

ORIENTAL EDUCATION SOCIETY'S

ORIENTAL COLLEGE OF LAW

LAW AND MEDICINE

LLB 3 year & BLS LLB 5 year
1. Right to Health under the Constitution of India
2. The varieties of Medical Professions in India
3. Self-Regulation through Codes of Conduct
4. The Doctrine of "Informed Consent"
5. Experimentation on Foetuses and Children
6. Experimentation on People in Custody, including Psychiatric Custody
7. The Doctors – Patient Relationship
8. Confidentiality and Privilege
9. Patient's right of full disclosure of course of therapy including side effects of drugs
10. Medical Malpractice
11. Law Relating to Medico-Legal Cases, with special reference to: Road Accidents and Sexual Assaults
12. Mass Disaster (e.g. Bhopal)

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ALTERNATE DISPUTE RESOLUTION SYSTEM

Arbitration: meaning, scope and types	<ul style="list-style-type: none"> -Distinctions - 1940 law and 1996 law: UNICITRAL model law - Arbitration and Conciliation - Arbitration and expert determination - Extent of judicial intervention - International commercial arbitration
Arbitration agreement	<ul style="list-style-type: none"> - Essentials - Kinds - Who can enter into arbitration agreement - Validity - Reference to arbitration - Interim measures by court
Arbitration Tribunal	<ul style="list-style-type: none"> - Appointment - Challenge - Jurisdiction of arbitral tribunal - Powers - Grounds of challenge - Procedure - Court assistance
Award	<ul style="list-style-type: none"> - Rules of guidance - Form and content - Correction and interpretation - Grounds of setting aside an award - Can misconduct be a ground? - Incapacity of a party, invalidity of arbitration agreement - Want of proper notice and hearing - Beyond the scope of reference - Contravention of composition and procedure - Breach of confidentiality - Impartiality of the arbitrator - Bar of limitation, res judicata - Consent of parties - Enforcement
Appeal and revision	
Enforcement of foreign awards	<ul style="list-style-type: none"> - New York convention awards - Geneva Convention awards
Conciliation	<ul style="list-style-type: none"> - Distinction between 'Conciliation', 'Negotiation', 'mediation' and 'arbitration' - Appointment - Statements to conciliator - Interaction between conciliator and parties - Communication -Duty of parties to cooperate - Suggestions by parties - Confidentiality

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CONFLICT OF LAW

Introductory	<ul style="list-style-type: none">- What and why of conflict of laws: its function, bases like comity, convenience and justice- Difference between Public and Private International law- Development and history- England and India – a comparative sketch with reference to USA
And other countries	<ul style="list-style-type: none">- Modern theories: Statutory, territorial, international, local law and justice- State in a Private International law case- Choice of Jurisdiction- Choice of law (lexcausae)- Recognition and enforcement of foreign judgments / awards
Choice of Jurisdiction (First stage)	<ul style="list-style-type: none">- Meaning, bases of jurisdiction, limitations like effectiveness principles – Relevant C.P.C. provisions regarding jurisdiction – Ss 15-20, 83, 84, and 86- Kinds of jurisdiction- Actions in personam –contract and tort- Actions in rem – such as matrimonial causes and probate- Admiralty action – S VI the Admiralty Courts Act- Actions under assumed discretionary jurisdiction (inherent jurisdiction) (Indian Context: Ss. 10 and 151 of C.P.C.
Choice of Law-Lex Causae (Second Stage)	<ul style="list-style-type: none">- Classification / characterization / categorization – allocation of juridical category to the foreign element case- Necessity for classification – different legal concepts with different content – matters like domicile, talaq and dower in different legal systems- Various theories – leading cases- Connecting factor – what is connection factor :lexfori to determine Selection of lexcausae through connecting factor- Application of lexcausae – three meanings of Lex Causae – Renvoi: partial and total (Foreign court theory) – critical analysis of Renvoi – Indian position Limitations on application or exclusion of foreign law- When foreign law is excluded: grounds – Public Policy, Revenue Laws and Penal Law
Concept of Domicile	<ul style="list-style-type: none">- General principles / fundamental Principles- Elements – intention and residence- Kinds- Domicile of Origin- Domicile of Choice- Domicile of dependence: married women's position in English and Indian laws- Domicile of corporation
Status	<ul style="list-style-type: none">- What is Status?- Incidents- What law governs status- Universality of status
Marriage	<ul style="list-style-type: none">- Marriage as a contract and also status how different from other contracts (social personal contract)- Kinds of Marriage- How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent- Questions of format and essential validity- Formal validity by lex loci celebrations- Essential / material / intrinsic validity- Capacity to marriage- Consent

	<ul style="list-style-type: none"> - Not within prohibited degrees - Not previously married - Physical incapacity - Of proper age - Essential validity usually governed by lex domicili - English cases - Indian position clarified in cases
Matrimonial Causes	<ul style="list-style-type: none"> - Concept of matrimonial cause (Relief) – English and Indian positions - Available Reliefs - Divorce, Nullity, judicial separation - Restitution of Conjugal Rights (in English law) - Restitution of Conjugal Rights has no place now - Choice of Jurisdiction and Choice of Law to be examined
Legitimacy and Legitimation	<ul style="list-style-type: none"> - What is legitimacy - What law governs legitimacy - Validity of marriage - Legitimation - What it is - How affected - Legitimation and Succession
Adoption	<ul style="list-style-type: none"> - Purpose of adoption - Common law - Indian law - Hindu law - Recognition of foreign adoption
Custody and Guardianship	<ul style="list-style-type: none"> - Purpose - Adoption and succession
Contracts	<ul style="list-style-type: none"> - Contract – a leading relationship in private international law system - Validity of contracts - Capacity to contract – Main four theories Lex Loci, Lex Domicilii, Lex situs and proper law - Formal validity – lex loci contractus governs - Essential validity – proper law is usually accepted as governing - Discharge of contract – Lex loci solutions governing - Doctrine of “proper law” of contract subjective and objective Theories
Torts	<ul style="list-style-type: none"> - Traditional theories - Ideas of tort of recent importance in private International Law such as drugs, environments, transport and satellite communication
Recognition and Enforcement of Foreign Judgments	<ul style="list-style-type: none"> - Need recognizing foreign judgments - Limitations in recognising and enforcement - Section 13,14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act

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LAW OF INSURANCE

Introduction	<ul style="list-style-type: none">- Definition, nature and history of insurance- Concept of Insurance and law of contract and law of torts; future of insurance in globalized economy- History and development of insurance in India- Insurance Regulatory Authority – role and functions
General principles of law of insurance	<ul style="list-style-type: none">- Contract of insurance – classification of contract of insurance, nature of various insurance contracts, parties thereto- Principle of good faith-non-disclosure-misrepresentation in insurance contract- Insurable interest- The risk- The policy – classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction- Conditions of the policy- Alteration of the risk- Assignment of the subject matter
Life Insurance	<ul style="list-style-type: none">- Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract- Event insured against life insurance contract- Circumstances affecting the risk- Amounts recoverable under life policy- Persons entitled to payment- Settlement of claim and payment of money
Marine Insurance	<ul style="list-style-type: none">- Nature and scope- Classification of marine policies- The Marine Insurance Act 1963- Insurable interest, insurable value- Marine insurance policy – conditions – express warranties construction of terms of policy- Voyage – deviation- Perils of the sea- Partial loss of ship and of freight, salvage general average, particular charges- Measure of indemnity, total valuation, liability to third parties
Fire insurance	<ul style="list-style-type: none">- Insurance against Third Party Risks- The Motor Vehicles Act, 1988 (Chapter VIII)- Nature and scope, persons governed, definitions of ‘use’, ‘drives’, ‘motor vehicle’, requirements of policy, statutory contract between insurer and drive rights of third parties, limitations of third party’s rights, duty to inform third party- Claims tribunal, constitution, functions, application for compensation – who can apply?- Procedure and powers of claims tribunal-its award
Social Insurance in India	<ul style="list-style-type: none">- Important elements in social insurance, its need- Commercial insurance and social insurance- Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits- Old age, premature death and invalidity insurance or pension insurance, public provident fund, Jeevandhara policy- Unemployment insurance- Social insurance for people like seamen, circus workers and agricultural workers
Public Liability Insurance	<ul style="list-style-type: none">- The scheme- AuthoritiesThe emerging legislative trends

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BANKING LAW AND NEGOTIABLE INSTRUMENTS ACT

Reserve Bank of India Act 1934	
Banking Regulation Act 1944	
Bankers' Book of Evidence Act 1891	<ul style="list-style-type: none">- Recovery of Debts Due to Banks and Financial Institutions Act, 1993- Establishment of debt recovery tribunals – constitution and functioning- Role of SEBI in Controlling Financial Institutions

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LAW RELATING TO WOMEN AND CHILDREN

Family Relations and Child	<ul style="list-style-type: none">- The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody- Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872
Women in post-Independence India	<p>Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy</p> <ul style="list-style-type: none">- Personal laws – unequal position of women
Sex Inequality in Inheritance Rights	Feudal institution of joint family – women's inheritance position - Hindu Law - Muslim Law - Matrimonial property
Guardianship	Right of women to adopt a child - Problems of women guardian
Divorce	Indian Divorce Act Christian Law Muslim Law
Criminal Law	Adultery Rape
Social Legislation	Laws relating to Dowry, Sati

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LAW OF EVIDENCE

Primary evidence and Secondary evidence	
Privileged Communications	
Evidence Act	
Examination	Examination Cross Examination Re- Examination Number of Witnesses
	Leading Questions Refreshing memory Dumb Witness Hostile Witness
Accomplice	
Presumption	Presumption of abetment of suicide by married women Presumption as to Dowry Death Presumption as to the absence of consent in certain prosecution for Rape
Dying Declaration	
Opinion of Experts	
Proved, Disproved, Non-Proved	