

Veer Narmad South Gujarat University, Surat

B.Com. LL.B. (Hon.) Five Years Integrated programme

With effect from Academic Year 2013-14

Code No.	Sem – I	Code No.	Sem – II
BCL 101	Business Economics – I	BCL 101	Business Economics – II
BCL 102	Financial Accountancy – I	BCL 102	Financial Accountancy – II
BCL 103	Money & Financial System – I	BCL 103	Money & Financial System – II
BCL 104	Mathematics & Statistics – I	BCL 104	Mathematics & Statistics – II
BL 105	Law of Contract – I	BL 105	Law of Contract – II
BL 106	Law of Constitution – I	BL 106	Law of Constitution – II

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Business Economics Paper-1

Objective:

This course is meant to acquaint the students with the principles of Business Economics as are applicable in business.

SEM-1

SR. NO.	CONTENT	Weightage
1.	Basic problems of an economy. Working of Price Mechanism	15%
2.	Law of Demand- Analysis of Demand function, Determinants of demand, Elasticity of Demand: Concept and measurement of elasticity of demand- price, income and cross elasticity, Average revenue, marginal revenue: importance of elasticity of demand.	35%
3.	Production Function-Law of Variable proportion- Iso-quants- Economic regions and optimum factor combination- expansion path- Returns to scale- Internal and External economies and diseconomies- Ridge lines	35%
4.	Theory of Costs- Short run and long run cost curves- traditional and modern approaches.	15%

Suggested Readings:

1. John P. Gould, Jf. And Edward P. Lazear: Micro-economic Theory; All India Traveller, Delhi.
2. Browning Edeger K. and Browning Jacquience M: Micro economic Theory and Applications; Kalyani, New Delhi
3. Walson Donald S, and Getz Molcom: Price theory and its uses; Khosia publishing house, New Delhi.
4. Koutsoyianni A.; Modern Microeconomics; Macmillan, New Delhi.
5. Richard G. Lipsey: An Introduction to positive Economics, ELBS. Oxford
6. Stingler G: The theory of price: Prentice Hall of India.
7. Nellis & Parker: The Essence of Business Economics: Prentice Hall, New Delhi
8. Ferguson P.R. and Rothschild R., and Ferguson GJ.; Business Economics MacMillan, Hampshire.
9. Ahuja H.L.: Business Economics; S- Chand & Co., New Delhi.

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Semester - I

Financial Accounting Paper - I

Objective :

To impart basic accounting knowledge as applicable to business.

Sr. No.	Course Inputs (As per UGC Model Curriculum)	Weightage
Unit 1	Meaning and Scope of Accounting; Need, development, and definition of accounting; Book-keeping and accounting; Persons interested in accounting; Disclosures, Branches of accounting; Objective of accounting	10 %
Unit 2	Accounting Transaction, Accounting Cycle, Journal, Rules of debit and credit, Compound journal entry, Opening entry, Relationship between journal and ledger, Rules regarding posting, Trail Balance, Sub division of journal.	30 %
Unit 3	1. Capital and revenue : Classification of income, Classification of Expenditure, Classification of receipt. 2. Accounting Concept of income, Accounting concept and Income Measurement, Expired cost and income measurement. 3. Final accounts, Manufacturing account, Trading account, Profit and loss account, Balance sheet, Adjustment entries, 4. Rectification of errors, Classification of errors, Location of errors, Suspense Account, Effect on profit.	30 %
Unit 4	Depreciation provision and Reserves, Concept of depreciation, causes of depreciation, Depreciation, depletion, amortization and dilapidation, Depreciation accounting, Methods of recording depreciation, Methods for providing depreciation, Depreciation of different assets, Depreciation of replacement cost, Depreciation policy as per Accounting Standard, Depreciation accounting - 4 provision and Reserves.	15 %
Unit 5	Sectional Balancing system 1. Self Balancing System including rectification of error	15%

Suggested Reading :

1. Anthony, R. N. and Reece, J. S.: Accounting Principles; Richard Irwin Inc.
2. Gupta, R. L. and Radhaswamy, M; Financial Accounting; Sultan Chand and Sons, New Delhi.
3. Monga J. R., Ahuja Girish, and Sehgal Ashok: Financial Accounting; Mayur Paper Back, Noida
4. Shukla M. C., Grewal T. S. and Gupta, S. C.: Advance Accounts; S. Chand & Co. New Delhi.
5. Compendium of Statement and Standards of Accounting : The institute of Chartered Accountants of India, New Delhi.
6. Agarwala A. N., Agarwala K. N.: Higher Sciences of Accountancy : Kitab Mahal, Allahabad.

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Money and financial System - I

Unit 1:

Money:

Functions, alternative measures to money supply in India – their different components, meaning and changing relative importance of each other, High powered money – meaning and uses, source of change in High powered money.

Unit 2:

Finance:

Role of finance in economy, kinds of finance, financial system, components, financial intermediaries, markets and instruments and their functions. International Monetary fund

Unit 3:

Indian banking system:

Definitions of bank, commercial banks – importance and functions, structure of commercial banking system in India, balance sheet of bank, meaning and importance of main liabilities and assets, regional rural banks, cooperative banking in India.

Unit 4:

Process of credit creation by banks:

Credit creation process, determination of money supply and total bank credit.

Reference:

Khan M.Y. Indian Financial System Theory And Practice: Tata MacGraw Hills, New Delhi

Sengupta A.K. and Agarwal M.K. Money Market Operations in India.

Vinayakan N: Banking by 2000A.D. kanishka publishers, Delhi

RBI bullitens

Banking Commission reports

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MATHEMATICS & STATISTICS PAPER - I

Objective: It enables the students to gain understanding of statistical techniques as are applicable to business.

I. Introduction : 20%
Statistics as a subject; Definition, scope and Distrust collection of data
Diagrammatic and Graphic presentation of Data.

II. Analysis of Univariate data: 25%
Construction of a frequency distribution; concept of central tendency
and dispersion-and their measures; partition values; moments;
skewness and measures; kurtosis and measures.

III. Analysis of time Series: 30%
Causes of variations in time series data; Components of a time series;
Decomposition- Additive and multiplicative models; Determination of
trend-Moving averages method and method of least squares (including
liner, second degree, parabolic, and exponential trend); computation of
seasonal indices by simple averages, moving average method, ratio-to-
moving average .

IV. Theory of probability: 25%
Probability as a concept; the three approaches to defining probability;
addition and multiplication laws of probability; conditional probability
Bayes' THEOREM; Expectation and variance of a random variable.

Suggested Readings:

1. Hooda, R.P. Statistics for business and economics; Macmillan. New Delhi.
2. Ya Lun Chou; Statistical analysis with business and economics application, Holt; Rinehart & Winster. New York.
3. Lewin andRrubin; Statistics for management; prentice-hall of india, new delhi.
4. Hole & Jessen; Basic Statistics for business and economics; John Wiley and Sons, New York.

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Sem - I

LAW OF CONTRACT - I

Object: Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions.

Methods of teaching-learning: Case-study method shall be the main method of learning to be followed. Dialectic method of mooted and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment and book review can also be a method of research writing in this paper.

Bird's eye view of the course

Module 1: Introduction: Historical development of law Contract in England – writ of covenant, debt, and obligation - agreement under seal, penal bonds, origin of assumpsit's, misfeasance, malfeasance and nonfeasance, development of consideration as the functional basis of transaction, Consensus-ad-idem, free consent versus fair consent, freedom of contract

Module 2: Formation of Contract: Offer and acceptance- basic requirement of a promise and a set of promises, information to treat (intention, information and invitation) to be distinguished from offer – various mercantile and trade practices in offer and acceptances – price list, menu chart, tender, quotation, auction, conditionality to be distinguished from the offer – Caveat emptor principle vis-à-vis Caveat venditor, Communication of offer, acceptance and revocation to be completed – postal communication rules – distinction between British law and Indian Law- social agreement – various rules of offer and acceptance

Module 3: Agreement and Contract: Conditions to be fulfilled for agreement to be a contract, void, voidable and valid agreements – legal consequences – standard form contract and electronic contract

Module 4: Competence to enter into contract: unsoundness of mind, minority, incapacity of person of law, insolvency etc.

Module 5: Virus in an agreement for avoiding agreement: (a) Coercion- definition- essential elements- duress and coercion- various illustrations of coercion- doctrine of economic duress- effect of coercion, extraterritorial jurisdiction, burden of proof, (b) Undue Influence- Definition- essential elements- between which parties can it exist? Who is to prove it? Illustrations of undue influence- independent advice pardanashin women- effect of undue influence,

(c) Misrepresentation – definition - misrepresentation of law and of fact- their effects and illustration,

(d) Fraud – Definition - essential elements - suggestio falsi-suppressio veri - when does silence amount to fraud? Active- concealment of truth - importance of intention.

Module 6 Agreement ab initio void (1): (1) Mistake – Definition - kinds- fundamental error - mistake of law and of fact – their effects – When does a mistake vitiate free consent and when does it not vitiate free consent?

(2) Legality of objects: Void agreements - lawful and unlawful considerations, and objects - Unlawful considerations and objects: Forbidden by law, Defeating the provision of any law, Fraudulent, Injurious to person or property, Immoral agreements, Agreements against public policy

(3) Other Void Agreements: (a) Agreements without consideration when valid (b) Agreements in restraint of marriage-its exceptions (c) Agreements in restraint of trade- its exceptions- sale of goodwill, restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, Restraints on employees under agreements of service.

(d) Uncertain agreements, (e) wagering agreement – Its exception, gambling, market game rule.

Module 7: Nature of Agreement: (a) conditional and Contingent contract, Classification of terms and entire contracts Contingent condition, Promissory conditions features, when contingent contracts become void. (b) Quasi Contract: Meaning & nature, Theory of Unjust Enrichment- Theory of “implied-in-fact” Contract- claim for necessities supplied to incapable person (section 68), - reimbursement of person paying money due by another (section 69), obligation of person enjoying benefit of non gratuitous act (section 70), responsibility of finder of goods (section 71), Liability of person to whom money is paid, or thing is delivered by mistake or under coercion (section 72). (c) Government as a Contracting Party: formation and constitutional provision vis-a-vis government contracts (U/A-299 of Constitution of Indian) – government power to contract, procedural requirements-kinds of government contracts- their usual clauses- performance of such contracts- settlement of disputes and remedies.

Module 8: Discharge by performance: Rules of performance including joint promisor, joint promisee, time and place of performance, condition precedent and condition subsequent – part performance

Module 9: Discharge by new agreement: novation, alteration and rescission

Module 10: Supervening and Subsequent impossibility: doctrine of frustration, conditions, force majeure clause in an Agreement – part performance before the impossibility – status quo position, what means- specific grounds of frustration

Module 11: Termination by breach: Actual and anticipatory breach, constructive breach, law of limitation and breach, Remedies in case of breach Meaning, kinds of breach, remedies for breach; remedies generally, sections 73, 74, 75, damages; measure of damages, remoteness of damages, special power of Indian judiciary to award fair and just damages and not liquidated damages

Module 12: Specific performance: Equitable remedy through Injunction- temporary and permanent, Specific performance of contract -Contract that can be specifically enforced
Persons against whom specific enforcement can be ordered

Book references

1. Cheshire & Fifoot, *Cases on the Law of Contract*, 7th Ed., London: Butterworths, 1977.
2. Sir G. H. Treitel, *The Law of Contract*, 12th Ed., London: Sweet & Maxwell, 2007.
3. Anson, *Law of Contract*, 28th Ed., Oxford University Press, 2002.
4. Cheshire & Fifoot, *Law of Contract*, Oxford University Press, 15th Ed., 2007.
5. Chitty, *Contracts*, Vol. 1, 29th Ed., Sweet & Maxwell, 2004.
6. V.K. Rao, *Contract I - Cases and Materials*, Butterworths, 2004.

7. M. Krishnan Nair, *Law of Contracts*, 1998.
8. Dutt on Contract, H.K. Saharay, Universal, 2000..
9. Sujan M.A, *Frustration of Contract* 2nd Ed. UPC 2001.
10. Mulla, *Indian Contract Act and Specific Relief Acts*, Lexis Nexis 13th Ed. 2006.
11. Avtar Singh, *Law of Contract*, Eastern, Lucknow. Eighth Edition.
12. Smith & Thomas, *A Case Book on Contract* 11th Edition

List of Cases

It would be good if the Faculty concerned prepare a Case Book as the Study Material because the Law Of Contract was evolved from the Common law principles. Early British cases would show on what rationale the common law was designed. Indian case law would then explain how the Indian Statute was designed and how Indian courts interpret the law in deciding cases. Ideally a Case Book may contain about 25 to 30 case laws from the following:

[CASE STUDY: *Carlill v. Carbolic Smoke Ball Company*, (1830) 1 Q.B 265.; *Harris v. Nickerson*, (1875) LR SQB, 286.; *Powell v. Lee*, (1908) 99 LT 284.; *Entores v. Miles Far East Corporation*, (1955) 2 All ER 493; *Bank of India Ltd v. Swarubar*, AIR 2003 SC 858.; *Hervey v. Facie*, (1893) AC 552. *Lalman Shukla v. Gauri Dutta*, 11 ALJ 489; *Felth House v. Bindley* (1862) 11, CB (NS) 86; *Mohri Bibee v. Dharmodass Ghosh*, (1903) 30 IA 114. *Derry v. Peek*, (1889) 14 AC 337.; *Mithoo Lal Nayak v. LIC of India*, AIR 1962 SC 814; *Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib and others* AIR 1967 SC 878; *Central Inland Water Transport Corporation v. B.K Ganguly*, AIR 1986 SC 157; *Kalyanpur Lime Works Ltd. v. State of Bihar and another* AIR 1954 SC 165; *Gujarat Bottling Co. Ltd. v. Coca Cola Co.* (1995) 5 SCC 545 ; *National Insurance co Ltd v. S. G Nayak & co* AIR 1997 SC 2049. *Satyabrata Ghose v. Mugneeram Bangur* AIR 1954 SC 44; *State of Bihar v. Majeed* AIR 1954 SC 786. *Bashir Ahmad and others v. Govt. of AP* AIR 1970 SC 1089; *Mugniram Bangur & Co.(P) Ltd. v. Gurbachan Singh* AIR 1965 SC 1523; *Taylor v. cadwell* (1863) 3 B&S 826. *Krell v. Henry* (1903) 2 KB 740. *Hudley v. Baxendale* (1854)9 Exch 341. *Dunlop Pneumatic Tyre Co v. New Garage & Motor Co Ltd* (1915) A.C 79.; (1914-15) All ER 739; *Oil and Natural Gas Corp. Ltd. SAW Pipes Ltd.* AIR 2003 SC 2629

Illustration of Day- to-day Lecture Schedule:

CLASSES No and Date	TOPIC	CASES/REFERENCES
1	Faculties Student-teacher Introduction – Feedback- Mechanics of Contract – Introduction	
2	Mechanics of Contract (Cont.) – Offer/proposal – Illustrations	Dutt on Contract – Avtar Singh, Law of Contracts – Anson's Law of Contract
3	Offer (Cont.) – General Offer – Specific offer	Carill v. Carbolic Smoke Ball Co. - Harbhajan lal v. Har Charan lal.
4	Invitation to offer	MacPherson v. M.N. Appanna Pharmaceutical Society of Great Britain v. Boots Harvey v. Facey Wilkie v. London Passenger
5	-----do-----	
6	Ambiguity in terms of offer - Offer to be communicated - Counter offer	Smith v. Hughes Dwarkanadas & Co. v. Daluram Bushwall Properties Ltd.v.Vortex Properties Ltd Tim v. Hoffman
7	Offer (Cont.)	
8	Offer in electronic contract	
9	Acceptance – Introduction - Communication of - Acceptance	Carill (supra) Lalman Shukla v. Gauri Dutt Household Fire Insurance Co.v Grant Bhgwan Das v. M/s Giridharilal
10	Acceptance (Cont.)	
11	Acceptance must be Unconditional and absolute	Jawarlal Burman v. UOI M/S Suraj Basen v. FCI
12	Proposal and acceptance in Three forms – Types of Agreement – Unilateral and Bilateral Implied – Written - Oral	R. v. Clarke Powell v. Lee
13	-----do-----	
14	Capacity – Age – Soundness of mind – Purdanashin woman	Mohribibi v. Dharmadoss Ghosh Smith & Thomas, A Case book on Contract, p.635.

15	---do---	
16	Consideration – Why Consideration ? – Illustrations	Section 2 (d), Indian Contract Act, 1872 Avtar Singh, Law of Contracts, Pp. 80-125 Dutt on Contract, Pp 51-80 Anson's Law of Contract, Pp.88- 107
17	No Consideration, No Contract - Exceptions	Absullakhan v. Purshotam
18	Adequacy of Consideration -Consideration to be real - - Forbearance as Consideration	Bainbridge v. Firmstone Chappel & Co. v. Nestle Co. Whire v. Bullet
19	Past consideration – Promissory Estopples	UOI v. M/s. chaman Lal Ramdas v. Kishan Dev D7C Builders v. Rees.
20	Privity of Contract – Consideration and Privity – Contract and Tort	Anson's Law of Contract Pp. 407- 446 Tweddle v. Atkinson Dunlop Pneumatic v. Selfridge Nawab Khawaja Md. V.N. Husaini Begum Kdernath Bhattacharjee v. Gorie Md.
21	---do---	
22	Viruses of Contract – Free Consent – Undue influence Coercion – Fraud – Misrepresentation – Mistake	Chikkam Ammiraju c. Chikkama. S Shubash Chnadra v. Ganga Prasad Raghunath Prasad sahu v. Sarju Derry v. Peak Davis v. London Prudence Mithoolal v. LIC Ingram & Others v. Little Lewis v. Averay
23	---do---	
24	---do---	
25	---do---	
26	---do---	
27	---do---	
28	---do---	Anson's Law of Contract, Pp. 270
29	Free Consent – Undue Influence Coercion – Fraud -Misrepresentation - Mistake	Anson's law of Contract, Pp. 270 – 327 Dutt on Contract, Pp. 164-229 Avtar Singh, Law of Contract Pp. 148-216 Chikkam Ammiraju v. Chikkama. S

		Shubash Chandra v. Ganga Prasad Raghunath Prasad Sahy v. sarju Derry v. Peak Davis v. London Prudence Mithoolal v. LIC Ingram & Others v. Little Lewis v. Averay
30	-----do-----	-----do-----
31	Viruses Continued	-----do-----
32	Viruses Continued	-----do-----
33	Viruses Continued	-----do-----
34	Legality of Agreement – Forbidden by law	Avtar Singh, Law of Contract, Pp. 217-288 Dutt on Contract, p.229. Kateshwar Mittal Kamth v. K Rangappa Baliga & Co. AIR 1959 SC 781 Kishan Lal v. Bhanwerlal AIR 1959 Raj . 81
35	Defeating any provision of Law	Nemi Nath Appayya v. Jamboorao AIR 1966 Mysore 154
36	Legality of Agreement Cont. ---Immoral	D Magarathnamba v. Kunuku Ramaya AIR 1968 SC 253
37	Void Agreements Unlawful considerations – Agreement without consideration	Dutt on Contract, Pp. 275-326 Avtar Singh, Law of Contract, Pp.242-275 Central Inland Water Transport Corp. v. B.N. Ganguly AIR 1986 SC 1571
38	Agreements in restraint of Marriage – in restraint of trade	Esso Petroluem Co. Ltd. V. Harper Garage
39	Agreements in restraint of Legal proceedings	
40	Wager	
41	Contingent Contracts – Definition – Enforcement On event happening – on an Event not happening	Dutt on Contract, Pp. 327- 337. Rojasara Ramjibhai v. Jani Narottan Das AIR 1986 SC 1912

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42	When contingent contracts are void - impossible			
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13

	contingency	
43	Govt. Contracts Constitutional Framework – Personal Liability in Government Contracts	
44	Govt. Contracts – Nature of contractia; re;atopms- Diverse types of Government contracts	
45	Govt. Contracts (Cont.)	
47	Discharge by Performance – What is performance? Time and place of performance	
48	Who must perform? – Reciprocal promises -	
49	Doctrine of frustration	
50	Assignment	
51	Appropriation	
52	Discharge by Agreement	Anson's Law of Contract, pp 490- 503 Bombay Dyeing and Mfg.Co.v State of BomBAY air 1958 SC 328
53do.....	
54	Discharge by Breach	Anson's Law of Contract, pp. 535- 551 Avtar Singh, Law of Contract, pp 364-436 Dutt on Contract, P.353 Vipinbhai R. Parekh v. GM, Western Railway, Bom.AIR 1984 Guj. 41
55	Discharge By Breach	
56do.....	
57	Remedies for Breach of Contract	Dutt on Contract, p.545-623 Anson's Law of Contract, Pp 560- 614 Hadley v. Baxendale (1854) 9 Exch 341 (Green Book)
58do.....do.....
59do.....do.....
60	Holiday	

61	Remedies for Breach of Contracts	Victoria Laundry (Windsor) Lt. V. Newman Industries Ltd (1949) 1 All ER 997 (Green Book)
62	Remedies for Breach of Contracts	Jarvis v. Swans Tours Ltd (1953) 3 ALL ER 92 (Green Book)
63	Remedies under Specific Relief Act	
64	Cont....	
65	Cont....	
66	Cont....	
67	Cont....	
68	Quasi Contracts	Avtar Singh, law of Contract, Pp. 437-460 Govindram Gordhandas Sekaria Another v. State of Gondal by His Highness Maharaja of Gondal AIR (37) 1950 Privy Council 99 (Green Book)
69	----- do-----	
70	Trans border Contracts	
71	Trans border Contracts	
72	Why contract Law? Economic Analysis of Contract	
73	---- do----	
74	Political Analysis of Contract	
75	Social Analysis of Contract	

Project Work

Project topic of an individual student is generally finalized by mutual discussion between the teacher and the taught for the purpose of carrying research and self-learning and writing and presenting a paper. Research and writing paper is a very highly productive and accredited method of learning. Deadline for the submission of projects topics is as per the general instructions. However, the 1st batch and 2nd batch of students will be notified after the commencement of the semester. *I mark will be deducted as penalty for late submission from the last date of submission for a period of seven days and thereafter projects will not be evaluated for evaluation.*

Following is the provisional list of project topics:

1. Formation of an Electronics Contract
2. Enforcement of Contract and Public Policy
3. 'Communication' in Contract law
4. Conditionalities of Contract
5. Prospective non-performance of contract
6. Interface of Contract law and Consumer Protection law
7. Liquidated damages in Contract law
8. Estoppels & Contract law
9. Evolution of Quasi-contracts and Indian Instances
10. Consensus ad idem and Standard form contracts
11. Public law remedy in Government Contracts
12. Assignment & Delegation in Contract law – A Comparative Study
13. Equitable remedy under Indian Contract Act
14. Doctrine of Frustration – A Comparative Study
15. Rule of Hadley v. Baxendale under Indian Contract Act
16. *Restitutio in integrum*
17. Role of Contract in a Socialist State
18. Position of a minor in contract law
19. Contracts by Correspondence
20. Economic analysis of contract law
21. Lease financing transactions and the Indian Contract Act
22. The doctrine of contract sovereign in Indian law
23. Privities of Contract and Tort of negligence
24. Adequacy of consideration
25. Reality of consideration
26. *Ignoratio juris non excusit* under Indian Contract Act
27. *Force Majuro* clause as a contractual term
28. Doctrine of Unjust enrichment
29. Normative basis of contract law
30. Doctrine of Accord and Satisfaction
31. Government Contract under GATT
32. Case Study on Article 299 of the Indian Constitution
33. Sections 65 & 70 of Indian Contract vis-à-vis Government Contracts
34. Forces of standardization
35. Economic melt down in Contractual obligation
36. Models of Templates in Agreements
37. Cost benefit analysis of contractual relation
38. Financial Fraud
39. Condition Precedent and Condition Subsequent
40. Termination as a condition of Agreement

The above are some of the instances for topics of research and self-learning.

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Sem - I

CONSTITUTIONAL LAW - I

CL PAPER I

Object: To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Methods of teaching-learning: Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

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Evaluation methods: Level of Informations may be measured through short and multiple choice questions on continuous basis, application of constitutional principles may be tested through application test and research may be the basis of issue based appreciation of analysis and value based decisions.

Structure of the course design

Module 1: Introduction: Concepts of Constitution, Constitutional Law and Constitutionalism, Is constitutional law a positive law or a positive morality – history of constitutional law – Forms and character of various models of constitution – written and unwritten – secondary rules of governance vis-à-vis Constitution – unitary vis-à-vis federal – rigid vis-à-vis flexible – Parliamentary vis-à-vis Presidential

Module 2: History of Constitution of India: Formation of Constituent Assembly, drafting of the Constitution of India and various interaction of forces, adoption of the Constitution of India and promulgation – 1946 through 1950.

Module 3: Preamble: Basic structure of the Constitution of India – is that in Preamble – various political framework of the Constitution of India – various interpretation of Sovereign democratic – republic – can preamble be amended – 42nd amendment, would it fall in basic structure – secular, various meaning and the constitutional interpretation in India – socialist, various forms and Indian interpretation

Functional concepts like Justice, social, economic and political – issues arising, Liberty, Equality of status and opportunity and Fraternity balancing dignity of the individual with the security of the country

[*Keshavananda Bharati v. State of Kerala*, AIR 1973 SC 1461; *Excel Wear v. Union of India* AIR 1979 SC 25; *Bhim Singhji v. Union of India*, AIR 1981 SC 234; *State of Kerala v. N.M.Thomas* AIR 1976 SC 490 *Waman Rao v. Union of India* AIR 1981 SC 271; *Minerva Mills Ltd. V. Union of India* AIR 1980 SC 1789, *Dharwad Employees v. State of Karnataka*, AIR 1990 SC 883

Module 4: Citizenship: Citizenship at the commencement of the constitution – rights under migration due to partition – voluntary acquisition of citizenship – two basic character of citizenship rule, *jus soli*, and *jus sanguini* – acquisition and termination of citizenship.

[*State of Maharastra v. Prabhakar*, AIR 1966 SC 424; *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675; *Prithi Pal v. Union of India*, AIR 1982 SC 1413; *Government of Andhra Pradesh v. Syed Md.* AIR 1962 SC 1778 *Anwar v. State of Jammu and Kashmir*, AIR 1971 SC 337 *State of Uttar Pradesh v. Rehimatullah* AIR 1971 SC 1382]

Module 5: Fundamental Right: Concept of fundamental rights against the state, concept of State, Fundamental Right vis-à-vis Human Rights, interpretation of 'Laws inconsistent'

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[*Lena Khan v. Union of India*, AIR 1987 SC 1515, *Bank of India v. O.P.Swarankar*, AIR 2003 SC 858; *Golak Nath v. State of Punjab*, AIR 1967SC 1643, *Ramana v. International Airport Authority* AIR 1979 SC 1628, *Som Prakash v. Union of India*, AIR 1981 SC 212]

Module 6: Right to Equality (Article 14): General principles of the negative nature of the right – equality before the law – equal protection of law - arbitrary action and discretion- Executive action

[*State of West Bengal v. Anwar Ali* AIR 1951 SC 75, *Meenakshi Mills v. Viswanath* AIR 1955 SC13, *Shri Sita Ram Sugar Co Ltd v. Union of India*, AIR 1990SC 1277 *Naga People's Movements of Human Rights v. Union of India* AIR 1998 SC 431, *BALCO Employees' Union v. Union of India* AIR 2002 SC 350 *John Vallamattom v. Union of India* AIR 2003 SC 2003, *St Stephen's College v. University of Delhi* AIR 1992SC1630, *Indian Express Newspapers v. Union of India*, AIR 1986 SC 515]

Module 7: Reservation (Article 15 & 16): General principle of reservation vis-à-vis affirmative action in US – Pull and push process of reservation – reservation vis-à-vis principle of equality and state special responsibility create of substantial basis of negative application of principle of equality – general principle of non-discrimination - special provision for women and children – state special responsibility for advancement of socially and educationally backward community or scheduled caste and scheduled tribes

[*State of Uttar Pradesh v. Balaram*, AIR 1972 SC 1375, *Ajay Kumar v. State of Bihar* (1994) 4 SCC 401, *state of Sikkim v. Surendra Prasad Sharma* AIR 1994 SC 2342, *Mohan Bir Singh Chawla v. Punjab University* AIR 1997 SC 788, *Prabhakar v. State of Andhra Pradesh* AIR 1986 SC 210, *Shiv Charan v. State of Mysore* AIR 1965 SC 280, *Balaji v. State of Mysore* AIR 1963 SC 649,]

Module 8: Protection of civil rights: freedom of speech and expression – assembly without arms, to form association and unions, freedom of movement, reside at any part of the country and freedom of practice any profession or to carry any occupation, trade or business – reasonable restriction – reasonableness in restriction on bandh, aid patients, slaughter of bulls, business with government – criteria of validity of restriction –

[*Communist Party of India (M) v. Bharat Kumar* AIR 1998 SC 184, *Sagir Ahmed v. State of Uttar Pradesh* AIR 1954 SC 728, *Ram Jaways v. State of Punjab* AIR 1955 SC 549 *T.M.A. Pai Foundation v. State of Karnataka* AIR 2003 SC 355, *State of MP, v. Nand Lal* AIR 1987 SC 251 *Express Newspapers v. Union of India* AIR 1986 SC 872 *Dinesh Trivedi v. Union of India* (1997) 4SCC 306, *Khare v. State of Delhi* AIR 1950 SC 211, *State of Maharashtra v. Rajendra J.Gandhi* AIR 1997 SC 3986]

Module 9: Protection to offenders: (a) not to be punished except for violation of a law in force, - no retrospective application, (b) penalty not greater than as prescribed by law on the date of causation (c) no double jeopardy (d) not to be self incriminated , (e) protection against arrest and detention (Article 22)

✓
[*State of Rajasthan v. Hat Singh* AIR 2003 SC 791 *Mr. X v. Hospital Z* AIR 1999 SC 495
R.K.Dalmia v. Delhi Administration AIR 1962 SC 1821, *Gopalan v. State of Madras*, AIR 1950
SC 27,]

Module 10: Protection of Life and liberty: Procedure established by law and due process – distinguished, Fair procedure, handcuffing, right to housing, right to property, legal aid, natural justice, duty to bring to trial, right to health, right to food, right to environment, preventive detention, right against torture, right to die

[*Francis Coralie Mullin v. Administration of Delhi* AIR 1981 SC 746, *M.C.Mehta v. Union of India* AIR 1987 SC 1086, *Bandhua Mukti Morcha v. Union of India* AIR 1984 SC 802, *Indian Council for Enviro-legal Action v. Union of India* AIR 1996 SC 1446, *Vellore Citizens Welfare Forum v. Union of India* AIR 1996 SC 2715 *State of Punjab v. Mahinder Singh Chawla* AIR 1997 SC 1225, *Paschim Bangal Khet Mazdoor Society v. State of West Bengal*, AIR 1996 SC 2426 *Air India Statutory Corporation v. United Labour Union* AIR 1997 SC 645, *Maneka Gandhi v. Union Of India* AIR 1978 SC 597, *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 186, *People's Union of Civil Liberty v. Union of India* AIR 1997 SC 568, *Sher Singh v. State of Punjab* AIR 1983 SC 465, *Hussainara v. Home Secretary, State of Bihar* AIR 1979 SC 1819]

Module 11: Right to education: Free education upto 14 years of age- Freedom of Education Act

[*J.P.Umkrishnan v. State of Andhra Pradesh* AIR 1993 SC 2178

Module 12: Right against exploitation: prohibition against child labour, bonded labour, traffic of human being, beggar,

[*M.C.Mehta v. State of Tamil Nadu*, AIR 1997 SC 699, *Gaurav Jain v. Union of India* AIR 1990 SC 1412,]

Module 13: Right to Freedom of Religion, and minority interest: Secularism in Indian constitution- restriction that can be imposed- freedom to manage religious affairs – profess, practice and propagate – controversy on conversion – protection of minority culture and educational right – minorities right to establish and administer educational Institution- regulatory requirements – need for standard setting and enforcement

[*Acharya Jagadiswarananda v. Commissioner of Police, Calcutta* AIR 1984 SC 51, *Divyadarshan v. State of Andhra Pradesh* AIR 1970 SC 181, *Dalbir v. State of Punjab* AIR 1962 SC 1106, *Frank Antony Association v. Union of India* AIR 1987 SC 311, *Arya Samaj Education Trust v Director of Education* AIR 1976 Del 207, *Bihar State Madrasa Board v. Madarsa Hanafia* AIR 1990 SC 695, *St Stephen's College v. University of Delhi* AIR 1992 SC 1630

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Module 14: Right of Constitutional remedies: Nature and need for distinctive constitutional remedies distinguished from legal remedies – types of remedies – habeas corpus, mandamus, prohibition, quo warranto, and certiorari – nature and procedure of these writs – right to move to the Supreme Court is a fundamental right in itself – basic features – laches or unreasonable delay in instituting writ petition – limits of writ jurisdiction – natural justice – public interest litigation –

[*Haji Esmail v. Competent Officer*, AIR 1967 SC 1244, *FCI Workers v. Food Corporation of India* AIR 1990 SC 2178, *Ratlam Municipality v. Vardichan*, AIR 1980 SC 1622, *M.C. Mehta v. Union of India* AIR 1987 SC 1086, and AIR 1999 SC 2583, *Pramod v. Medical Council*, (1991) 2 SCC 179.]

Module 15 : Directive Principles of state policy: Non-binding character of the policies – social and welfare perspectives – positive aspects of DPSP – certain principles such as adequate livelihood, use of material resources to subserve the common good, economic system not to produce common detriment, equal pay for equal work, health and strength of workers not to be abused, opportunities to be given to children to develop, equal justice and free legal aid, - Cohesion of fundamental right and directive principles –

Module 16: Debate on Uniform Civil Code:

[*Ahmedabad Women Action Group v. Union of India* AIR 1997 SC 3614

Module 17: Promotion of International Peace and security: Dualism as practiced in India- National Court to harmoniously interpret – Power to implement treaties to the Union -

[*Civil Right Committee v. Union of India* AIR 1983 Kant 85, *In Re. Berubari* AIR 1960 SC 845 *Vishakha v. State of Rajasthan*, AIR 1997 SC 3011]

Module 18: Local self government as a directive principle : Constitutional amendments and the present constitutional position of three tier governance

Module 19 : Other Principles: Fundamental principle is of social welfare, like, humane condition of work and maternity relief – workers participation in management - living wages, childhood care, promotion of economic and educational interest of scheduled caste and scheduled tribes

Module 20: Fundamental duties of the citizens

Reference Books

P.M.Bakshi, Constitution of India, Universal
M.P.Jain Indian Constitutional Law, Wadhwa
Granville Austin The Constitution of India, Oxford
Basu Constitutional Law of India, Prentice Hall of India

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Business Economics Paper-2

Objective:

This course is meant to acquaint the students with the principles of Business Economics as are applicable in business.

SEM-2

SR. NO.	CONTENT	Weightage
1.	<p>Market Structures: Market Structures and business decisions. Objective of Business Firm.</p> <p>a. Perfect competition: Profit Maximization and equilibrium of the firm and industry; Short run and Long run supply curves; Price and output determination; practical applications.</p> <p>b. Monopoly: Determination of price under monopoly; equilibrium of a firm; Comparison between perfect competition and monopoly. Multi plant monopoly; price discrimination. Practical applications.</p> <p>c. Monopolistic Competition: Meaning and characteristics; price and output determination under monopolistic competition; product differentiations; selling cost; Comparison with perfect competition; Excess capacity under monopolistic competition</p> <p>d. Oligopoly: Characteristics, indeterminate pricing and output, Classical models of oligopoly; Price leadership; Collusive Oligopoly; Kinked Demand curve.</p>	40%
2.	<p>Factor Pricing-1: Marginal Productivity theory and demand for factors; Nature of supply of factor inputs; Determination of wage rates under perfect competition and monopoly; Exploitation of labour; Rent-concept; Ricardian and modern theories of rent; Quasi-rent.</p>	30%
3.	<p>Factor Pricing-2: Interests; concept and theories of interest; Profit- nature; concepts and theories of profit.</p>	30%

Suggested Readings:

1. John P. Gould, Jf. And Edward P. Lazear: Micro-economic Theory; All India Traveller, Delhi.
2. Browning Edeger K. and Browning Jacquience M: Micro economic Theory and Applications; Kalyani, New Delhi
3. Walson Donald S, and Getz Molcom: Price theory and its uses; Khosia publishing house, New Delhi.
4. Koutsoyianni A; Modern Microeconomics; Macmillan, New Delhi.
5. Richard G. Lipsey: An Introduction to positive Economics, ELBS. Oxford
6. Stinger G: The theory of price: Prentice Hall of India.
7. Nellis & Parker: The Essence of Business Economics: Prentice Hall, New Delhi
8. Ferguson P.R. and Rothschild R., and Ferguson GJ,: Business Economics MacMillan, Hampshire.
9. Ahuja H.L.: Business Economics; S- Chand & Co., New Delhi.

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Semester - 2

Financial Accounting Paper II

Objective :

To impart basic accounting knowledge as applicable to business.

Sr. No.	Course Inputs (As per UGC Model Curriculum)	Weightage
Unit 1	Accounting Principles, International accounting standard (only outlines), Accounting principles, accounting standards in India.	10 %
Unit 2	Accounting of Non-Trading institutions	20 %
Unit 3	Special Accounting Area : 1. Consignment Account : Important term, Accounting records, Valuation of Unsold stock, Conversion of consignment in to branch. 2. Joint Venture Accounts : Meaning of joint venture, joint venture and Partnership Accounting records. 3. Branch Accounts : Dependent branch, Debtors system, Stock and debtor system, Final accounts system, Wholesale branch, Independent branch, Foreign branch, 4. Hire-purchase and installment purchase system : Meaning of Hire-purchase contract, Legal provision regarding hire-purchase contract, Accounting records for goods of substantial sale values and accounting records for goods of small values installment purchase system, After sales service.	30 %
Unit 4	Partnership Accounts : 1. Essential characteristics of partnership, partnership deed, Final accounts, Adjustment after closing the accounts, Fixed and fluctuating capital, Goodwill, Joint Life Policy, Change in Profit Sharing Ratio. 2. Reconstitution of a partnership firm-Admission of a partner, Retirement of a partner, Death of a partner, Amalgamation of partnership firm, Dissolution of a partnership firm-modes of dissolution of a firm, Accounting entries, insolvency of partners, Sale of firm to a company, Gradual realization of assets and piecemeal distribution.	40 %

Suggested Reading :

1. Anthony, R. N. and Reece, J. S.: Accounting Principles; Richard Irwin Inc.
2. Gupta, R. L. and Kadhaswamy, M; Financial Accounting; Sultan Chand and Sons, New Delhi.
3. Monga J. R., Ahuja Girish, and Sehgal Ashok: Financial Accounting; Mayur Paper Back, Noida
4. Shukla M. C., Grewal T. S. and Gupta, S. C.: Advance Accounts; S. Chand & Co. New Delhi.
5. Compendium of Statement and Standards of Accounting : The institute of Chartered Accountants of India, New Delhi.
6. Agarwala A. N., Agarwala K. N.: Higher Sciences of Accountancy : Kitab Mahal, Allahabad.

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Money and financial System - II

Unit 1:

Development banks and other nonbanking financial institutions, their main features, unregulated credit markets in India – their main feature.

Unit 2:

Reserve bank of India, functions, instruments of monetary and credit control, main feature of monetary policy since independence.

Unit 3:

Problems and policies of allocation of institutions credit, problems between government and commercial sectors, inter sector and interregional problems, problems between large and small borrowers, operations of conflicting pressure before and after nationalization in 1969, Fiscal Policies of Government of India

Unit 4:

Interest rates:

Various rates in India (viz. bond rate, bill rate, deposits rates, etc.), administrated rates and market- determine rates, sources of difference in rates of interest, behavior of average level of interest rates since 1951 – impact of inflation and inflationary expectations.

Reference:

Khan M.Y. Indian Financial System Theory And Practice: Tata MacGraw Hills, New Delhi
Sengupta A.K. and Agarwal M.K. Money Market Operations in India.
Vinayakan N: Banking by 2000A.D. kanishka publishers, Delhi
RBI bullitens
Banking Commission reports

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MATHEMATICS & STATISTICS PAPER - II

Objective: It enables the students to gain understanding of statistical techniques as are applicable to business.

I. Analysis of Bivariate data: 25%

Linear regression and correlation.

II. Index Numbers : 25%

Meaning, types and uses of Index numbers; Method of constructing price and quantity indices (simple and aggregate); tests of adequacy; Chain-base index number; Base shifting, splicing, and deflating; problems in constructing index numbers; Consumer price index. Fisher's index number, Time and Factor reversal tests, Wholesale Price index number, Cost of living index number.

III. Forecasting Methods : 25%

Forecasting – concept, types and importance; General approach to forecasting; method of forecasting; Forecasting demand; Industry Vs Company sales forecasts; factors affecting company sales.

IV. Probability Distributions : 25%

Probability Distributions as a concept; Binomial, Poisson and Normal Distributions – their properties and parameters; Empirical Distributions – generating; Applications to business.

Suggested Readings:

1. Hooda, R.P. Statistics for business and economics; Macmillan. New Delhi.
2. Ya Lun Chou; Statistical analysis with business and economics application, Holt; Rinehart & Winster. New York.
3. Lewin and Rrubin; Statistics for management; prentice-hall of india, new delhi.
4. Hole & Jessen; Basic Statistics for business and economics; John Wiley and Sons, New York.

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Sem - II

LAW OF CONTRACT – II

Object of study: Understanding of various types of specific contract and earning the skill of drafting of such contracts.

Special Skills needed to develop: Skills that would be needed to develop in this course are (a) ability for critical analysis and contractual conditionality, (b) drafting of special agreements of the character and (c) understanding negotiating technique.

Learning methods: Case studies with anatomical precision, presentation of papers on group exercise, specialists' lecture, drafting and documentation

RT

Course Outline:

Module 1(6): Creation of Security interest on movables: Bailment, Pledge, Hypothecation, Lease in lease finance, General and Particular Lien, Assignment – conditionalities, character of the Agreement, Interpretations, other component of drafting, rights and obligations of the parties

Module 2 (6): Indemnity & Guarantee: definitions, distinctions, nature of the agreement, Bank guarantee – national and international importance, conditionalities, Contract of attrition, Indemnity and Insurance Contract – liability of Surety and Surties, rights and obligations of the parties

Module 3(6): Law of Agency: General principles, Merchantile Agency System, Rights and obligations of the Agent and the Principal, undisclosed principal, conditionalities, Agency Contract – features and conditionalities, application of principle of ultra vires

Module 4 (8): Public and Government Contract: Infra-structure Contract – Types and stages, procedures, special contractual features, Constitutional and statutory framework, Liability of the Government, Public Private Partnership – Electricity Production and Distribution Agreements

Module 5(8): Cyber Contract: General principles applicable on cyber contract, various typical issues in cyber contract – jurisdiction, taxation, and application of law – evidencial principles – certification process – offences in cyber relation, authorities – role of various linking process in Cyber contract – UNCITRAL Model Law in comparison with Indian Law

Module 6(8): Sale of Goods: Various types of sale, Agreement to Sale, Instalment Sale and Hire Purchase Agreements – Various conditions of these transactions, Forms of Agreements – Warranties and Conditions, Condition Precedent and Condition Subsequent, Documentation of Sale and the associated Laws – Termination and Force Majeure, Performances – Payments, Unpaid seller's rights, Lien and stoppage in transit

Module 7 (8): Carriage and Transport Contract: Law of Carriage – inland and foreign, multi-modal transport contract, Nature of Transport contract, documentation in transport agreement, Railway, roadways, airways and coastal / waterways transport contract and conditionalities, International Carriage contract, Bill of lading & Charter Party, Rights and obligations of the Carriers/Transport

Module 8 (6): Merchantile Contract: Warehouse Agreement, Bonded Warehouse – character, rights and obligations, Wholesale and Retail Trade Agreements, Maintenance Agreement, Facilities Agreements – Supply chain agreement, Outsource Agreement, sole selling and sole buying Agency agreements

Module 9 (6): Partnership Agreement: Definitions and Interpretations, characteristics, Limited Liability Partnerships, Rights and Obligations of partners, Implied authorities, types of

partners and interrelation, relation with third parties, minority admitted to the benefit of partnership, retirement, dissolution and settlement of accounts

Module 10 (6): Negotiable Instruments: Definition, Nature and Types, characteristics, rights and obligation of parties, rules of honour and dishonour on presentment, endorsement, basic fundamental principles of binding obligations, accommodation, notices, criminal liability on non-payment of cheque for want of fraud

Reference Books

1. Chitty, *Contracts*, Vol. 11, 29th Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, *Contract II - Cases and Materials*. Butterworths, 2004.
3. M. Krishnan Nair, *Law of Contracts*, 1998.
4. Dutt on Contract, H.K. Saharay, Universal, 2000.
5. Mulla, *Indian Contract Act and Specific Relief Acts*, Lexis Nexis 13th Ed. 2006.
6. Avtar Singh, *Law of Partnership*
7. Piyush Joshi, *Law relating to Infrastructure Projects*, Butterworths
8. Agarwal, *Government Contracts, Law and Procedures*, Eastern Book Corporation
9. Fried, *The Law of Agency*, Butterworth
10. Iyer *Sale of Goods and Partnership Acts*, Asia Law House
11. Reynolds & Davenport, *Bowstead on Agency*, Sweet & Maxwell
12. Mulla, *Negotiable Instrument Act*, Tripathy

Case Law (by way of illustration)

1. Amritlal Goverdhan Lal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. Vasireddi Seetha ramaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648
5. Maganbhai v Union of India AIR 1969 SC 785 Madhav Rao v. Union of India AIR 1971 SC 530
6. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
7. Canara Bank v Canara Sales Corporation & Others AIR 1987 SC 1603
8. Indian Airlines Corporation v Madhuri Choudhury AIR 1965 Cal 252
9. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

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Sem - II

CONSTITUTIONAL LAW-II

NB: It may be noted that Subjects like Constitutional Law can be studied plainly based on the provisions in terms of interpretations of the Court. It may be also studied based on a different objective. The detail planning here is provided with alternative objectives, first on Provisions and interpreted by the Judiciary and secondly on the basis of treating the provisions critically to analyze the provisions on certain plain well accepted criteria of Good Governance.

Module: 1: Nature of Federalism in India (18): Essential character of Indian Federalism, Indian Federalism distinguished from US Federalism, Is Federalism a basic structure – Is center-State relation within the Constitutional framework is the basic structure, Framework of

Centre – State Relation within the contour of Articles 245 & 246 – Separation of power and Doctrine of Pith and Substance, power of delegation, Center – State Council [*Keshavananda Bharati v State of Kerala*, AIR 1973 SC 1461; *Indira Gandhi Nehru v. Raj Narain* AIR 1975 SC 2299; *State of Bihar v. Bal Mukund Sah* AIR 2000 SC 1296; *Valsamma Paul v. Cochin University*]

Module 2: The President of India and the character of the Republic (6): Presidential vis-à-vis Parliamentary form of governance – manner in which executive power is to be vested and exercised, Election of President and Vice President, term of office, qualification and eligibility, Impeachment, Oath of office, Power of the President to be exercised, power to grant pardon, Conduct of Business of the Government of India, Office of Vice President – election procedure, power and functions

[*Rao v. Indira* AIR 1971 SC 1002; *Ram Jawaya v. State of Punjab*, AIR 1955 SC 549; *State of Punjab v. Joginder Singh* AIR 1990 SC 1396; *Keher Singh v. Union of India* AIR 1989 SC 653, *Garg v Union of India* AIR 1981 SC 2138, *T.Venkata Reddy v State of Andhra Pradesh* AIR 1985 SC 551]

Module 3: Union Cabinet (4): Constitutional provision on formation of Council of Ministers – advisory function, Collective responsibility – Confidentiality of Cabinet Decisions – Other provisions – Duties of PM

[*Samsher v. State of Punjab* AIR 1974 SC 2192; *S.P.Gupta v. Union of India* AIR 1982 SC 149; *K.M.Sharma v. Devi Lal* AIR 1990 SC 528; *State of Karnataka v. Union of India* AIR 1978 SC 68]

Module 4: The Parliament(4): Bicameral Character and constitution, Composition of the House of States and House of the People, Duration, Qualification and disqualification of members, Office of Profit, sessions, Right of President to address, Special address, Officers of the Parliament and their duties, vacation including removal of, Conduct of Business, principle debarring holders of Power, Privileges and Immunities of Parliament and its Members office of profit, Salaries and allowances of members, Special procedure on Money Bill and Financial matters

[*Rao v Indira*, AIR 1971 SC 1002, *Indira v Rajnarayan* AIR 1975 SC 2299 *Pashupati v Nem* AIR 1984 SC 399, *Dilip v State of MP* AIR 1976 SC 133, *Bhagwati v. Rajeev* AIR 1986 SC 1534, *Union v. Gopal* AIR 1978 SC 694, *Kiran v Sanjiva*, AIR 1970 SC 1573,]

Module 5: Union Judiciary(3): Nature of Indian Judicial System with its distinctive feature, Supreme Court of India, its various powers, Judicial Appointment,, Special Leave appeals, Officers of SCI

[*In Re Presidential Reference*, AIR 1999 SC 1, *S.P.Gupta v Union* AIR 1982 AIR SC 149, *Pedda Narayana v UP* AIR 1975 SC 1252, *Rajan v State of Bihar* AIR 1991 SC 1377, *Mahesh v State of Delhi* AIR 1991 SC 1108, *Balakrishna v Matha* (1991)2 SCC 203, *J.Ranga Swamy v AP* AIR 1990 SC 535

Module 6 : State Executive(3): Governor of a state, Qualification, Appointment, term, Executive & legislative power and function; Council of Ministers

State of Punjab v Joginder AIR 1990 SC 1396, Satpal v State of Haryana AIR 2000 SC 1702, Bharat Coal v State of Bihar (1990) 4 SCC 557, Pratap Singh Rane v Government of Goa AIR 1999 Bom 53 Rai Sahib Ram Jawaya Kapur v State of Punjab (1955) 2 SCR 225, A Sanjeeva naidu v State of Madras AIR 1979 SC 1102

Module 7: State Legislature(2): Constitution under Unicameral and Bicameral Legislative system, qualification of members, sessions, Officers of Legislature, power and function, Conduct of business, disqualification, Special Procedure on Money Bill & Financial matters, [*Sushil Kumar v Rakesh Kumar AIR 2004 SC 230, S.R. Bommai v Union AIR 1994 SC 1918, Election Commission v Subramaniam Swamy AIR 1996 SC 810 Purushotham v State of Kerala, AIR 1962 SC 694, Bharat Seva Asharam v State of Gujarat AIR 1987 SC 494, State of Bihar v Kameswar Singh AIR 1952 SC 252*

Module 8: High Courts & Subordinate Courts (2): Judicial system in the States, Appointment and conditions of office, Various Powers, Establishment of Common High Court, Constitution of Bench, Transfer of a judge,

[*Ashish Handa v Chief Justice, P & H High Court, AIR 1996 SC 1308, K Asoka Reddy v Government of India AIR 1994 SC 1207, Sodhi v Union of India (1991) 2 SCC 382, A.K. Roy v Union of India AIR 1982 SC 710, Kanu Sanyal v District Magistrate AIR 1973 SC 2684, S.P. Gupta v Union of India AIR 1982 SC 149, Fertilizer Corporation v Union of India AIR 1981 SC 344*]

Module 9: Macro Economic Management under the Constitution of India(10): Fiscal responsibility, Taxation planning and management, financial accountability, state actor in business, trade and industry, State as a party in a Contract, revenue distribution, Borrowing (Article 263 – 300)

[*CIT v. Shelly Products AIR 2003 SC 2532; New India Industries v Union AIR 1990 Bom 239, Secretary, Govt. of Madras v Sriramulu AIR 1996 SC 676, Goodyear India v. State of Haryana, AIR 1990 SC 781, Union v. State of Punjab AIR 1990 P&H 183, Associated Cement v C.S.T. AIR 1991 SC 1122*]

Model 10: Emergency power (4): Proclamation, effect, grounds, failure of constitutional breakdown

[*State of Rajasthan v Union AIR 1977 SC 1361, A.N. Ray v Union of India AIR 1982 SC 710, S.R. Bommai V Union of India AIR 1994 SC 1918*]

Module 11: Amendment (2): Comparison constitutional position from US, France and Indian position, When can some provision not amendable – basic structure philosophy and the strength and weakness of the argument.

[*Indira Gandhi v Raj Narayan AIR 1975 SC 2299, Keshavananda Bharati v State of Kerala, AIR 1973 SC 1461, Sanjiv Kumar v Union AIR 1987 SC 386, Waman Rao v Union AIR 1981 SC 271, Bhim Singh v Union AIR 1981 SC 234*]

Model 12: Local Self Government(4): Structures and bodies, power and functions, composition,

[*B. Krishnaiah v State Election Commission, A.P. AIR 1996 SC 1595*]

Model 13: Constitutional Institutions (6): Election Commission, Finance Commission, Comptroller and Auditor General, Attorney General of India, Public Service Commission, National Commission for SC and ST, Inter-state River Dispute Resolution Tribunals, Central and State Service Tribunals,

[*K. Vasudavan Nair v. Union AIR 1990 SC 2295, T.N. Cauvery Sangam v. Union AIR 1990 SC 1316, Comptroller & Auditor General of India v. Mohan AIR 1991 SC 2788, Om Prakash v. State of UP AIR 1991 SC 425, Ram E. Sharma v. State of Bihar AIR 1990 SC 1368, Jai Sankar Prasad v. State of Bihar AIR 1993 SC 1906, Sampath Kumar v Union AIR 1987 SC 386, KMI v Pandurang AIR 1993 SC 392, Dhanoa v. Union AIR 1991 SC 1745*]

Alternate Design

Objective: To critically evaluate the Constitutional provisions based on principles of Good Governance with a parameter of (a) strength of democracy in people's participation, (b) republicanism in Parliamentary vis-à-vis Presidential form of governance, (c) Division of power and check & balance, (d) strength of autonomy in Constitutional Institutions, (e) transparency and (f) efficiency vis- a- vis corruptibility in governance through the process of politicization of administration.

Warning: This pattern of arrangement of critical study requires higher competence of all inputs including plurality in the faculty. Therefore the input requirement is of high order. In a Law School such type of study is difficult unless there is post-graduate study and research potential. Plain reading of fundamentals of the subject is always better and simple. Evaluation system also is very critical. In this model the evaluation and testing is through repeated case presentation and paper writing and presentation. This is not possible in any conventional Law School.

Course planning

The entire course can then be divided into Three Parts and following Modules:

Part A: Forms of Governance

Module1:

Strength of Democracy: Quality of Human Right especially in right to food, shelter, education and housing to be revised through four case laws over 4

sessions. System of exercising the right to vote in electing representatives in different stages of governance; Neutralization of election management machinery, Management of Election Commission, how can the system constitutionally deal with election matters, multi-party, bipartite and party-less democracy, direct and indirect democratic process (10).

[The strength is to be evaluated through various issues raised through court cases. Strength can also be evaluated empirically]

Module 2:

Forms of Government: Presidential vis-à-vis Parliamentary form, Three stages of government and power sharing with a critical review – strength and weaknesses of government at each stages to account for proportional power allocated for appropriated function (6)

[The issues raised for centralization and decentralization of power. Does constitutional provision centralize or decentralize power? Can one locate the virus of centralization of power and is there any provision of auditing such power use? Does the constitutional provision create facility for non-transparent exercise of power? With issues raised in courts can these provisions be located?]

Module 3: Division of power: Between Center, State and Local bodies; Between Legislature, Executive and Judiciary; Principles that developed in division of power and check and balances; Sharing of powers; Judicial review (10)

[What issues were raised to be debated on these issues of division of power and how effectively the same is resolved to strengthen the fabric of governance]

Module 4:

Transparency in Governance: Constitutional provisions for transparency and accountability – Standard of audit practice of government functions – accountability in determining the public policy and forms of parliamentary / legislative review – Considerations for formulating public policy, debates on standard transparency principles - role of civil society (5)

[Budget, Money Bill, Finance Bill, Comptroller & Auditor General's audit system and placement of the report in the Parliament and the responsibility of the

Government – all these constitutional rules are required to be tested on the touch stone of transparency.]

Module 5:

Autonomy of the Constitutional Institution like Election Commission, Public Service Commission, SC/ST Commission, Comptroller and Auditor General and the judicial trends in interpretation of constitutional principles for ensuring autonomy (5).

[Cases on Constitutional institutions be reviewed]

PART II: Quality of Power sharing in Indian Federalism

Module 6:

Indian Federalism how different from US, Canada and UK federalism – essential character of federalism and basic issues – constituent assembly debate on determination of federal character – Considerations for determination of power distribution, special features of Indian Federalism (5).

Module 7: Center – state relation – executive power distribution, legislative power distribution, judicial consideration on evaluation of power share, financial resource allocation ; Inter – state relation; Dispute resolutions; various dispute resolution bodies and procedures (8)

Module 8:

Functional analysis of the Federation, executive, legislature and judiciary, Local self government – nature, character and strength (10)

Module 9:

Head of State and Head of Government- functional inter-relation at each levels of governance (2)

**PART III: Quality of management of the state on issues of public interest:
Financial Management & Management of Constitutional arrangement**

Module 10:

35

Fiscal management and discipline at various level of governance – Monetary system management through monetized and non-monetized debt – government debt and debt management – accounting system – Parliamentary /Legislative control on the financial management functions of the executive (6)

Module 11:

International Agreements and Constitutional governance (2), amending power, issue of establishing another constituent assembly for replacement of the Constitution of India (3)

Module 12:

Power of the State for contract, conducting and regulating business trade and commerce, functioning as a welfare state (3)

Module 13:

Tribunalized Justice – review power (2)

ADMINISTRATIVE LAW

Aims of study: Administrative Law specifically addresses in delivering two fundamental aspects of good governance, viz., (a) rule based administration replacing discretion based arbitrary administration and (b) delivery of administrative justice, justice to be delivered at the door step. Administrative justice is critical in a welfare state where litigative justice can not reach.

Methodology of study: Since there is no Code on Administrative Procedure, it is difficult to study on principle based administrative practice. It is therefore better to study through issue-based administrative decisions. If it can be understood through discussion by a group of administrators debating on a fact situation the students may develop a Best Practice Code on the basis of each issue. This type of study would require preparation of study materials to be specially designed for the purpose. There are good Text Books based on principles. So case method, lecture method may be easily organized.