

AVADH LAW COLLEGE

LL.B. Ninth Semester

ENVIRONMENTAL LAW INCLUDING LAWS FOR THE PROTECTION OF THE WILDLIFE AND OTHER LIVING CREATURES INCLUDING ANIMAL WELFARE

(Paper-I)

UNIT- I: Concept of Environment and Pollution

Environment: meaning and contents

Pollution: meaning; causes of environmental pollution and effects thereof; kinds of pollution

Historical Perspectives: (i) Indian tradition- dharma of environment; British period- industrial development and exploitation of nature; (ii) Constitutional perspective- Fundamental Rights; Directive Principles of State Policy; Fundamental Duties

Emerging principles: 'Polluter pays'; 'Precautionary principle'; and 'Public trust doctrine'

International Regime: Stockholm Conference; Rio Conference; and Bio-diversity Convention

UNIT-II: Water and Air Pollution

Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

Salient features of the Acts. Important definitions Authorities- composition, powers and jurisdiction. Offences and penalties. Judicial approach

UNIT- III: Environmental Protection

Pollution control under the Environment (Protection) Act, 1986. Salient features of the Act. Important definitions.

Powers of the Central Government. Offences and penalties under the Act. National Environment Tribunal and National Environment Appellate Authority- composition, powers and functions. Judicial approach- complex problems in the administration of environmental justice

UNIT- IV: Wild Life Protection

The Wild Life (Protection) Act, 1972.

Salient features of the Act. Important definitions: animal; animal articles; closed area; trophy; wild animal; wild life; zoo; and sanctuary

Authorities under the Act: constitution; powers and functions. Prohibitions under the Act: hunting of wild animals and protection of specified plants. Protected Areas: Sanctuaries; national parks and closed areas. Trade and commerce in wild animals, animal articles, trophies and prohibitions thereof Offences and penalties

UNIT-V: Cruelty to Animals

The Prevention of Cruelty to Animals Act, 1960

Salient features, aims and objects of the Act

Important definitions

Authorities under the Act: composition, powers and jurisdiction

Offences and penalties

Acts

Water (Prevention and Control of Pollution) Act, 1974

Air (Prevention and Control of Pollution) Act, 1981

Environment (Protection) Act, 1986

Wild Life (Protection) Act, 1972

Prevention of Cruelty to Animals Act, 1960

Books

R.B. Singh & Suresh Mishra: Environmental Law in India

Kailash Thakur: Environmental Protection Law and Policy in India

Leelakrishnan. P: Law and Environment

Leelakrishnan. P: The Environmental Law in India

LL.B. Ninth Semester
CRIMINOLOGY AND PENOLOGY
(Paper-II)

UNIT- I: Introduction to Criminology

Definition, nature and extent of crime in India,

Definition, nature, scope and importance of criminology

Relationship between crime, criminal law and criminology

Methods of criminological studies

UNIT- II: Schools of Criminology

Classical and Neo-classical

Sociological

Socialistic

Feminist approach

Multiple Factor Theory

UNIT- III: Crime Causation

Positivist Theory (Lombroso, Garofalo, and Enrico Ferri)

Psycho-analytical Theory

Social dis-organisation and Anomie

Differential Association Theory

Delinquent Sub-culture Theory

UNIT- IV: Dimensions of Crime

White collar crime: definition, scope and extent; corruption in public life

Causes, prevention and treatment of white collar criminality with special reference to India

Juvenile delinquency: definition, nature and scope

Causes, prevention and treatment of juvenile delinquency in India

Criminality of women: causes, prevention and treatment

UNIT- V: Penology

Theories of punishment

Capital punishment; judicial attitude towards capital punishment in India

Prison system; open prison- evaluation

Probation

Parole

Distinction between probation and parole

Books

Catherine S. Williams: Text Book on Criminology

Sutherland and Cressy: Principles of Criminology

J. M. Sethna: Society and the Criminal

A. Siddique: Criminology- Problems and Perspectives

Sutherland: White Collar Crime

W. C. Reckless: The Prevention of Juvenile Delinquency

S. Rao: Crime in Our Society

Law Commission of India- 42nd Report

LL.B. Ninth Semester

ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION SYSTEM

(Paper-III)

UNIT- I: Arbitration

Arbitration: meaning, scope and importance of arbitration

UNCITRAL model law

Types of arbitration

Distinctions: arbitration and conciliation; arbitration and expert determination

Extent of judicial intervention

International commercial arbitration

UNIT-II: Arbitration agreement and arbitration tribunal

Essentials of arbitration agreement; kinds of arbitration agreement

Who can enter into arbitration agreement?

Validity

Reference to arbitration

Interim measures by court

Arbitration Tribunal: appointment, jurisdiction, powers of arbitral tribunal

Grounds of challenge

Procedure

Court assistance

UNIT- III: Award

Rules of guidance.

Form and content.

Correction and interpretation.

Grounds of setting aside an award.

Can misconduct be a ground?; incapacity of a party; invalidity of arbitration agreement; want of proper notice and hearing; beyond the scope of reference; contravention of composition and procedure; breach of confidentiality; impartiality of the arbitrator; bar of limitation; res judicata; consent of parties
Enforcement

UNIT- IV: Appeal, Revision and Enforcement of foreign awards

Forum of appeal.

Power of Appellate Court.

Costs of arbitration proceeding.

Revision.

New York Convention awards.

Geneva Convention awards

UNIT- V: Conciliation

Conciliation: meaning and importance

Distinction between 'conciliation', 'negotiation', 'mediation', and 'arbitration'

Appointment of Conciliator

Interaction between conciliator and parties; communication; duty of the parties to co-operate; suggestions by parties; confidentiality

Resort to judicial proceeding

Act

Arbitration and Conciliation Act, 1996

Books

B.P. Saraf and M. Jhunjhunwala: Law of Arbitration and Conciliation

Gerald R. Williams: The New Arbitration and Conciliation Law of India

A.K. Bansal: Law of International Commercial Arbitration

Avtar Singh: Arbitration and Conciliation

G.K. Kwatra: The Arbitration and Conciliation Law of India

N.D. Basu: Law of Arbitration and Conciliation

LL.B. Ninth Semester

LAW OF INSURANCE

(Paper-IV)

UNIT- I

Definition, nature and history of insurance.

Concept of insurance- law of contract and law of torts.

Future of insurance in globalised economy.

Contract of insurance- classification of contract of insurance; nature of various insurance contracts; difference between general contract and insurance contract.

Meaning of reinsurance and double insurance.

UNIT- II

Insurable interest- its essentials; indemnity as the controlling principle on insurance laws.

An insurance contract is a contract of uberrime fidei (of utmost good faith)

Doctrine of subrogation- its essentials; subrogation as a necessary corollary of the principle of indemnity.

Doctrine of contribution- its essentials.

Policy- classification of policies; its form and contents; its commencement, duration, cancellation, alteration, rectification, renewal, assignment, and construction.

Conditions of policy; alteration of the risk; assignment of the subject-matter.

UNIT-III

Life insurance- definition, nature and scope; kinds of life insurance.

Policy and formation of life insurance contract; event insured against life insurance contract.

Circumstances affecting risk; amounts recoverable under the policy; persons entitled to payment; settlement of claim and payment of money.

Life Insurance Corporation of India- its organization and functions.

IRDA- constitution powers and functions.

UNIT-IV

The Marine Insurance Act, 1963.

Marine Insurance (cargo insurance, hull insurance, freight insurance, liability insurance)- nature, scope and importance.

Insurable risk (perils of sea, fire, jettison, barratry, risk of theft, war risk, and land risk).

Voyage deviation.

Marine insurance contract- insurable interest; utmost good faith; warranties; worthiness of sea; legality of venture.

Conditions of marine insurance.

Fire Insurance- meaning, scope and importance of fire insurance; fire insurance contract; method of indemnity.

Insurable interest, utmost good faith; conditions of fire insurance policy.

UNIT- V

Social insurance in India

Need and importance of social insurance- its elements.

Commercial insurance and social insurance.

Workmen's compensation (scope, risk covered, industrial accidents, occupational diseases, amount of compensation, nature of injuries, dependents).

Sickness insurance, old age, premature death and invalidity insurance or pension insurance, public provident fund and jeevandhara policy.

Unemployment insurance.

Acts

The Life Insurance Corporation of India Act, 1956.

The Marine Insurance Act, 1963.

Workmen's Compensation Act, 1923.

Books

M.N.Sreenivasan, Principles of Insurance Law, (Ramania Publishers, Bangalore).

B.A.Singh, New Insurance Law, (Union Book Publishers, Allahabad).

Ivamy, General Principles of Insurance Laws, (Butterworths).

Ivamy, Case Book on Insurance Law, (Butterworths).

LL.B. Ninth Semester

LAND LAWS INCLUDING CEILING AND OTHER LOCAL LAWS- I

(Paper-V)

UNIT- I: Abolition of Zamindari

Salient features of the Zamindari Abolition and Land Reforms Act, 1950

Aims and objects of the Act

Causes for Zamindari Abolition

Important definitions: Agricultural year; Beneficiary; Land Management Committee; Gaon Fund and Consolidated Gaon Fund; Gram Sabha; Gram Panchayat; Grove land; Intermediary; Revenue; and Sir

Consequences of vesting

UNIT- II: New Land Tenures

Bhumidhar

Sirdar

Asami and Adhivasi

Rights of tenure holders

Ejectment

Ejectment of Bhumidhar with transferrable rights and with non-transferable rights

Ejectment of an Asami- grounds for ejectment

UNIT- III: Abandonment, Surrender and Lease

Abandonment; Consequences of abandonment

Surrender- (i) by a Bhumidhar with non-transferable rights; and (ii) by an Asami

Distinction between surrender and abandonment

Lease

Registration of lease

Lease by a disabled person- who is a disabled person?

UNIT- IV: Succession and Allotment of land

General order of succession

Succession where Bhumidhar or Asami dies without leaving a male lineal descendent

Female's interest inherited from a male

Interest of a female acquiring bhumidhari rights

Passing of interest by survivorship

Allotment of land

Order of preference

Procedure of allotment

Cancellation of allotment

UNIT- V: Land Revenue and Revenue Authorities

Revenue and Rent

Persons liable to pay land revenue

Process for recovery of an arrear of land revenue

Revenue Court and Revenue Officer- powers and functions

Maintenance of Maps and records

Appeal; Revision; and Review

Act

TRC LAW COLLEGE

VASUDEV NAGAR SATRIKH BARABANKI

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U.P. Zamindari and Land Reforms Act, 1950

Books

R.R. Maurya: U.P. Land Laws

R.P. Singh; U.P. Land Laws

B.A. LL .B. Ninth Semester

PAPER- VI Maximum Marks: 100

Alternate Dispute Resolution (Practical training)

Outline of the course -:

1. Negotiation skills to be learned with simulated program.
2. Conciliation skills.
3. Arbitration Law and practice including International arbitration and arbitration rules.

The course is required to be conducted by senior legal practitioners through simulation and case studies.

Evaluation may also be conducted by practical exercises at least for a significant part of evaluation.