

Objectives of the course

The criminal procedure code is very important subject for law students. Criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. This imposes duty upon those connected with the criminal process to abide by law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, two enormous to be placed with in a class room discussion.

Juvenile Justice and Probation of Offenders Act are combined with the study of Criminal Procedure. These topics also do have their roots in Criminal Procedure. The rubrics under their head are intended to render an essential grasp of the areas.

Module – 1

- (a) i. Definition (sec-2)
- ii. Constitution of Courts (sec 6-25)
- (b) i. Power of Courts (sec 26-36)
- ii. Arrest of Persons (41-60)

Module – 2

- (a) Process to compel appearance (sec 61-94)
- (b) Security for Keeping Peace (sec 106-124)

Module – 3

- (a) Maintenance of wives (sec 125-128)
- (b) Maintenance of Public order (sec 129-148)

Module – 4

- (a) Information to police and their power to investigate (sec 154-176)
- (b) i. conditions requisite for initiation of proceedings (sec 190-199)
- ii. Commencement of proceedings before Magistrate (sec 204-210)

Module – 5

- (a) i. The charge (sec 211-224)
- ii. Trial before Court of Sessions (sec 225-237)
- iii. Trial of warrant cases by Magistrate (sec.238-250)
- (b) i. Summary Trial (sec 260-265)
- ii. Appeals (372-394)

Module – 6

- (a) Reference, Revision (395-405)
- (b) Bail (436-450)

Module – 7

- (a) Juvenile Delinquency
 - i. Treatment and Rehabilitation of Juveniles
 - ii. Juveniles and Adult Crimes
- (b) i. Mechanism of Probation : Standards of Probation Services
- ii. Problems and Prospects of Probation

Judgments

1. Khatri v. State of Bihar (1981) SCC 193
2. Sanjay Suri v. Delhi Admn., AIR 1988 SC 444
3. Ram Chander v. State of Haryana AIR 1981 SC 1036
4. Dagdu v. State of Maharashtra, AIR 1977 SC 1579
5. Dr. Vijaya Manohar Arbat v. Kashirao (1987) 1 SCJ 524
6. Madhu Limaya v. SDM Monghar, AIR 1971 SC 2486
7. Moti Ram & Ors v. State of M.P., AIR 1978 SC 1594
8. Madhu Limaya v. State of Maharashtra, AIR 1982 SC 47
9. Arnit Das v. State of Bihar AIR 2000 SC 2264
10. State of Maharashtra v. Jagmohan Singh & Ors (2004) 7 SCC 659

Suggested Readings

1. Rattanlal Dhirajlal, Criminal Procedure Code
2. R.V. Kelkar, Criminal Procedure Code
3. S.N. Mishra, the Code of Criminal Procedure Code
4. D.D. Basu, Criminal Procedure Code
5. Chandershekhar Pillai (ed)., Kelkar's Outlines of Criminal Procedure Code.

Objectives of the course

The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss their goods. The rates of money consideration were mutually agreed upon. Such an agreement enabled other merchants more willingly and more freely to embark upon further trading adventure.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rule interpretations propounded by the judiciary. Besides, the insurance idea has a compensatory justice component.

This course is designed to acquaint the students with the conceptual and parameters, of insurance law.

Module – 1

- (a) i. Definition, nature and history of insurance.
- ii. Concept of insurance and law of contract and law of torts
- (b) i. History and development of insurance in India
- ii. Insurance Regulatory Authority – role and functions.

Module – 2

- (a) i. contract of insurance – Classification of contract of insurance, nature of various insurance contracts, parties thereto.
- ii. Principle of good faith-non-disclosure-misrepresentation in insurance contract
- (b) i. Insurable interest, the risk, conditions of policy
- ii. Alternation of the risk, Assignment of the subject matter.

Module – 3

- (a) i. Nature and scope of life insurance
- ii. Definition, Kinds of life insurance
- (b) i. The policy and formation of a life insurance contract
- ii. Circumstances affecting the risk

Module – 4

- (a) i. Amounts recoverable under the life policy
- ii. Persons entitled to payment
- (b) i. Settlement of claim and payment of money
- ii. Structural set of the Life Insurance Corporation

Module – 5

- (a) i. The Motor Vehicles Act, 1988 (Charter VII)
- ii. Nature and scope, persons governed, definitions of 'use', 'drives', 'motor vehicle'
- (b) i. Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance.
- ii. Claims tribunal, Constitutional, functions application for compensation procedure and powers of claims tribunal its award.

Module – 6

- (a) i. Nature and scope
- ii. marine Insurance Act 1963
- (b) i. Insurable interest, insurable interest
- ii. Marine Insurance policy-condition-express warranties

Module – 7

- (a) i. Public Liability Insurance Act, 1991 Objective, purpose and scope
- ii. No fault liability
- (b) i. Medical Insurance Act
- ii. Risk Cover Scheme

Case Laws

1. Chandulal v. I.T. Commissioner, AIR 1967 SC 816
2. Mithu Lal Nayak v. Life Insurance Corporation of India, AIR 1962 SC 814
3. Reserve Bank of India v. Peerless General Finance and Investment Co., AIR 1987 1023
4. Rajni Bai v. New India Assurance, AIR 1956 Bom. 633

Bibliography

1. Singh, Bridge Anand, New Insurance Law (2000)
2. Union Book Publishers, Allahabad
3. Ivamy, Case Book on Insurance Law (1984) Butterworths
4. Ivamy, General Principles of Insurance Law (1993) Butterworths
5. Sreenivasan M.N., Principles of Insurance Law (1997) Ramaniya Publishers, Bangalore.

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This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module- 1

- (a) Meaning, object types and scope of cross-examination.
- (b) Discretion of the court to control the cross-examination.

Module- 2

- (a) Cross-examination techniques; Types of witness; Credibility of witnesses; Hypnotism upon a witness.
- (b) Abuse of cross-examination.

Module- 3

- (a) Cross-examination of advocates, co-defendant witness, co-accused; women, children, invalids, illiterates and feeble understanding.
- (b) Cross-examination of police officers, detectives.

Module- 4

- (a) Cross-examination of public servants – Privileges.
- (a) Cross-examination of medical, ballistics, chemical examiner and other expert witnesses.

Module- 5

- (a) Witness of mistake, hostile witness.
- (b) Evidence as to character; trap witnesses; biased witness

Module- 6

- (a) Brow-beating and bullying cross-examination; Leading question; Misleading cross-examination; Suggestive cross-examination.
- (b) Dramatic cross-examination; Over cross-examination; Rapid and Quick cross-examination.

Module- 7

- (a) Savage, smiling and humorous cross-examination; Silent cross-examination.
- (b) Recall and re-examination of witnesses.

Suggested Reading :

1. B. Malik's : Practical Hints on Cross-Examination.

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Aims and Objectives of the Course

Human Right, such as life, liberty, equality and dignity, are the very basic rights and may also be described as fundamental rights which a man or women possesses by virtue of having born as a human being. They are vital for human survival and needed for complete development of human personality. The States have been recognized them through their constitutional and other law and courts are to enforce the human rights as natural and inalienable rights. Actually speaking, rights against the State to treat their citizens with dignity.

There is, however, no consensus as to what these rights should be ? Further, the human rights may interpret as being different according to the socio-economic, political and cultural conditions of the given society. The law in relation to human rights is, therefore, of utmost importance.

The course is designed to expose the students to various problems of human rights and law relating thereto and acquaint them with the law as stand as today and its shortcomings.

Module -1

- (a) Human Rights in their Historical perspective
 - (i) At International Level
 - (ii) At National Level
- (b) Concept, Meaning and various Theories of Human Rights, i.e. Human Rights Jurisprudence

Module -2

- (a) Human Rights under the Constitution of India- Fundamental Rights
- (b) Human Rights vis-à-vis Directive Principles under the Constitution of India

Module -3

- (a) Meaning of Human Rights under the (Indian) Protection of Human Rights Act, 1993
- (b) Human Rights Courts in India

Module -4

- (a) National Human Rights Commission in India – Its composition, powers and Functions
- (b) State Human Rights Commissions – Its composition, powers and functions

Module-5

- (b) Judicial Response for the Protection and Enforcement of Human Rights defined in the Constitution of India.
- (b) Judicial Response for the protection and enforcement of Human Rights as defined in the Protection of Human Rights

Module-6

- (a) Protection of Human Rights relating to Scheduled Castes and Scheduled Tribes under the various Laws in India (Protection of Civil Rights Act, 1955 and the Prevention of Atrocities Act, 1986)
- (b) National Commission for Scheduled Castes and Scheduled Tribes

Module-7

- (a) National Commission for Women in India
- (b) National Commission for Child Rights in India

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Cyber Laws

Pat. : 10.57

Maximum Marks 50

Aims and Objectives

- To understand emerging issues in cyber space
- To provide effective mechanism for resolution of cyber issues

Module- 1

- (a) i. Genesis object and scope of IT Act
- ii. Definitions
- (b) i. E Commerce and Digital Signature
- ii. E Governance

Module- 2

- (a) i. Dispatch and Receipt of Electronic Records
- ii. Security and Receipt under IT Act
- (b) i. Regulation of Certifying Authorities
- ii. Digital Signature Certificate

Module- 3

- (a) i. Duties of Subscriber
- ii. Penalties and Adjudication
- (b) i. Cyber Regulation Appellate Tribunal

Module- 4

- (a) i. Offences under IT Act
- ii. Tampering with Computer Source documents
- (b) i. Hacking with Computer System
- ii. Publishing of obscene Information in electronic form

Module- 5

- (a) i. Breach of confidentiality and privacy
- ii. Offences related to digital signature certificate
- (b) i. Computer Forensic and Process of confirmation
- ii. Liability of network service providers

Module- 6

- (a) i. Power of Police Officer
- ii. Miscellaneous provisions under IT Act
- (b) i. Amendment to IPC 1860
- ii. Amendment to Evidence Act 1872
- iii. Amendment to Banker's Books Evidence Act 1891
- iv. Amendment to Reserve Bank of India Act 1934

Module- 7

- (a) i. Issue of jurisdiction of Cyber Space
- ii. Issue of Online defamation
- (b) i. Copyright issue in digital medium
- ii. Trade Mark in online medium

References

1. Computer Law: Reed Cherish, Eastern Book Company, New Delhi
2. Information Technology and Cyber Law : S.R. Bhansali
3. Cyber Law in India : Dr. Farooq Ahmed
4. Information Technology Law and Practice : Vakul Sharma

Cases referred

1. United States v. Simpson 152 F. 3d 1241(10th cir. 1998) USA
2. United States v. 1992 U.S. App. LEXIS 9562 (4th cir. May 4, 1992)
3. Miller v. California 413 U.S.1524 (1973)
4. Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881
5. United States v. Moris, 928 F. 2d 504, 505 (2nd cir 1991)
6. Director of Public Prosecutions v. Murdoch (1993) IVR 406

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Paper : 10.58

Maximum Marks 50

This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module – 1

- (i) Theories of punishment
- (ii) Deterrent theory
- (iii) Retributive theory
- (iv) Reformatory theory

Module – 2

- (i) Forms of punishment in India
- (ii) Capital punishment
- (iii) Judicial sentencing

Module – 3

- (i) Police system
- (ii) Police force in India
- (iii) Legal functions of Police

Module – 4

- (i) Prison administration
- (ii) Prison system in India
- (iii) Role of prison in modern penology
- (iv) Classification of prisoners

Module – 5

- (i) Custodial torture in prison
- (ii) Solitary confinement

Module – 6

- (i) Open Prison
- (ii) Origin of Open Prison
- (iii) Advantages of Open Prison
- (iv) Functioning of Open Prison in India

Module – 7

- (i) Recidivism
- (ii) Alcoholism and crime
- (iii) Crime prevention


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Environmental Law

Paper : 10.59

Maximum Marks 50

Objectives of the course

The importance of environmental law has increased tremendously throughout the globe in recent times. The uniqueness of this subject lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, inter generational equity, and prevention of pollution. Also the uniqueness of the subject is borne out by the new outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

Module – 1

- (a) i. Meaning and contents of environment
- ii. Pollution: Meaning, Kinds and effects of pollution
- (b) i. International regime

Module – 2

- (a) i. Constitutional remedies : Fundamental rights, 42nd amendment
- (b) i. Polluter pays principles, precautionary principles, public trust doctrine, sustainable development
- ii. Other Common law and statutory remedies

Module – 3

- (a) i. Environment Protection Act 1986: Object, section 1 to 10
- (b) i. Section 10 to 26

Module – 4

- (a) i. The Water (Prevention and Control of Pollution) Act, 1974: Object, Definitions, constitution and functioning of boards under the Act, Prevention and Control of Water Pollution
- (b) i. Funds, Accounts
- ii. Penalties and Procedure
- iii. Central Water Laboratory
- iv. Power of Central Government and State Government to make rules

Module – 5

- (a) i. The Air (Prevention and Control of Pollution) Act 1981
 Object, Definitions, constitution of Boards, powers and functions
- (b) i. Prevention and Control of Air Pollution, Air laboratory, penalties and procedure, power of central government and state government to make rules.

Module – 6

- (a) i. The Wild Life Act 1972
 - 1) Need to conserve wild life
 - 2) Definitions, constitution of National and state board for wild life
- (b) i. Grant of permits, protected area sanctuary

Module – 7

- (a) i. Advisory Committee, Reserve management committee, National park, Central Zoo authority
- (b) i. Offences and penalties under the Act
- ii. Noise Pollution

Judgments

1. Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647
2. Municipal Council Ratlam v. Vardhichand, AIR 1980 SC 1622
3. M.C. Mehta v. Union of India & othes (1992) 1 SCC 358
4. U.P. Pollution Control Board v. Modi Distillery and ors., AIR 1988 SC 1128
5. Church of god (Full Gospel) v. K.K.R. Majestic Colony Welfare Association & ors., AIR 2000 SC 2773
6. D.D. Vyas & ors. v. Shriram Food and Fertilizers and Union of India, AIR 1987 SC 965
7. R. L&E. Kendra, Dehradun v. State of U.P., AIR 1985 SC 652
8. M.C. Mehta v. Kamal Nath, (1997) 1 SCC 599

Suggested Readings

1. Paras Diwan and Piyushi Diwan, Environmental Administration, Law and Judicial Attitude
2. P.S. Jaswal, Environmental Law
3. R.B. Singh & Suresh Mishra, Environmental Law in India
4. P. Leelakrishna, The Environmental Law in India
5. N Maheshwari, Text Book on Environmental Law

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This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module – 1

- (i) Professional conduct of a lawyer
- (ii) Professional conduct
- (ii) Professional misconduct

Module – 2

- (i) Professional responsibility of advocates
- (ii) Conduct of advocate in general
- (iii) Arguments in appeals and revisions

Module – 3

- (i) Skill of attracting clients
- (ii) Persuasion through arguments

Module – 4

- (i) Preparation of brief
- (ii) Future problems of advocacy

Module – 5

- (i) Fee structure
- (ii) Maintaining accounts of clients fee

Module – 6

- (i) Contempt of courts and lawyers
- (ii) Strikes, protests and demonstrations by legal professions

Module – 7

- (i) Information technology and legal profession
- (ii) Advocates and political activities


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