

B.A. LL.B. (Hons.) Semester – VIII

PAPER I LAW OF EVIDENCE

Maximum Marks - 70
Minimum Passing Marks - 28

UNIT – I

Introductory

1. The main features of the Indian Evidence Act 1861
2. Problem of applicability of Evidence Act
3. Administrative Tribunals
4. Industrial Tribunals
5. Commissions of enquiry
6. Court- material

Central Conceptions in Law of Evidence

1. Facts: section 3 definition: distinction – relevant facts/ facts in issue
2. Evidence: oral and documentary
3. Circumstantial evidence and direct evidence
4. Presumption (section 4)
5. “Proving” “not proving” and “disproving”
6. Witness
7. Appreciation of evidence

UNIT – II

Facts: relevancy

1. The Doctrine of *res gestae* (section 6, 7, 8, 10)
2. The problems of relevancy of “otherwise” irrelevant facts (section 11)
3. Facts concerning bodies and mental state (section 14, 15)

Admission and Confessions

1. General principles concerning admission (section 17, 23)
2. Differences between “admission” and “confession”
3. The problems of non – admissibility of confessions caused by “any inducement, threat or promise” (section 24)
4. Inadmissibility of confession made before a police officer (section 25)
5. Admissibility of custodial confessions (section 26)
6. Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery based on “joint statement” (section 27)
7. Confession by co-accused (section 30)
8. The problems with the judicial action based on a “retracted confession”

UNIT - III

Dying Declarations

1. The justification for relevance on dying declarations (section 32)
2. The judicial standards for appreciation of evidentiary value of dying declarations

Relevance of judgments

1. Admissibility of judgments in civil and criminal matters (section 43)
2. "Fraud" and "Collusion" (section 44)

Expert Testimony

1. Who is an expert? : types of expert evidence
2. Opinion on relationship especially proof of marriage (section 50)
3. The problem of judicial defence to expert testimony

UNIT IV

Oral Documentary Evidence

1. General principles concerning oral evidence (sections 59- 60)
2. General principles concerning documentary evidence (section 67-90)
3. General principles regarding exclusion of oral by documentary evidence
4. Special problems: re-hearing evidence
5. Issue estoppel
6. Tenancy estoppel (section 116)

Witness Examination and cross Examinations

1. Competency to testify (section 118)
2. State privilege (section 123)
3. Professional privilege (section 126, 127,128)
4. Approval testimony (section 133)
5. General principles of examination and cross examination (section 135- 166)
6. Leading questions (section 141- 143)
7. Lawful questions in cross - examination (section 146)
8. Compulsion to answer questions put to witness
9. Hostile witness (section 154)
10. Impeaching of the standing or credit of witness (section 155)

UNIT V

Burden of Proof

1. General principles conception of onus probandi (section 101)
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences (section 111A)
5. Presumption as to dowry (section 115)
6. The scope of the doctrine of judicial notice (section 114)

Estoppel

1. Why estoppel? The rationale (section 115)
2. Estoppel, res-judicial and waiver and presumption
3. Question of corroboration (section 156-157)
4. Improper admission and of witness in civil and criminal cases

Selected Bibliography

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (5th Reprint 2000), Universal Delhi
5. Albert S. Osborn, The Problem Proof (First Indian Reprint 1998), Universal Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency, New Dehli

B.A. LL.B. (Hons.) Semester – VIII

GENDER JUSTICE & FEMINIST JURISPRUDENCE

PAPER II

Maximum Marks - 70
Minimum Passing Marks - 28

UNIT - I

Women in Pre- Independence India

1. Social and legal inequality
2. Social reform movement in India
3. Gandhian movement
4. Nehru's views- joint family etc
5. Karachi congress- Fundamental Rights Resolution,
6. Equality of sexes

UNIT-II

Women in Post- Independence India

1. Preamble of the Constitution – Equality provisions in fundamental Rights and Directives principles of State Policy
2. Negative Aspects of the Constitutions – Exploitation of sex not mentioned in Article 23.
3. Different personal laws- unequal position of women
4. Uniform Civil Code towards gender justice
5. Indian tradition and family ideology: growth of feminism

UNIT -III

Sex Inequality in Inheritance Rights

1. Continuance of feudal Institutions of joint family – women's inheritance position under Hindu Law
2. Inheritance right of women under Christian law
3. Inheritance right of women under Parsi law
4. Inheritance right of women under Muslim law
5. Movement towards uniform Civil Code
6. Matrimonial Property
7. Separation of property
8. Maintenance different system of personal law
9. Division of assets on divorce

UNIT-IV

Social Welfare Laws for women

Non-implementation of protective labour legislation

1. Maternity benefits Act
2. Equal remuneration Act
3. Factories Act

4. Inequality in the work place
5. Additional burden of domestic responsibilities
6. Male bias
7. Lack of neutrality in law

UNIT-V

Criminal Law

1. Adultery
2. Rape
3. Dowry death
4. Cruelty to married women
5. Bigamy
6. Dowry prohibition
7. Amniocentesis

SUGGESTED READINGS

1. Sivaramya B. matrimonial property law in India (1998), Oxford
2. Ratna Kapoor and Brinda Cossman, Subversive Sites: Feminist Engagements with law in India (1996), Sage
3. Patricia Smith (ed.) Feminist jurisprudence (1993), Oxford
4. 42nd Report Law Commission Dissenting Note Anna Chandy on provisions of adultery
5. towards Equality – Report of the Committee on the status of women (Govt. of India) Ch. IV and section IV : General Conclusions and recommendations
6. Lotika sakar: The Law of commission of India (1988)
7. Sathe, S.P. Towards Gender justice (1993), Research Centre for Women's studies

B.A. LL.B. (Hons.) Semester – VIII

PAPER III HEALTH LAW

Maximum Marks - 70
Minimum Passing Marks - 28

UNIT - I

Concept & Definition of Health, Right to health, International law & health

UNIT - II

Constitution protection,- Fundamental Right & directive principle

UNIT - III

Offence affecting the Public Health, (Chapter XIV of IPC) Nuisance, miscarriage, (312.313IPC,) relevant provision of CrPC

UNIT - IV

Health & Legal protection- environmental law, J.J. Act, prenatal diagnostic technique, regulation & prevention of misuses Factory Act, Mental Health Act 1987, Maternity benefit Act

UNIT - V

Health law & Judiciary

SUGGESTED READINGS

Prof. Jean McHale Health Care Law: Text and Material
Gwyn Tovey Medical Law
Peter De Cruz Medical Law

B.A.LL.B.(Hons.) Semester-VIII

PROFESSIONAL ETHICS & ACCOUNTING SYSTEM OUTLINE OF THE COURSE: PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATION (CLINICAL COURSE-II)

Maximum Marks: 80

Minimum Passing Marks: 32

Outline of the courses: Professional Ethics Accountancy for lawyers on the basis of the following materials.

- (1) Mr. Krishnamurthy Iyer's book on "Advocacy"
- (2) The Contempt Law and Practice
- (3) The Bar Council Code of Ethics
- (4) Fifty selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject.
- (5) Other reading materials as may be prescribed by the University by the university.

Note:-

- The written exam of this paper will have 80 marks and the viva-voice/Research paper for project or participation in seminar will carry 20 marks
- Written examination will be conducted by the university
- Viva-voice will be conducted by the department of the colleges

Dilma Aml

S. J. Jain

COMPARATIVE CONSTITUTIONAL LAW

UNIT-I

CONSTITUTION & CONSTITUTIONALISM

- Constitution: Concept, Nature and Importance of Constitution-Evolution of Constitutional Values-Requisites of Ideal Constitution-Historical Evolution of Constitutional Government
- Constitutionalism: Concept-Evolution-Limitations on Government Power-Constitutional Supremacy-Separation of Power

UNIT-II

COMPARATIVE CONSTITUTIONS

- Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making
- Types of Constitutions: Written Constitutions-U.S.A, Canada, Australia and India; Unwritten Constitutions-England

UNIT-III

JUDICIAL REVIEW & CIVIL RIGHTS

- Judicial Review-Fundamental Rights; Writ Jurisdiction-A Comparative Study
- Civil Liberties/Rights: Structure-Enforcement-Individual Rights-Group Rights-National Security

UNIT-IV

FEDERALISM

- Federalism: Concepts of Federalism and Federal Government-Conditions Essential for Federalism; Patterns of Federal Government: U.S.A, Australia, Canada and India
- New Trends in Federalism: Cooperative Federalism-Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism

Suggested Readings:

1. Alexander M. Bickel: *The Least Dangerous Branch: The SC at the Bar of Politics*, Yale University Press, New Haven.
2. Anata Kumar Giri: 'The Rule of Law and Indian Society: From Colonialism to Post Colonialism', in P. Costa and D. Zolo (ed.), *The Rule of Law: History, Theory and Criticism*, Springer, The Netherlands.
3. Archibald Cox: *Court and the Constitution*, Houghton Mifflin, Boston.
4. B. Z. Tamanaha: 'Rule of Law in United States', in Randall Peerenboom (ed.), *Asian Discourses of Rule of Law*, Routledge, London.
5. Charles Fried: *Saying What the Law Is: The Constitution in the Supreme Court*, Universal Publishing Co. Pvt. Ltd., New Delhi.
6. Charles L. Black: *The People and the Court: Judicial Review in a Democracy*, The Macmillan Company, New York.
7. D. D. Basu: *Comparative Constitution Law*, LexisNexis India, Gurgaon.
8. D. D. Basu: *Introduction to the Constitution of India*, Lexis-Nexis, New Delhi.
9. Donald Kommers: 'The Value of Comparative Constitutional Law', 9 *J. Marshall J. Prac. & Pro.* 685 (1976).
10. Douglas V. Verney: 'The Struggle Over Judicial Review: Supreme Court and Limited Government', in M. P. Singh *et al.*, (eds.), *Indian Judiciary and Politics: The Changing Landscape*, Manohar Book, New Delhi.
11. Ernest A. Young: 'Foreign Law and the Denominator Problem', 119 *Harv. L. Rev.* 148 (2005).
12. Goolam E. Vahanvati: 'Rule of Law: The Sieges Within', in Mool Chand Sharma & Raju Ramachandran, *Constitutionalism, Human Rights and the Rule of Law: Essays in Honour of Soli J Sorabjee*, Universal Book Publishing Co., New Delhi.
13. Granville Austin: *The Indian Constitution: Cornerstone of a Nation*, OUP, Oxford.
14. Gustavo Fernades De Andrade, *Comparative Constitutional Law: Judicial Review*, 3(3) *University of Pennsylvania Journal of Constitutional Law* 989-997 (2001).
15. Jan Erk: *Explaining Federalism: State, Society and Congruence in Austria, Belgium, Canada, Germany and Switzerland*, Routledge, New York.
16. Jan M. Smits (ed.): *Elgar Encyclopedia of Comparative Law*, Edward Elgar, Cheltenham, UK.
17. Jeffrey Jowell: *The Rule of Law Today*, in Jeffrey Jowell and Dawn Oliver (ed.), *The*