

SEMESTER : X

Paper : 1001

Administrative Law

Full Marks: 100 (Written 80+Internal 20)

Credit: 5

1. Introduction to Administrative Law:

- Definition, Nature and Scope of Administrative Law
- Reasons for the development of Administrative Law with special reference to India
- Relationship between Constitutional Law and Administrative Law
- *Droit Administratif*

2. Concept of Rule of law with special reference to Indian Constitution

3. Doctrine of Separation of Powers and its relevance

4. Legislative Functions of Administration:

- Concept and meaning of Delegated Legislation
- Necessity and Constitutionality of Delegated Legislation
- Control over Delegated Legislation:
 - Judicial Control
 - Parliamentary Control

5. Principles of Natural Justice:

- Rule against Bias
- *Audi Alteram Partem*
- Effect of non-compliance with Principles of Natural Justice
- Exception to Principles of Natural Justice

6. Judicial Review of Administrative Action:

- Jurisdiction of the Supreme Court - Articles 32 and 136
- Jurisdiction of the High Courts - Articles 226 and 227
- Modes of Public Law Review:
 - Writ of *Certiorari*,
 - Writ of *Mandamus*,
 - Writ of *Quo Warranto*,
 - Writ of *Prohibition*,
 - Writ of *Habeas Corpus*

7. Liability of the Administration:

- Liability of the Administration in Contract
- Liability of the Administration in Tort
- Sovereign and non-sovereign functions, statutory immunity, Act of the State.

8. Administrative Tribunal:

- Meaning and Nature
- Difference between Court & Tribunal
- Advantages and Disadvantages of Tribunal
- Reasons for growth of Tribunal

9. Public Undertakings:

- Meaning and Reasons for growth of Public Corporations

10. Recourse of Citizen against Administrative Faults:

- Ombudsman in India:
- The Lokpal and Lokayuktas Act, 2013(as up-to-date)
- An overview of the workings of the Lokayukts in the States
- Right to Know
- The Object, reasons and salient features of the Right to Information Act, 2005

NOTE:

1. Questions are to be set taking from each unit of the syllabus of a paper.
2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x12 marks (for answering 5 questions).
3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Suggested Readings:

1. Administrative Law- Massey, I. P.
2. Administrative law- Takwani, C. K.
3. Administrative Law- Upadhyaya, J.J.R.
4. Administrative Law- Smith
5. Administrative Law- Keshri, U. P. D.

Paper : 1002A
Private International Law
(Optional Paper -VI)
Full Marks: 100 (Written 80+Internal 20)

Credit: 5

1. **Introduction**
Subject matter, scope and basis of private international law, relationship of International law and Municipal law. Difference between Public International Law and Private International Law
2. **Jurisdiction**
Choice of law, renvoi, characterization.
3. **Law of Family**
Marriage, divorce, adoption, guardianship and maintenance- Indian and English position.
4. **Contract**

- Theory of Lex loci contractus, Lex loci delicticommissi, Lex loci actus.
5. **Enforcement of Foreign Judgments and Decrees**
Application of Foreign Court Theory and Proper Law.
 6. **Domicile**
Meaning, Domicile of Choice, Domicile of Origin and Domicile of Corporation.
 7. **Law of Obligation**
Theory of lexfori, lex loci delicti, application of proper law.
 8. **Property**
Succession of movable and immovable property
 9. **Adoption**
Recognition of Foreign Adoptions, Adoption by foreign Parents, Jurisdiction under Indian and English Law.

NOTE:

1. Questions are to be set taking from each unit of the syllabus of a paper.
2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x12 marks (for answering 5 questions).
3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Suggested Readings:

1. Private International Law- Paras Diwan
2. Lectures on Private International Law- Rega Surya Rao
3. Private International Law- S.R. Myneni

Paper : 1002B
Competition Law
(Optional Paper -VI)
Full Marks: 100 (Written 80+Internal 20)

Credit: 5

1. Introduction

- Concept & Function of market
- Concept of Competition
- Fair and unfair Competitive Practices
- Need of Competition Law
- Nature & Scope of competition law

2. Anti-Competitive Agreement

- Concept,
- Elements
- Types
- Rule of Per se and Reason
- AAEC and factors determining AAEC
- Exemption

Diwan

- Prohibition of Anti-competitive agreement/Cartel/bid rigging.

3. Dominant Position

- Concept Dominant position and Relevant Market
- Abuse of Dominant Position
- Forms
- Essential facilities doctrine
- Refusal and abuse of dominant position.
- Pricing strategies and abuse of dominant position
- Treatment of abuse of dominant position

4. Regulation of Combinations & Enforcement Mechanisms

- Concept of Combinations and forms
- Regulation of Combination
- Combination Notice
- Procedure for Investigation of Combination
- Penalties

5. Competition Commission of India

- Establishment and Compositions of CCI
- Powers and Functions
- Jurisdiction of the CCI
- Procedure for Inquiry by CCI
- Adjudication and appeals

6. Director General of Investigation (DGI)

- Power and Duties
- Investigation by CCI
- Penalties and Enforcement

7. National Company Law Appellate Tribunal (NCLAT)

- Establishment: From COMPAT to NCLAT
- Powers and functions
- Other relevant information

NOTE:

1. Questions are to be set taking from each unit of the syllabus of a paper.
2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x 12 marks (for answering 5 questions).
3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Suggested Readings:

1. Competition Law in India - T. Ramappa.

2. Competition Law- Avtar Singh
3. Guide to Competition Act- S M Dugar
4. Competition Act, 2002- Law and Practice- Suresh T. Vishwanathan.
5. Taxmann's Competition Law & Practice- D.P. Mittal
6. Competition Law-Emerging Trends—P. Satyanaraya Prasad
7. Competition Law in India- Abir Roy and Jayant Kumar.

Paper : 1003

Seminar Paper

(Honours Paper-VIII)

Full Marks: 100 (Written Submission 80 + Presentation 20=100) Credit: 5

In this paper the students have to write **seminar paper** as project work on relevant topics of law taking from entire syllabus of the course.

The submitted seminar projects containing 80 marks will be evaluated in the following manner:

| | | |
|--|---|----------|
| 1. Quality of Legal Contents | : | 20 Marks |
| 2. Structure of the Seminar Project Work | : | 20 Marks |
| 3. Depth of Research | : | 10 Marks |
| 4. Originality | : | 10 Marks |
| 5. Relevance of Work | : | 05 Marks |
| 6. Use of Language | : | 10 Marks |
| 7. Case Reference/ Case Studies | : | |

80 MARKS

TOTAL

Presentation containing 20 marks shall be evaluated in the following manner:

| | | |
|-----------------------|---|----------|
| 1. Contents | : | 08 Marks |
| 2. Clarity | : | 04 Marks |
| 3. Aid/PPT | : | 04 Marks |
| 4. Question & Answers | : | 04 Marks |

20 Marks

TOTAL

Paper : 1004
Moot Court Exercise and Internship
(Clinical Paper-IV)

Full Marks: 100 (Written Submission 90 + Viva 10) Credit: 5

This paper shall has three components of 30 marks each and a viva for 10 marks.

1. Moot Court

: **30 Marks**

Every eligible student shall be required to do at least three moot courts with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy in each case.

Evaluation of this paper shall be done by a Board of Examiners to be constituted by Head of the Institute.

Written submission and Oral Advocacy shall be evaluated considering following aspects of the submission and advocacy:

In written submission or memorials:

- | | | |
|----------------------------------|---|----|
| 1. Original & Quality | | |
| Written Arguments & Submissions | : | 01 |
| 2. Clarity and Structure | : | 01 |
| 3. Citation Form | : | 01 |
| 4. Adherence to the Moot Problem | : | 01 |
| 5. Adherence to Rules | : | 01 |

In advocacy or Oral presentations:

- | | | |
|------------------------------------|---|----|
| 1. Quality Arguments & Submissions | : | 01 |
| 2. Persuasiveness | : | 01 |
| 3. Presentation Skills | : | 01 |
| 4. Confidence and Advocacy | : | 01 |
| 5. Time Management | : | 01 |

2. Observance of Trial in two cases, one Civil and one Criminal : 30 Marks

Every eligible student may be required to attend at least two trials (One civil and one criminal) in the course of the last two or three years of studies. The Center of Studies may allot or depute experienced teacher or supervisor to guide the students with the help of Advocates in the Court of Law. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment and submit the same in the form of a project report before the evaluation team after being verified by the guide teacher. The same team of evaluation constituted for evaluation of this paper will evaluate the report focusing on the noting and reporting of the following in the report:

Facts of Cases, Witness Examination, Cross-Examination, Legal Arguments, Judge's Instructions, verdict or sentencing.

3. Interviewing Techniques and Pre-Trial Preparations and Internship Diary : 30 Marks

In this part each eligible student will have to do following tasks:

c) **Interviewing Techniques**

: **15 Marks**

To undergo a total internship for four weeks compulsorily during their Semesters VI, VII, VIII, IX, and X at any Court/Firm/Institutions/NGOs as per the list may be published by the center of studies, from time to time and obtain a **CERTIFICATE OF COMPLETION OF INTERNSHIP** from authority concerned, to be submitted along with the related project reports for evaluation. During the period of internship, they will observe minimum two interviewing sessions of clients at the Lawyer's Office / Legal Aid Office/ Law Firms/ NGO Office etc. They will maintain a diary and enter the various steps observed during their attendance on different days in the and submit the same in the form of a project report before the evaluation team after being verified by the guide teacher.

f) **Pre-Tria Preparations:** **15 Marks**

Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks. They will maintain a diary and enter the various steps observed during their attendance on different days in the preparation of cases and to submit the same in the same project report of interviewing techniques before the evaluation team after being verified by the guide teacher. The same team of evaluation constituted for evaluation of this paper will evaluate the report focusing on the following:

Observation of Client Interviews, Documents and Court Paper Preparations, Participation in Counselling and Noting, Maintenance of Internship Diary.

4. **Viva Voce**

: **10 Marks**

Note:

Students will have to put in Four weeks of Internship compulsorily in each of the Semesters VI, VII, VIII, IX and X and obtain a certificate of Internship without which the Bar Council may not enroll them. The students must maintain Diary. They will be evaluated in Xth Semester along with Moot Court Practical. The Internship shall be in the following Institutions or Organisations:

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