

Indian Penal Code–II (B.A. LL.B. V Sem.)¹

Syllabus

(Monsoon Semester 2024)

Course Objective:

After having a fair idea about the principles of criminal law in the paper titled Indian Penal Code-I, the students are expected to understand the substantive crimes as defined in the Indian Penal Code of 1860, and other special legislations along with the judicial interpretation of the same.

Penal laws of a country embody those acts or omissions which are prohibited and punished by the State and often reflect the societal attitude towards these acts of commission and omission. As the society changes, the aspirations and hopes of its constituents also change, thereby requiring a change in the laws. It is desirable that the laws which were set in a society which was not free by any modern standard of freedom, are reviewed and suitable changes are made in criminal laws so that it keeps pace with the SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC.

Students shall be encouraged to test the substantive criminal laws on the touch stone of constitution and suggest changes where required.

Case discussions, a stimulating comparative study of substantive crimes in other common law jurisdictions particularly the England and the U.S., project writing and project presentation shall form the essential component of teaching and evaluation.

Learning Outcome:

At the end of the course the students should:

- 1- Understand the nature of crimes in India
- 2- Know the recent trends in crime

¹ As the IPC is set to be replaced by the Bharatiya Nyaya Sanhita, 2023, w.e.f July 1, 2024, suitable changes in the nomenclature and/or section number shall be made at the time of class discussions.

- 3- Appreciate the efficacy or inefficiency of the penal laws in dealing with the modern criminal phenomenon like terrorism, cyber crimes, economic offences etc.
- 4- Be able to argue criminal cases effectively with the help of recent case laws.

Course Content

Unit I: Offences against the State & Economy

(10 classes)

(A) War against government of India, Terrorism & Sedition/offences affecting unity, integrity and sovereignty of India

- 1- The concept of offences against the state under IPC/BNS.
- 2- Terrorism: Past experiences and present challenges.
- 3- Comparative study of the law relating to sedition in India and England with respect to their content and scope.
- 4- The constitutionality of Sec. 124A, IPC/Sec. 152 BNS -contemporary discourses.

(B)- Economic Offences

- 1- Nature of Economic offences: Requirement of *mens rea*.
- 2- Offences related to coins, stamps, currency and bank notes.
- 3- Need for a separate Economic Offences Code?

Unit II: Offences affecting Life and Limb

(14 classes)

- 1- Culpable homicide and murder under IPC/BNS and English Law.
- 2- Hurt, grievous hurt and acid attack: Recent Developments.

- 3- Kidnapping and Abduction.
- 4- Human Trafficking: Recent developments.

Unit III: Sexual and Non-sexual offences against women
(10 classes)

- 1- Offences against women: Sociological perspective.
- 2- Dowry death under IPC/BNS and the Dowry Prohibition Act, 1961.
- 3- Cruelty against women: IPC/BNS and the Protection of Women from Domestic Violence Act, 2006.
- 4- Sexual offences in India: The Legislative framework and Judicial Response.

Unit IV: Offences relating to property

(10 classes)

- 1- Types of offences relating to property.
- 2- The jurisprudential analysis of the offence of theft under IPC/BNS.
- 3- Theft: a comparative study of Indian and English law.
- 4- Cheating, breach of trust and criminal misappropriation of property.
- 5- Violent property offences viz. extortion, robbery and dacoity.

Unit V: Agenda for reform

(3 classes)

- 1- The debate and its direction.
- 2- Identifying the grey areas and suggestions for reform in BNS.

Teaching Methodology:

The discussions shall be focused on case law and statutory law. The latest cases shall be discussed in the class and the students are expected to keep their eyes and ears open in regards the recent development in the Indian Criminal jurisprudence.

Readings:

- 1- A Textbook on The Indian Penal Code (7th ed., 2020)---- by K.D. Gaur
- 2- Cases and Materials on Criminal Law (9th ed., 2019)-----by K.D. Gaur
- 3- G. Williams Text Book of Criminal Law (2012)-----by Dennis J Baker
- 4- Russell on Crime (2012)-----by J.W.C. Turner
- 5- Cases and Materials on Criminal Law (2010)-----by Dine & Gobert
- 6- 42nd Report of the Law Commission of India (1971).
- 7- 279th Report of the Law Commission of India on 'Usage of the Law of Sedition'
(2023).
- 8- Criminal Law (2015)-----by Smith and Hogan
- 9- B.M. Gandhi's Indian Penal Law (5th ed., 2023)-----
-by K.A. Pandey

TRANSFER OF PROPERTY I

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights, and the general principles governing the transfer of property.

UNIT I

General principles of Transfer of Property by act of parties *inter-vivos*
Definition, Concept and meaning of immovable property;
Doctrine of fixtures;
Distinction between movable and immovable property;
Doctrine of Notice, Actual and Constructive Notice;

UNIT II

Transfer of Immovable Property;
Persons Competent to transfer, Living and Juristic Person;
Operation of Transfer;
Transfer of *Spes Successionis*; Transfer by heir apparent; Chance of a relation obtaining a legacy on the death of a kinsman;

UNIT III

Doctrine of Feeding the grant by estoppel;
Status of *bonafide* transferee for consideration and without notice
Conditions restraining alienation and restrictions repugnant to the interest created;
Rule against perpetuity and exceptions;
Direction for accumulation;

UNIT IV

Vested and Contingent interest, void conditions
Rule of acceleration;
Fulfilment of conditions – previous and subsequent;
Doctrine of election;
Apportionment;
Transfer by ostensible and co-owner;

UNIT V

Priority of rights, Rent paid to holder under defective title;
Improvements made by bonafide holder;
Doctrine of *Lis pendens*;
Fraudulent transfer and part-performance;
Vedic concepts of Property and Possession;

Reference Books

Mulla, Transfer of Property Act;
Tandon, M.P., Allahabad Law Agency;
Subbarao, Transfer of Property;
Shukla, S.N, Transfer of Property Act,
Tripathi, G.P., The Transfer of Property Act;

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B.A. LL.B. (Hons.)

Vth Semester

ADMINISTRATIVE LAW

Syllabus

UNIT-I: INTRODUCTION

- Meaning, Definition, Nature, Scope and significance of Administrative Law
- Evolution and Development of Administrative Law
- Reasons for Growth of Administrative Law
- Basic Principles of Administrative Law: -Rule of Law and Theory of Separation of Powers
- Difference between Administrative Law and Constitutional Law

UNIT-II: DELEGATED LEGISLATION

- Meaning, Nature, Scope, Kinds and Growth of Delegated Legislation
- Restraints on delegation of Legislative Power
- Control Mechanisms of Delegated Legislation: - Parliamentary, Procedural and Judicial Control
- Sub-Delegation – Legislative, Judicial

UNIT-III: PRINCIPLES OF NATURAL JUSTICE

- Concept, Evolution and Importance of Principles of Natural Justice
- Nemo Judex in Causa Sua (Rule against Bias)
- Audi Alteram Partem (Rule of Fair Hearing)
- Reasoned Decision (Speaking Orders)
- Exceptions to Natural Justice
- Effect of Non- Observance of the Principles of Natural Justice

UNIT-IV: ADMINISTRATIVE DISCRETION

- Meaning of Discretion, Judicial Review of Conferment and Exercise of Discretionary Power
- Judicial Review of Administrative Action, Grounds of Judicial Review
- Doctrine of Legitimate Expectation
- Doctrine of Public Accountability
- Doctrine of Proportionality
- Writ Jurisdiction: -Power of Judicial Review of Supreme Court and High Courts

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UNIT-V: ACCOUNTABILITY OF GOVERNMENT AND CITIZENS' RIGHTS

- Central Vigilance Commission
- Tribunal System in India
- Right to Information Act, 2005
- Ombudsman- Lokpal and Lokayukta
- Regulatory Authorities
- Whistleblower Protection Law

REFERENCES: -

1. Griffith and Street: Principles of Administrative Law, 5th Edn., (1973)
2. I.P. Massey: Administrative Law, Eastern Book Company, 10th Edn., (2023)
3. De Smith: Judicial Review of Administrative Action, Sweet and Maxwell, 9th Edn., (2023)
4. S.P. Sathe: Administrative Law, Butterworths, 7th Edn., (2007)
5. Jain and Jain: Principles of Administrative Law, Wadhawa Publication, Nagpur, 9th Edn., (2021)
6. H.W.R. Wade: Administrative Law, Oxford Publications, London, 12th Edn., (2022)
7. Justice B.P. Banerjee, Judicial Control of Administrative Action, Lexis Nexis, 3rd Edn., (2016)
8. M.P. Jain: Cases and Materials on Administrative Law, Vol. I, Wadhawa, Nagpur (1996)
9. C. K. Takwani: Lectures on Administrative Law, Eastern Book Company, 7th Edn., (2021)
10. Paul Craig: Administrative Law, Sweet and Maxwell, 9th Edn., (2021)

Prepared by: -

Dr. Rajneesh Kumar Yadav and Dr. Manoj Kumar

Manoj
14/10/24

COURSE CONTENT

B.A. LL.B. (Hons.), Semester: Vth, Session 2022-2023

JURISPRUDENCE

UNIT – I: Jurisprudence: Nature, Scope, Definition and Significance

- Jurisprudence and Legal Theory
- Definition of Jurisprudence
- Jurisprudence: Science or Philosophy?
- ‘Ought’ Law
- ‘Is’ Law

UNIT – II: Analytical Positivism

- Central Claims of Analytical Positivism
- Jeremy Bentham’s theory of Law
- Utilitarianism
- John Austin’s theory of Law
- H. L. A. Hart’s Concept of Law
- Hans Kelsen’s Pure theory of Law

UNIT – III: Historical and Sociological School of Law

- Historical School
 - Karl Von Savigny’s theory of Volksgeist
 - Henry Maine’s Comparative Historical Jurisprudence
- Sociological School
 - Roscoe Pound’s theory of Social Engineering

UNIT – IV: American Realism

- Oliver Wendell Holmes
- Jerome Frank
- Rule Skepticism and Fact Skepticism

UNIT – V: Natural Law School & Legal Rights

- Early Greek Period
- Dark Age
- Reformist Phase – Thomas Aquinas
- Social Contract and Modern Natural Law
- Definition, Characteristics and kinds of Legal Rights

REFERENCES:

1. Jurisprudence by Dias
2. Jurisprudence by Llyod
3. Jurisprudence by Paton
4. Jurisprudence by Salmond
5. Province and Function of Law by Julius Stone
6. Jurisprudence by Wayne Morrison
7. Jurisprudence by S. N. Dhyani (Indian Perspective)

Syllabus of B.A. LL.B. (Hons.)

Fifth Semester, Section –A & B

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

Course Content

UNIT-I

1. Object, Scope, and importance of BNSS.
2. Definitions (Sections-2 (1) a,b, c,d,e,f,g,h,i,k,l,o,t,v,x,y and z BNSS)
3. Functionaries under the BNSS. and their powers
4. Constitution and Hierarchy of Criminal Courts and their powers

Unit-II

Initiation of Proceeding, Arrest, Investigation, and Trial

1. Initiation of proceeding, F.I.R, Information to the Police and their Powers to Investigate
2. Arrest and Rights of Arrested Persons
3. Charge
4. Pre-Trial and Trial Proceedings

Unit-III

Bail, Sentencing and Probation

1. Bail: Concept, Purpose & General Provision, Anticipatory bail.
2. Execution, Suspension, Remission and Commutation of Sentences

3. Probation: Definition, Powers and Duties of Probation Officers/ Courts/ Probation of Offenders Act, 1958, S 401 BNSS

Unit-IV

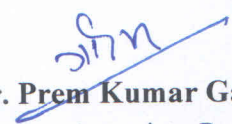
Judgment and Appeal, Revision, Reference

1. Modes of Providing Judgment
2. The Rationale of Appeal, Review Revision.
3. Compensation

Unit- V

Reform in BNSS & Contemporary Issues

1. Victim Protection and Participation, Rights of the victim
2. Maintenance Proceedings under BNSS


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Code Of Criminal Procedure

References:

Ratanlal & Dhirajlal: Code of Criminal Procedure (PB), 23rd ed / The Code of Criminal Procedure, 1973, Date: 27 April 2020, © 2020 LexisNexis:

Kelkar R.V.: Outline of Criminal Procedure Code

Sarkar: Lexis Nexis The code of Criminal Procedure

Takwani: LexisNexis Criminal Procedure

D.D. Basu: Code of Criminal Procedure

K.N. Chandrasekharan Pillai: R.V. Kelkar's Criminal Procedure

Chandrasekharan Pillai: Kelkar's Outline of Criminal Procedure (2001) Eastern, Lucknow

Report of the Committee on Reforms of the Criminal Justice System

Law Commission Reports

Latest Case Laws



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COURSE CONTENT

B.A. LL.B. (Hons.), Semester: Vth Session 2023-2024

JURISPRUDENCE

UNIT – I: Jurisprudence: Nature, Scope, Definition and Significance

- Jurisprudence and Legal Theory
- Definition of Jurisprudence
- Jurisprudence: Science or Philosophy?
- 'Ought' Law
- 'Is' Law

UNIT – II: Analytical Positivism and Natural Law School

- Central Claims of Analytical Positivism
- Jeremy Bentham's theory of Law
- Utilitarianism
- John Austin's theory of Law
- H. L. A. Hart's Concept of Law
- Hans Kelsen's Pure theory of Law

UNIT – III: Historical and Sociological School of Law

- Historical School
 - Karl Von Savigny's theory of Volksgeist
 - Henry Maine's Comparative Historical Jurisprudence
- Sociological School
 - Roscoe Pound's theory of Social Engineering
- American Realism
 - Oliver Wendell Holmes and Jerome Frank

UNIT – IV: Possession and Ownership

- Theories of Possession
- Possession in Law & Possession in Fact
- Various Kinds of Possession
- Concept and Kinds of Ownership
- Difference between possession and ownership

UNIT – V: Legal Right

- Definition and Concept of Legal Rights
- Characteristics of Legal Rights
- Right Duty Correlation

REFERENCES:

1. Jurisprudence by Dias
2. Jurisprudence by Llyod
3. Jurisprudence by Paton
4. Jurisprudence by Salmond
5. Province and Function of Law by Julius Stone
6. Jurisprudence by Wayne Morrison
7. Jurisprudence by S. N. Dhyani (Indian Perspective)

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Law of Evidence

The goal of this course is to help students develop a working knowledge of Evidence law. This means developing the ability to apply the rules of evidence and related doctrines to specific problems. To this end, much of the course will be example-based with classroom discussion generated by analyzing problems.

UNIT I

Introduction, Brief History and Changes, Conceptions of evidence in ancient Hindu Jurisprudence; Evidence in customary law systems; Salient features of the Indian Evidence Act; Applicability of the Indian Evidence Act; Facts, Facts in issue and relevant facts, Circumstantial and direct evidence, Presumptions, proved, disproved, not proved;

UNIT II

Appreciation of evidence, Relevancy of Facts, Facts closely connected with facts in issue, Doctrine of *Res gestae*; Evidence of Common Intention, Relevancy of otherwise irrelevant facts, Facts to prove right or custom, Facts concerning state of mind/state, Admission and confession; Dying declaration; Statement under special, circumstances;

UNIT III

Relevancy of previous judgement; General principles – Fraud and collusion; Expert opinion; Types of expert evidence – Problems of judicial defence to expert testimony; Relevancy of character; Evidence in Civil Criminal cases; Oral and documentary Evidence; General principles concerning oral Evidence, General principles concerning documentary Evidence, General principles regarding exclusion by evidence;

UNIT-IV

Burden of Proof, The general conception of *onus probandi*, General and special exception to *onus probandi*, The justification of presumption and burden of proof, with special reference to presumption to legitimacy of child and presumption as to dowry death, Doctrine of judicial notice and presumptions, Estoppel- Introduction as to its rationale;

UNIT-V

Witness, Examination and Cross Examination: Competence to testify; Privileged communications; General principles of examination and cross examination; Leading questions, Approver's testimony, Hostile witnesses, Compulsion to answer questions, Questions of corroboration, Improper admission of evidence.

Reference Books

Ratanlal and Dhirajlal - Law of Evidence;
Sarkar - Law of Evidence;
M. Rama Jois - Legal and Constitutional History of India;
Batuklal - Law of Evidence;