Rhona K.M. Smith, Textbook on International Human Rights, (6th ed, OUP 2014).

- VIII. Yannaras Christos, Human Rights and the Orthodox Church, Greek Orthodox Archdiocese of America, 2003.
- IX. K.T.Basantani., Human Rights, Science, Technological Development, Sheth Publishers, 2008.
- X. Prof. Manohar R. Wadhawani., Some Aspects of Human Rights, Science and Technology and Ecology – Chetana Publishers, 2008.
- XI. Prof. Manohar R. Wadhawani, The Philoosphy and Practice of Human Rights – Chetana Publishers, 2003.
- XII. Mahesh Bhagwat, Prakash Dongre and Meghana Shinde – Chakne., Foundation Course II – Sheth Publishers, 2008.