DR. BHIMRAO AMBEDKAR LAW UNIVERSITY, JAIPUR

डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

B.A.LL.B.

FIVE YEARS INTEGRATED PROGRAMME

(SEMESTER SCHEME)

SYLLABUS AND COURSE COMPONENT

THIRD YEAR
FIFTH SEMESTER 2026-2027
(Batch 2024-2025)

COURSE CREDIT

B.A.LL.B. FIFTH SEMESTER

S. NO.	PAPER No.	PAPER NAME	NO. OF CREDITS		
			LECTURES	TUTORIAL	CREDITS
1.	5.1	Political Science-V	3	1	4
2.	5.2	Jurisprudence	3	1	4
3.	5.3	Family Law -I	3	1	4
4.	5.4	Public International Law	3	1	4
5.	5.5	Bhartiya Nagrik Sureksha Sanhita 2023	3	1	4
TOTAL=			**15**	**5**	**20**

TOTAL CONTACT HOURS PER WEEK = 15 + 5 = 20
TOTAL COURSE CREDIT = 20

Examination Scheme

- Total marks=100

End Term Examination-70 marks Internal Assessment-30 marks
Out of 30 marks

(a) Project-15 (10 marks for written submission and 5 marks for presentation)

The project should be in the form of moot court exercise/ drafting/ client counselling/ mediation competition/ research paper

(b) Mid Term Examination-15 marks (covering 50% syllabus)

Paper pattern (Mid Term Examination) will be as per following scheme-

(a) Section A -students are supposed to answer three (3) Short question out of four (4). Each carry equal marks 3 (Three)

(b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

Mid-term examination shall be conducted by the College.

- End Semester Question paper pattern shall be as under:

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 12.5 marks.

Section A and Section B will respectively cover whole syllabus.

Political Science-V

(Paper No. 5.1)

POLITICAL THEORY: CONCEPTS AND DEBATES

INTRODUCTION:

Political Theory: Concepts and Debates introduces students to the fundamental concepts, principles, and theoretical approaches through which political life, institutions, power relations, and society are understood and critically examined. The course explores the meaning and nature of politics, the relationship between the State and civil society, the functioning of democracy, the idea of citizenship, and the principles of liberty, equality, and justice.

The course enables students to move beyond the mere understanding of political concepts towards their critical application in real-life situations. It seeks to cultivate

informed, reflective, and socially conscious learners capable of examining political institutions and legal frameworks from diverse theoretical perspectives and contributing meaningfully to democratic discourse and constitutional governance.

COURSE OBJECTIVES:

The Course aims to:

1. Familiarize students with the key concepts in political theory, especially the ones which are intrinsic to the study of law.
2. Acquaint the students with theoretical frameworks and debates in political theory.
3. Develop analytical skills to discern the internal structure of a concept and also being able to distinguish between contending interpretations of the concept/theoretical construct.
4. Develop analytical skills to discern how concepts are related to each other in different theoretical frameworks and approaches.
5. Critically evaluate normative arguments and learn to how apply the concepts to develop theories about politics and law.

LEARNING OUTCOMES:

At the end of the course, the student should be able to:

1. Acquire basic knowledge about the concepts and the principal scholarship on them in the domain of political theory.
2. Develop an understanding about the theoretical framework.
3. Critically analyse and compare between contending uses of the concepts and also contending theoretical frameworks.
4. Apply concepts and the theories about them to the societal issues and debates.

UNIT-I POLITICS, POWER AND THE PUBLIC

1.1 Politics: Principal meanings of politics and the political
1.2 The idea of a political community
1.3 Domain of Politics: Public/Private
1.4 Understanding Power: Structures of Power, Exploitation
1.5 Concepts: Ideology/Hegemony, Power/Knowledge

UNIT-II STATE AND CIVIL SOCIETY

2.1 Political Authority and Political Obligation

2.2 Modernity, Colonialism and the Nation-State

2.3 Theories of the State and State-Society Relationship

2.4 Historical Evolution of the concept of Civil Society: Meanings, Role and Critical Assessment

2.5 Civil Society and the State

UNIT-III DEMOCRACY AND CITIZENSHIP

3.1 Citizenship: Concept, Debate

3.2 Liberal Democracy and Its Critics

3.3 Measuring and Classifying Democracies

3.4 Recent debates on democracy

3.5 Citizenship: Citizenship and Rights, Participation. Representation

UNIT- IV PRINCIPLES OF A POLITICAL COMMUNITY

4.1 Liberty: the Concept

4.2 Negative and Positive Liberty

4.3 Self Determination, Alienation, Social Conditioning

4.4 Equality: Equality of What, Equality and Difference

4.5 Justice: Classical and Contemporary conceptions of Justice, Distributive Justice and its critics, Ethics of Care

SUGGESTED READINGS:

I. Heywood, A., (2000). *Key concepts in politics*. New York: St. Martin's Press.

II. Heywood A. and Clayton Chin (2023). *Political theory: An introduction* (5th ed.). Bloomsbury Academic.

III. Bhargava Rajeev and Acharya Ashok, (2008). *Political theory: An introduction*. Pearson Education India.

IV. MacKinnon C. Jubb R. & Tomlin P. (2019). *Issues in political theory* (Fourth). Oxford University Press.

V. Goodin R., Pettit P., & Pogge T. (eds) (2007). *A companion to contemporary political philosophy*. Blackwell Publishing.

ADDITIONAL READINGS:

1. Jay M. (2010). On the Political (Chapter 2) in Jay M. *The virtues of mendacity: on lying in politics*. University of Virginia Press.

2. Leftwich A. (2004). *What is politics? : the activity and its study*. Polity.

3. Squires J. (2003). Public and Private in Bellamy R & Mason A. *Political Concepts*. Manchester University Press.
4. Peeters R. (2008). Against Violence, but Not at Any Price, Hannah Arendt's Concept of Power. *Ethical Perspectives* 15, no. 2: 169–92.
5. Lukes S. (2021). *Power: A radical view* (Third). Red Globe Press.
6. Stoddart, M. C. J. (2007). Ideology, Hegemony, Discourse: A Critical Review of Theories of Knowledge and Power. *Social Thought & Research*, *28*, 191–225.
7. Taylor D. (2014). *Michel Foucault : key concepts*. Routledge.
8. Held D. (2013). *Political theory and the modern state*. Wiley.
9. Mitchell, T. (1991). The Limits of the State: Beyond Statist Approaches and Their Critics. *The American Political Science Review*, *85*(1), 77–96.
10. Scott J. C. (1998). Introduction in Scott. J. C. *Seeing like a state : how certain schemes to improve the human condition have failed*. Yale University Press.
11. Kohn M. & McBride K. D. (2011). *Political theories of decolonization : postcolonialism and the problem of foundations*. Oxford University Press.
12. Li T. M. (2007). Governmentality. *Anthropologica* 275–281.
13. Kaviraj S and Khilnani S. (Eds.), *Civil Society: History and Possibilities.* Cambridge University Press.
14. Chambers S. & Kopstein J., Civil Society and the State. In Dryzek J. S. Honig B. & Phillips A. (2008). *The Oxford handbook of political theory* (First paperback). Oxford University Press.
15. Cunnigham F. (2002). *Theories of democracy: a critical introduction* (1st ed.). Routledge.
16. Plattner, M. (2019). Illiberal Democracy and the Struggle on the Right. *Journal of Democracy*, *30*(1), 5-19.
17. Miller D. (2017). *Liberty reader* (2nd ed.). Taylor and Francis.
18. Hampton J. (2018). Distributive Justice. In Hampton J. *Political philosophy*. Routledge.
19. Farrelly C. (2004). *An introduction to contemporary political theory*. Sage Publications. (Chapters 1,2,4,5)
20. Parekh B. C. (2019). *Ethnocentric political theory: the pursuit of flawed universals*. Palgrave Macmillan. (Chapters 2,3,5,6,7)
21. Deveaux, M. (1995). Shifting Paradigms: Theorizing Care and Justice in Political Theory. *Hypatia*, *10*(2), 115–119.

Examination Scheme

- Total marks=100

End Term Examination-70 marks Internal Assessment-30 marks

Out of 30 marks

(a) Project-15 (10 marks for written submission and 5 marks for presentation)

The project should be in the form of moot court exercise/ drafting/ client counselling/ mediation competition/ research paper

(b) Mid Term Examination-15 marks (covering 50% syllabus)

Paper pattern (Mid Term Examination) will be as per following scheme-

(a) Section A -students are supposed to answer three (3) Short question out of four (4). Each carry equal marks 3 (Three)

(b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

Mid-term examination shall be conducted by the College.

- End Semester Question paper pattern shall be as under:

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 12.5 marks.

Section A and Section B will respectively cover whole syllabus.

JURISPRUDENCE

(Paper 5.2)

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.

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.

Examination Scheme

- Total marks=100

End Term Examination-70 marks Internal Assessment-30 marks
Out of 30 marks

(a) Project-15 (10 marks for written submission and 5 marks for presentation)

The project should be in the form of moot court exercise/ drafting/ client counselling/ mediation competition/ research paper

(b) Mid Term Examination-15 marks (covering 50% syllabus)

Paper pattern (Mid Term Examination) will be as per following scheme-

(a) Section A -students are supposed to answer three (3) Short question out of four (4). Each carry equal marks 3 (Three)

(b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

Mid-term examination shall be conducted by the College.

- End Semester Question paper pattern shall be as under:

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 12.5 marks.

Section A and Section B will respectively cover whole syllabus.

FAMILY LAW – I
(Paper No. 5.3)

INTRODUCTION:

This course involves the student with the introduction of Hindu law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations and other provisions relating to marriage, succession etc. in Hindu law. The study of the course will attempt to view Hindu law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfil the constitutional directive of uniform civil code.

COURSE OBJECTIVES:

1. To provide an in-depth understanding of the foundations, sources, and evolution of Hindu law, both codified and uncodified, in the context of family law in India.
2. To examine key statutes under codified Hindu law, understanding their objectives, key provisions, and scope of application.
3. To study landmark judicial decisions and interpretations that have shaped Hindu family law, recognizing the role of the judiciary in balancing tradition and modernity.
4. To engage with contemporary debates and reforms in Hindu family law, considering issues of gender justice, equality, and human rights.

LEARNING OUTCOMES:

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

1. Demonstrate a comprehensive understanding of the historical, cultural, and religious foundations of Hindu law, distinguishing between its codified and uncodified forms.
2. Critically analyze the key provisions of codified Hindu law, including marriage, divorce, succession, guardianship, adoption, and maintenance, and apply these to various legal scenarios.
3. Evaluate the significance of uncodified Hindu laws and customary practices, understanding their impact on legal judgments and their continuing relevance in family law.
4. Interpret and assess the impact of significant judicial decisions on the development and transformation of Hindu family law in India.
5. Critically engage with ongoing debates on reforms in Hindu family law, articulating informed perspectives on the need for change in areas like gender equality, inheritance rights, and marriage laws.
6. Apply knowledge of Hindu family law to hypothetical cases, demonstrating an ability to navigate complex legal situations involving both codified and uncodified laws.

UNIT – I SOURCES AND APPLICATION OF FAMILY LAW

1.1. Evolution of Personal Laws in India

1.2. Hindu Law: Sources and Application

1.3. Coparcenary, Joint Family Property and Self-acquired property; Karta and his powers and obligations,

1.4. Religious and Charitable Endowments

1.5. Emerging Trends in Family Law: Same Sex Marriage; Live-in-relationship

UNIT – II THE HINDU MARRIAGE ACT, 1955

2.1 Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage;

2.2 Restitution of Conjugal Rights; Judicial Separation,

2.3 Legitimacy of Children of Void and Voidable Marriage;

2.4 Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent,

2.5 One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure.

UNIT – III THE HINDU SUCCESSION ACT, 1956 AND THE HINDU ADOPTION AND MAINTENANCE ACT, 1956

The Hindu Succession Act, 1956:

3.1 Succession to the property of a Hindu male; Succession to interest in Coparcenary property,

3.2 Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female;

3.3 General rules and disqualifications of succession, Escheat; Judicial Responses. The Hindu Adoption and Maintenance Act, 1956:

3.4 Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in Adoption, Effects of Adoption; Miscellaneous provisions of adoptions;

3.5 Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependents and their maintenance; Amount of Maintenance; Judicial Responses;

UNIT – IV THE HINDU MINORITY AND GUARDIANSHIP ACT, 1956

4.1 Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian,

4.2 General Provisions of Guardianship; Judicial Responses.

4.3 Partition under Hindu Law: Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected,

4.4 Determination of shares, Re-opening of Partition, Reunion,

4.5 Debts – Doctrine of Pious Obligation; Antecedent Debts; Judicial Responses;

LEADING CASES:

1) Arunachala Gounder (Dead) by L.R.'s. v. Ponnusamy and others Civil Appeal No. 6659 of 2011, (2022) SCC OnLine SC 72
2) Chanmuniya v. Virendra Kumar Singh Kushwaha (2011) 1 SCC 141
3) Dr. N.G. Dastane v. Mrs. S. Dastane AIR 1975 SC 1534
4) Roxann Sharma v. Arun Sharma Civil Appeal No. 1966 of 2015 SC
5) Seema v. Ashwani Kumar, AIR 2006 S.C 1158
6) Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, 1977 SCR (3)
7) Velusamy v. D. Patchaiammal, (2010) 10 SCC 469
8) Vineeta Sharma v. Rakesh Sharma, AIR 2020 SC 641

PRESCRIBED LEGISLATIONS:

1. The Hindu Minority and Guardianship Act, 1956
2. The Hindu Adoption and Maintenance Act, 1956
3. The Hindu Succession Act, 1956
4. The Hindu Marriage Act, 1955

PRESCRIBED BOOKS:

i. Kusum, Family Law Lectures: Family Law I, LexisNexis, New Delhi.
ii. Mulla: Principles of Hindu Law
iii. Paras Diwan: Modern Hindu Law
iv. Paras Diwan, Law of Marriage and Divorce (5th Edn. 2008)
v. Professor Kusum, Family Law Lectures- Family Law-I, Lexis Nexis Publications, (3rd Ed. 2011)
vi. Raghavachariar: Hindu Law – Principles and Precedents
vii. RanganathMisra (Rev.), Mayne's Treatise on Hindu Law & Usage (16th Ed.2008)
viii. Satyajeet A Desai, Mulla's, Hindu Law, LexisNexis, New Delhi.
ix. Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.

Examination Scheme

- Total marks=100

End Term Examination-70 marks Internal Assessment-30 marks

Out of 30 marks

(a) Project-15 (10 marks for written submission and 5 marks for presentation)

The project should be in the form of moot court exercise/ drafting/ client counselling/ mediation competition/ research paper

(b) Mid Term Examination-15 marks (covering 50% syllabus)

Paper pattern (Mid Term Examination) will be as per following scheme-

(a) Section A -students are supposed to answer three (3) Short question out of four (4). Each carry equal marks 3 (Three)

(b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

Mid-term examination shall be conducted by the College.

- End Semester Question paper pattern shall be as under:

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 12.5 marks.

Section A and Section B will respectively cover whole syllabus.

PUBLIC INTERNATIONAL LAW-I
(Paper No. 5.4)

INTRODUCTION

Public International Law (PIL) is the body of rules that regulates relations among sovereign states, international organizations, and other global actors. It engages with pressing global concerns such as the protection of human rights, environmental sustainability, the governance of the seas, international criminal accountability, and mechanisms for dispute resolution.

This course offers students a structured and comprehensive exploration of the principles, practices, and institutions that shape international law. Beyond foundational knowledge, it fosters critical analysis of the challenges facing the international legal order and evaluates the effectiveness of international law in promoting justice, stability, and cooperation in the global community.

COURSE OBJECTIVES:

1. To provide students with a thorough grounding in the fundamental principles and sources of public international law.
2. To enable students to analyze the legal frameworks governing international relations, including treaties, customary law, and the role of international organizations.

3. To explore the application of international law to contemporary global issues environmental protection, and the law of the sea.
4. To foster the ability to critically evaluate the effectiveness of international law in addressing global challenges and maintaining international peace and security.
5. To equip students with the skills to research, analyze, and present legal arguments related to international law, enhancing their legal reasoning and advocacy skills.

LEARNING OUTCOMES:

1. Students will be able to recall the key principles, sources, and institutions of public international law, including the UN Charter, International Court of Justice (ICJ), and major international treaties.
2. Students will explain the functioning of international organizations, the process of treaty-making, and the principles governing state sovereignty, immunity, and jurisdiction.
3. Students will apply principles of international law to hypothetical scenarios, such as disputes between states, global crises like war and its effects
4. Students will analyse landmark cases in international law, such as those decided by the ICJ or international criminal tribunals, identifying the legal principles and reasoning behind the decisions.
5. Students will critically evaluate the effectiveness of international law in areas such as conflict resolution, environmental protection
6. Students will develop legal arguments and policy recommendations on contemporary issues in international law, such as climate change or global migration.

UNIT I – FOUNDATIONS OF INTERNATIONAL LAW

1.1 Definitions, Development, and Nature of International Law, Public vs. Private International Law; Legality and Positive Morality

1.2 Basic Theories: Naturalist, Positivist, Grotius, Consent Theory

1.3 Sources and Subjects of International Law; Theories (Realistic, Fictional, Functional, Monistic, Dualistic) International Law and Municipal Law: Specific Adoption, Transformation, Delegation Theories; Concept of State and its Essential Ingredients

1.4 Kinds of States and State Territory State Recognition: De Facto & De Jure; Recognition of Government, Belligerency, Insurgency, Collective Recognition

1.5 State Succession: Theories, Rights, and Duties arising out of Succession State Jurisdiction and Territorial Sovereignty

UNIT II: INTERNATIONAL DISPUTE RESOLUTION

2.1 Peaceful Settlement of Disputes; Diplomatic Methods (Negotiation, Mediation, Conciliation); Legal Methods (Arbitration, Adjudication); Role of the International Court of Justice (ICJ); Advisory Opinions by the ICJ; Regional Mechanisms for Dispute Resolution.

2.2 Use of Force and Collective Security; Prohibition of the Use of Force (Article 2(4) of the UN Charter

2.3 Exceptions to the Prohibition: Self-Defense, UN Security Council Authorization; Collective Security under the United Nations; Peacekeeping Operations; Responsibility to Protect

2.4 International Responsibility; Concept of State Responsibility; Attribution of Conduct to the State; Breach of International Obligations

2.5 Consequences of Internationally Wrongful Acts; Reparations (Restitution, Compensation, Satisfaction).

UNIT III – TREATIES AND ARMED CONFLICTS

3.1 Law of Treaties: Concept, Kinds, Binding Force (Pacta Sunt Servanda, Jus Cogens, Clausula Rebus Sic Stantibus)

3.2 Treaty Formation: Formation and Conclusion of Treaties; Reservations, Ratification, and Accession; Interpretation of Treaties; Termination and Suspension of Treaties. Vienna Convention on the Law of Treaties (1969);

3.3 War: Legal Character, Effects, Enemy Character, Armed Conflicts, Belligerent Occupation

3.4 War Crimes, Prize Courts, Termination of War, Doctrine of Post Liminium

3.5 Settlement of Disputes: Pacific & Compulsive Means; Rules of Warfare; Neutrality

UNIT IV – LAW OF THE SEA

4.1 Law of the Sea; United Nations Convention on the Law of the Sea (UNCLOS); Maritime Zones (Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf); Rights and Duties of Coastal and Landlocked States; Dispute Settlement under UNCLOS; Protection of Marine Environment and Resources.

4.2 International Air and Space Law; Principles of International Air Law; Regulation of Air Space and Outer Space; International Civil Aviation Organization (ICAO); Liability for Damage Caused by Space Objects; Peaceful Use of Outer Space.

4.3 International Economic Law; Introduction to International Economic Law; World Trade Organization (WTO): Principles, Agreements, and Dispute Resolution; International Monetary Fund (IMF) and World Bank: Roles and Functions; Bilateral Investment Treaties (BITs) and Investor-State Dispute Settlement (ISDS); Challenges in Global Economic Governance

4.4 International Investment Law; Principles of International Investment Law; Protection of Foreign Investments; Expropriation and Compensation; Investor-State Dispute Settlement (ISDS); Role of Multinational Corporations in International Law.

4.5 International Environmental Law; International Legal Framework for Environmental Protection; Sustainable Development and International Law; Legal Responses to Climate Change; Protection of the Ozone Layer and the Montreal Protocol; Transboundary Environmental Issues and Disputes.

SUGGESTED READINGS:

1) Boyle & C. Chinkin, The Making of International Law, Foundations of Public International Law, Oxford University Press, 2007
2) H.O. Agarwal, International Law & Human Rights, 1st Ed. (Rep) Central Law Agency 2014
3) James Crawford Brownlie, Principles of International Law, Oxford University Press, 2013.
4) Landmark Cases in Public International Law, Editor(s): Eirik Bjorge, Cameron Miles,1st ed., Bloomsbury Publishers, 2017
5) L. F. L. Oppenheim's International Law (9th Edition): Volume 1 Peace; Edited by Robert Jennings, Arthur Watts KCMG QC, Oxford University Press, 2008.
6) Mark Villiger, "The Factual Framework: Codification in Past and Present", in Customary International Law and Treaties, Mark Villger, pp.63-113, The Netherlands: Martinus Nijhoff, 1985
7) R. P. Dhokalia, The Codification of Public International Law, United Kingdom: Manchester University Press, 1970
8) Shaw, International Law, Cambridge University Press, 2008 (6th ed.)
9) Sharma Satyendra Kumar, Law of Sea and Exclusive Economic Zone, Taxmann Publications, 2017.
10) S.K Kapoor, International Law & Human Right 18th Ed., Central Law Agency, 2018
11) Starke, Introduction to International Law, Oxford University Press, 2013.

Examination Scheme

- Total marks=100

End Term Examination-70 marks Internal Assessment-30 marks

Out of 30 marks

(a) Project-15 (10 marks for written submission and 5 marks for presentation)

The project should be in the form of moot court exercise/ drafting/ client counselling/ mediation competition/ research paper

(b) Mid Term Examination-15 marks (covering 50% syllabus)

Paper pattern (Mid Term Examination) will be as per following scheme-

(a) Section A -students are supposed to answer three (3) Short question out of four (4). Each carry equal marks 3 (Three)

(b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

Mid-term examination shall be conducted by the College.

- End Semester Question paper pattern shall be as under:

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 12.5 marks.

Section A and Section B will respectively cover whole syllabus.

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023
(Paper No.5.5)

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 Ordera 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, 06th 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, 23rd 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.3rd edition, Law Publishers India Pvt. Ltd., Reprint 2018
iv. Sohoni's Code of Criminal Procedure, 1973 (Set of 5 Volumes)