

Minutes of the Meeting

A meeting of 'Committee of Courses' was conducted online, with the **Meeting link;**
meet.google.com/okc-revv-rao, on 24th June 2024 at 2.00 to discuss the revision of law Courses.

Agenda of the Meeting was –

1. Passing Revised Syllabus of Jurisprudence -I (LB-101) and Jurisprudence -II (LB-604).
2. Making Jurisprudence-II and Interpretation of Statue and Legislative Drafting as compulsory papers.
3. Syllabus of Five year integrated law course for BA LL.B. (Hons.) and BBA LL.B. (Hons.) for III, IV, V and VIth Semesters.
4. Approval of Incorporation of amended criminal law in the syllabus of respective subjects in respective semesters.
5. Adding Aviation and Space Law as a new Paper.

Following Members were invited in the meeting-

1. Prof. Anju Vali Tikoo, Head & Dean, Faculty of Law, D.U./Professor-in-Charge Law Centre-I
2. Prof. Alka Chawla, Professor-in-Charge, Campus Law Centre, D.U.
3. Prof. Anupam Jha , Professor-in-Charge Law Centre-I, D.U.
4. Prof. L Pushpa Kumar, Director, Five-Year Integrated Law Course
5. Prof.Raman Mittal
6. Prof. Sarbjit Kaur
7. Prof. Manju Arora
8. Prof.Kiran Gupta
9. Prof.Pinki Sharma
10. Prof. Gunjan Gupta
11. Prof. Alok Sharma
12. Dr. Shabnam Mahlawat
13. Dr. Kshitij K. Singh
14. Dr.Seema Singh

Out of 14 except Dr.Shabnam Mahlawat and Dr.Kshitij K.Singh rest of the 14 invitees were present. Abovementioned both could not attend the meeting due to their personal reasons.

All the members unanimously approved the following -

1. Revised Syllabus of Jurisprudence -I (LB-101).
2. Revised Syllabus of Jurisprudence –II (LB-604).
3. Syllabus of Five year integrated law course for BA LL.B. (Hons.) and BBA LL.B. (Hons.) for III, IV, V and VIth Semesters.
4. **Interpretation of Statute and Legislative Drafting** has been inducted as a **compulsory Paper** in IV th Semester as paper no LB-404.
5. **Jurisprudence-II** has been inducted as a **compulsory paper** in Sixth (6th) Semester as paper no. LB-604.
6. **Aviation and Space Law** has been inducted as an **optional paper** in VIth Semester as paper no.6031.
7. Incorporation of amended criminal laws (Bhartiya Dand Samhita 2023, Bhartiya Nyaya Samhita 2023 and Bhartiya Nyaya Suraksh Samhita2023) in the syllabus of respective subjects in respective semesters has been approved.
8. As per the decision of Committee of Courses the course curriculum for LL.B. three years has been amended as follows-
 - (i) LL.B. Ist Semester- **No Change**
 - (ii) LL.B. IInd Semester- **No Change**
 - (iii) **LL.B. IIIrd Sememster- Changes**
 - (a) Compulsory papers- No Changes
 - (b) **Optional Paper LB-3033 – CRIMINAL LAW III (SOCIO ECONOMIC OFFENCES)**
(Name Change)
 - (iv) **LL.B. IV th Semester**
 - (a) Compulsory Paper-
LB 404 – INTERPRETATION OF STATUTES AND LEGISLATIVE DRAFTING (added)
 - (b) **Optional**

LB 4034- HUMANATARIAN AND REFUGEE LAW (Renumbered)

LB-4035- IPR-I (Renumbered)
 - (v) **LLB VTH SEM-**
 - (a) **Compulsory Paper-**
LB504- PRINCIPLES OF TAXATION LAW (ADDED)
 - (b) **Optional**

LB5032- IPR-II (Renumbered)

(vi) LLB VI TH TERM

(a) Compulsory Paper

LB 604- *JURISPRUDENCE –II* (Added)

(b) Optional Paper

LB-6031- *AVIATION AND SPACE LAW* (Added)

CourseName:Jurisprudence-I(LegalMethod) Course

Code: LB-101

Course Objectives:

- To give an overview to the students about law and legal systems prevalent in the world and India in particular, so that they could understand the jurisprudence of all subjects taught to them over a span of three years.
- To learn the jurisprudential basis of various concepts which are continuously being dealt with in law.
- To sensitize the students to adopt a pragmatic approach in studying all the subjects in the six semesters by teaching them how to read cases and ways to club theory with practice. It is a subject which forms the foundation of the law degree.
- To make the students trace the origin and evolution of law and to understand major legal systems of the world.
- To familiarize the students with linkage of law with other social science.
- To familiarize the students with the growth of legal profession in India and the laws governing the profession.

Learning Outcomes

- Students will be acquainted with the basic ideas and fundamental principles of Law.
- Knowledge of Law and Legal precepts will acquaint the students and will help to develop their skill.
- Students will be able to identify socio-legal issues and challenges and would be able to provide solution within the parameters of the law, justice and other social norms.
- It will provide a holistic approach to study law and legal systems.

Course Content:**Unit- 1 -Jurisprudence with Bhartiya and Western perspective**

- a. Origin and nature of Jurisprudence
- b. Need and Scope of Jurisprudence
- c. Legal System in ancient India and its comparison with other major legal systems of the world.

Suggestive Readings

- Ludwik Sternbach – Juridical Studies in Ancient Indian Law (2 Vols.), Motilal Banarsidass, Delhi, 1965.
https://archive.org/details/juridicalstudiesinancientindianlawludwiksternbachpart1_2/02003_655_a/page/n27/mode/2up?view=theater
- Tiwari, K.N. & Krishna Kumari – Ancient Indian Law (3 Vols.), Prashant Publishing House, Delhi, 2009
- M. Rama Jois – Ancient Indian Law, Universal Law Publishing Pvt. Ltd., 2002, Reprinted 2015.
- M. Rama Jois – Legal and Constitutional History of India (Ancient Indian Judicial and Constitutional System), Universal Law Publishing Pvt. Ltd., 2016.
- Ancient Indian Law by Justice D.P. Singh, Published by Kitabwale 2022.
- N.R. Madhava Menon, Our Legal System.
- Rene David & J.E.C. Brierley, Major Legal Systems in the World Today 17-31, 484-515 3rd ed. 1985.
- Reflections on Ancient Indian Jurisprudence in the current social and judicial set up by Anupama Goel and Seema Singh, Published by Mohan Law, 2021.

Unit -2 - Structure of Indian Legal System

- a. Basic Principles of Law , Rule of Law and Separation of powers
- b. Customary dispute resolution mechanism in Bharat- Continuity and sustainability
- c. Legal Services, Legal Profession and Advocate's Act
- d. Hierarchy Of Courts And Jurisdiction

Suggested Readings

- "A. V. Dicey: Law of the Constitution". 1889. Retrieved 12 April 2011.
- कौटिल्य -Theories of Punishment) Kautilya Arthshastra – Editor Rajshwar Shastri Dravid, SSU Varansi)
- The Tradition And Significance Of Mediation In India Section A-Research Paper, Eur. Chem. Bull. 2023, 12(Special Issue 10), 802 –808 802, THE TRADITION AND SIGNIFICANCE OF MEDIATION IN INDIA by Anindita Sarkar (Dutta) & Prof. (Dr.) Ishita Chatterjee.

- Open Access Journal available at www.jlsr.thelawbrigade.com, JOURNAL OF LEGAL STUDIES AND RESEARCH [VOL. 2 ISSUE 5] ISSN 2455-2437 ,DISPUTE RESOLUTION IN RURAL INDIA: AN OVERVIEW, Written by Dr. Laju P. Thomas Hsst, St Mary's Hss, Thiruvananthapuram.
- Advocates Act & Professional Ethics: Law Relating to the Legal Profession in India, by Nirmalendu Dutt-Majumdar, Eastern Law House, 1975
- Jurisprudence and Legal Theories by V.D.Mahajan, 2001, Published by Eastern Book Company.
- Studies in Jurisprudence and Legal Theory By N. V. Paranjape, 2016, published by Central Law Agency

Unit 3 -Sources Of Law

- a. Morality
- b. Custom
- c. Legislation
- d. Precedent

Suggested Readings

- Law and Morality-Readings in Legal Philosophy, Arthur Ripstein, David Dyzenhaus, Sophia Reibetanz Moreau, University of Toronto Press ,June 2007.
- Custom, Law and the British Empire in Northeast India: Select reading from the colonial archive by Nandini Bhattacharya
- Morality in Law , By Justice D.P.Singh, Eastern Book Company,2012.
- Jurisprudence and Legal Theories by V.D.Mahajan, , Published by Eastern Book Company, 2001.
- Studies in Jurisprudence and Legal Theory By N. V. Paranjape, 2016, published by Central Law Agency.

Unit 4 –Concept of Natural law

- a. Bhartiya Perspective-Ritam &Dharma
- b. Western Perspective- Thomas Aquinas ,Auguste Comte

Suggested Readings

- Kane,PandurangVaman–HistoryoftheDharma śāstra,BhandarkaraOrientalResearchInstitute, Poona,1973,Vol.3,p.2
- Law and Spirituality-Reconnecting the Bond by Raman Mittal and Seema Singh, Published by Kitabwale, 2024.
- On Being and Essence by Saint Thomas Aquinas, Published by Hackett Publishing Co, 2012
- The Positive Philosophy of Auguste Comte,by Auguste Comte, Vol.2 Cambridge University Press,2009

Unit 5- Analytical Positivism

- Kautilya's concept of State and Law
- Austin's Concept of Law
- H.L.Hart's Concept of Law

Suggested Readings

- Kautilya: The Arthashastra published by Penguin Classics (1992)
- Management Guru Chanakya - Statecraft and his policies by Prof. Shrikant Prasoon, V&S publisher Delhi (2017)
- The Province of Jurisprudence Determined by John Austin, Published by Legare Street Press.
- The Concept of Law by H. L. A. Hart, Clarendon Law Series, 1961

Unit 6-Historical And Sociological School Of Thought

- Kautilya's Arthshastra with special reference to Social Justice
- Karl Von Savigny's Volksgeist Theory
- Roscoe Pound's Theory of Social Engineering

Suggested Readings

- Jose Varghese, Kautilya Arthashastra; A Lawyer's Point of view (2021)
- The Arthashastra (L.N. Rangrajan as well as Samashastri)
- System of the Modern Roman Law by Friedrich Karl von Savigny, Published by Hard Press, 2019.
- AN INTRODUCTION TO THE PHILOSOPHY OF LAW BY ROSCOE POUND, MPP House Press

Unit-7-Jurisprudence in Bhartiya Scriptures

- The Ancient concept of 'Dharma'
- The Shrutis
- The Smritis

Suggested Readings

- Kane, Pandurang Vaman—History of Dharmasastra (5 Vols.), Bhandarkar Oriental Research Institute, Pune, 1930-1962,
<https://archive.org/details/in.ernet.dli.2015.37698/page/n811/mode/1up>
- Ganesh, S. –Vedic Concept of Dharma, Purvamimamsa, Vol 12, September 2021.
- Vada in Theory and by Radhavallabh Tripathi The Secretary Indian Institute of Advanced Study Rashtrapati Nivas, Summerhill, Shimla
- Smritichandrika by Devana Bhatta, translated by T. Kristnasawmi Iyer, Published by Law Book Seller and Publisher, 1933

IMPORTANT NOTE:

1. The topics, cases and suggested readings given above are not exhaustive. The Committee of teachers teaching the Course shall be at liberty to revise the topics/case/suggested readings.
2. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books.



Course Wise Content Details for LL.B. Programme:

Semester-V

Course Name-Jurisprudence-II

CourseCode-LB-604

Total Classes-40

Credits-2 Target Group: Students of Law, Political Science, History, Sociology Course Objectives

This Course aims to introduce to students with the jurisprudential analysis of certain concepts in the field of Law. These concepts are basic and essential for the study of Law. By learning the Jurisprudential Analysis of basic concepts, the students shall gain the expertise in analysing other concepts also used in the field of Law. Students will also learn how to use this expertise in filing and contesting the cases on strong grounds before the Courts of Law in India as well as in other countries. The philosophical understanding of the concepts will give them fundamental clarity in different arenas of law.

Course Learning Outcomes:

After successful completion of this Course, students should be able to:

1. Have in depth knowledge of basic concepts in jurisprudence and to develop a critical approach in the field of law.
2. Identify the strengths and limitations of different theories and models in explaining the basics of Law and to develop the capacity to engage in lifelong learning.
3. Apply their knowledge, skills and creativity to get the solution of contemporary legal problems.
4. Differentiate properly among various concepts and use them appropriately wherever required.

Contents: **Part A + Part B**

PART –A

Legal concepts

Unit -1

- Concept of “Dharma”& “Purusharth”
- Rights & Duties

Suggested Readings

- R.W.M.Dias, -Jural Relations II, Jurisprudence, pp.23-43 (1994).
- Upendra Baxi, "Laches and the Rights to constitutional Remedies: *Quis Custodiet Ipsos Custodes?*", Alice Jacob (ed.), Constitutional Developments since Independence (1975).
- Bhiku Parekh, "The Modern Conception of Right and Marxist Critique" in Upendra Baxi (ed.), The Right to be Human, pp. 1-22 (1987).
- Ganesh, S. –Vedic Concept of Dharma, Purvamimamsa, Vol 12, September 2021.
- Hohfeld's Contributions to the Science of Law Walter Wheeler Cook (ed.), Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays by Wesley Newcomb Hohfeld, pp. 1-15 and pp. 27-73 (1919).

Unit 2

Person and Personality

Suggested Readings

- Joel Feinberg, "The Rights of Animals and Unborn Generations" in Philosophy & Environmental Crisis by William T. Blackstone (ed.), pp. 43-68 (1974).
- R.W.M.Dias, Theories of the Nature of "Legal Person" in Jurisprudence, pp. 265- 270 (1994).
- Adolf A. Berle and Gardiner Means, "The Evolution of Modern Corporate Structure", Chapter I of Book II, Regrouping of Rights: Relative Legal Position of Ownership and Control of The Modern Corporation and Private Property (1932).

Cases:

1. *Shiromani Gurudwara Prabandhak Committee, Amritsar vs. Shri Som Nath Dass & Ors.*, 2000,
2. *The State Trading Corporation of India Ltd. & Ors. vs. The Commercial Tax Officer, Visakhapatnam & Ors.*, AIR 1963 SC 1811; 1964 SCR (4) 89.
3. *Kanta Mohanlal Kotechav. Branch Manager, United India Insurance Company Limited*, 2006 Indlaw SCMAH5.
4. *Divisional Controller, B.T.S. Division, Karnataka State Road Transport Corporation vs. Vidya Shinde*, 2005 ACJ 69.
5. *Bhawariba vs. New India Assurance Co. Ltd.*, 2006 ACJ 2085.
Manikuttan vs. M.N. Baby, 2009 ACJ 1497.

Unit 3

Possession and Ownership

Suggested Readings

- Law of Possession & Ownership of Property by Arindam Mitra , published by Sodhi Publication,2024.
- Property Law: Rules, Policies, and Practices, by Joseph William Singer, published by Wolter Kluwer, 2017.
- THE CONSTITUTIONAL MANDATE FOR SOCIAL WELFARE – SYSTEMIC DIFFERENCES AND LINKS BETWEEN PROPERTY, LAND RIGHTS AND HOUSING RIGHTS byAJ van der Walt &S Viljoen ,available at; <https://scielo.org.za/pdf/pelj/v18n4/10.pdf>

Unit 4

(a) Property in Dayabhaga

(b) Property in Prakranam of Mitakshara

Suggested Readings

- Vijnaneshwara produced commentary on Yajnavalkyasmriti known as Mitakshara.
- Jimuavahana produced commentary on Naradasmriti, known as Dayabhaga.
- Concepts of Justice & Constitution Imperatives (याज्ञवल्क्यस्मृति- Discovery of truth.)

PART-B

Legal Theories

Unit -5 Theories of Justice

- **Kautilya**
- **Rawls**
- **Fuller**
- **Nozick**
- **Amartya Sen**

Suggested Readings

- The Arthashastra by L.N. Rangrajan and Samashastrri
- Kautilya -Theories of Punishment, KautilyaArthshastra – Editor Rajsehwari Shastri Dravid, SSU Varansi.
- A Theory of Justice: by John RAWLS, Harvard University Press,2009.
- Criminal Justice: Mainstream and Crosscurrents, by John Randolph Fuller, Oxford¹¹

Publication.2013.

- Nozick's Libertarian Theory of Justice Peter Vallentyne, University of Missouri, in Anarchy, State, and Utopia—A Reappraisal, edited by Ralf Bader and John Meadowcroft (Cambridge University Press: 2011), pp. 145-67.
available at https://klinechair.missouri.edu/docs/nozicks_theory_of_justice.pdf
- Robert Nozick: Property, Justice, and the Minimal State, by Jonathan Wolff, Stanford University Press, 1991.

Unit-6 Theories of Reality

- (a) Concept of Reality, Knowledge, Cognition and Recognition
- (b) Dogmatism and Criticism,
- (c) Experience, Truth, Introspection and Illusion
- (d) Argument and Judgement.

Meaning & Interpretation of:

- **Satyameva jayate– Truth alone Triumphs– Motto of Bharat in the context of para(pra)&apara(Apara)vidya (Mundakopanisad)**
- **Yato dharmah tato jayah -Where there is dharma there will be victory– Motto of Supreme Court in context of Srimad bhagvad gita.**
- **Dharma cakra pravartanaya – Setting the wheel of dharma (Law)– Motto of Parliament House in the context of Mahabharata and Buddhism.**
- **Ashryahsarva-dharmanam-sasvadanviksismrta - Jurisprudence(Logic) is the resource of all actions and the shelter of all virtues in the context of Kautilya Arthashastra.**
- **Satyamsivam Sundaram- The Truth, the Auspicious and the Beautiful – Motto of Television in the context of Indian Culture.**

Logical Fallacies – Fallacy against Reality, Fallacy of Contrary Reason, Fallacy of Uncertain Reason, Concept of Dialectics.

Suggested Readings

- Stcherbatsky, Theodore. – Buddhist Logic (in two vols.), Dover Publications Inc., New York. 20955-5, 20956-3
- Vidyabhusana, S.C. – A History of Indian Logic, Motilal Banarsidass, Delhi, 1978
- Nyayabindu of Dharmakirti, ed. By Chandrashekhar Shastri, Chaukhambha Sanskrit Series, 1954.
<https://archive.org/details/NyayaBinduOfDharmakirtiWithDharmottaraCommentaryChandraShekharShastri/page/n1/mode/2up>

Unit-7

- Tarkavidyā (Reasoning) or “hetuśāstra” or “hetuvidyā” or “Vada Vidya”
- Nyāyaśāstra (Jurisprudence of Logic)
- Mimasa
- Ānvīkṣikī (Science of Inquiry)

Suggested Readings

- An Introduction to Indian Philosophy by Satish Chandra Chatterjee and Dharendra Mohan Dutta.
- Mimamsadarshanam (Shaabarbhashysahitam) by Jaimini, published by Chaukhamba Publications, Varanasi.
- Tarkbhasha by Keshav Mishra (commentary by Gajanan Shastri musalgaonkar) published by Chaukhamba Publications, Varanasi.
- Nyaydarshanam (Vatsyayan bhashyasahitam) by Maharshi Gautam published by Chaukhamba Publications, Varanasi.
- Nyay sidhant muktawali by Vishwanath Panchanan Bhattacharya (commentary by Gajanan Shastri musalgaonkar) published by Chaukhamba Publications, Varanasi.
- Mimansa Rules of Interpretation by Just. Markandey Katju (K.L Sarkar's, Tagore Memorial Lectures, 2nd Ed. Modern Law Publications.
- Translations of the Nyaya Sutra in Indian thought – Dr. Ganga Nath Jha.
- *Inside Chanakya's Mind: Aanvikshiki and the Art of Thinking, by Radhakrishnan Pillai, Published by Penguin Random House.