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UGC NET Paper 2

Law (058)

Complete revision notes — all 10 units

10 units | Tables & formulas | Key revision points

01 Jurisprudence

02 Constitutional and Administrative Law

03 Public International Law and IHL

04 Law of Crimes

05 Law of Torts and Consumer Protection

06 Commercial Law

07 Family Law

08 Environment and Human Rights Law

09 Intellectual Property Rights and IT Law

10 Comparative Public Law and Systems of Governance

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CONTENTS

What's inside

Ten units of focused revision notes. Each unit ends with a box of key revision points.

01 **Jurisprudence** — Schools of jurisprudence, sources of law, rights and duties, persons, possession and ownership. 3

02 **Constitutional and Administrative Law** — Constitutional framework, fundamental rights, landmark cases and administrative law principles. 4

03 **Public International Law and IHL** — Sources and subjects of international law, recognition, treaties, the UN, and humanitarian law. 5

04 **Law of Crimes** — General principles, the new criminal codes and key offences. 6

05 **Law of Torts and Consumer Protection** — General principles of torts, negligence, strict and absolute liability, and consumer law. 7

06 **Commercial Law** — Contracts, sale of goods, partnership, negotiable instruments and company law. 8

07 **Family Law** — Sources and schools of personal law, marriage, divorce, maintenance and succession. 9

08 **Environment and Human Rights Law** — Environmental principles and statutes, and human rights instruments and institutions. 10

09 **Intellectual Property Rights and IT Law** — Patents, copyright, trademarks, designs, GIs, international IPR treaties and cyber law. 11

10 **Comparative Public Law and Systems of Governance** — Forms of government, federalism, rule of law and separation of powers across systems. 12

How to use these notes

- Read one unit at a time, then test yourself with its key revision points.
- Make your own short notes on topics you find difficult.
- Units follow the main areas of the official syllabus — the exact unit list can change between sessions.
- Always check the latest syllabus and notices on the official UGC NET portal: **ugcnet.nta.ac.in**.

UNIT 01

Jurisprudence

Schools of jurisprudence, sources of law, rights and duties, persons, possession and ownership.

School	Thinkers	Core idea
Natural law	Aquinas, Locke, Fuller	Law must conform to morality/reason
Analytical positivism	Bentham, Austin, Hart, Kelsen	Law as command of the sovereign (Austin); rule of recognition (Hart); Grundnorm (Kelsen)
Historical	Savigny, Maine	Law grows from *Volksgeist*; 'from status to contract' (Maine)
Sociological	Roscoe Pound, Ehrlich, Duguit	Social engineering (Pound); living law (Ehrlich)
Realism	Holmes, Llewellyn	Law is what courts actually do

- Sources of law: legislation, precedent (*stare decisis*; ratio decidendi vs obiter dicta), custom.
- **Hohfeld's** jural relations: right–duty, privilege–no-right, power–liability, immunity–disability.
- Legal persons: natural and juristic (corporations, idols).

★ Key revision points

- Command theory = Austin; Grundnorm = Kelsen.
- Volksgeist = Savigny.
- Social engineering = Roscoe Pound.
- Ratio decidendi binds; obiter dicta persuade.

UNIT 02

Constitutional and Administrative Law

Constitutional framework, fundamental rights, landmark cases and administrative law principles.

Case	Year	Held
Kesavananda Bharati	1973	Basic structure doctrine
Maneka Gandhi	1978	Article 21 procedure must be just, fair and reasonable
Minerva Mills	1980	Balance between Fundamental Rights and DPSPs is basic structure
S. R. Bommai	1994	Limits on Article 356
K. S. Puttaswamy	2017	Privacy is a fundamental right
Vishaka	1997	Guidelines on sexual harassment at workplace

- Writs (Article 32 in SC, 226 in HCs): habeas corpus, mandamus, prohibition, certiorari, quo warranto.
- **Administrative law:** natural justice — *nemo judex in causa sua* (no bias) and *audi alteram partem* (hear the other side); delegated legislation; judicial review; ombudsman (Lokpal).

★ **Key revision points**

- Basic structure: 1973.
- Privacy as a fundamental right: Puttaswamy, 2017.
- Five writs under Articles 32 and 226.
- Audi alteram partem = hear the other side.

UNIT 03

Public International Law and IHL

Sources and subjects of international law, recognition, treaties, the UN, and humanitarian law.

- Sources: **Article 38(1) of the ICJ Statute** — treaties, custom, general principles; judicial decisions and writings as subsidiary means.
- Monism vs dualism; recognition — constitutive vs declaratory theories.
- **Vienna Convention on the Law of Treaties (1969)**; *pacta sunt servanda*; *jus cogens*.
- UNCLOS (1982): territorial sea 12 nautical miles; EEZ 200 nautical miles.
- **International humanitarian law:** four Geneva Conventions (1949) and Additional Protocols (1977); ICC set up by the Rome Statute (1998).

★ Key revision points

- Article 38(1) ICJ Statute lists the sources.
- Territorial sea 12 nm; EEZ 200 nm.
- Geneva Conventions: 1949.
- Rome Statute: 1998 (ICC).

UNIT 04

Law of Crimes

General principles, the new criminal codes and key offences.

- Elements of crime: **actus reus** and **mens rea** (*actus non facit reum nisi mens sit rea*).
- Stages: intention → preparation → attempt → commission.
- General exceptions: mistake of fact, accident, infancy, insanity (M'Naghten rules), private defence.

New law (in force 1 July 2024)	Replaced
Bharatiya Nyaya Sanhita, 2023	Indian Penal Code, 1860
Bharatiya Nagarik Suraksha Sanhita, 2023	Code of Criminal Procedure, 1973
Bharatiya Sakshya Adhiniyam, 2023	Indian Evidence Act, 1872

Check the section numbers of the new codes — they differ from the old IPC numbering.

★ **Key revision points**

- Crime = actus reus + mens rea.
- Insanity test = M'Naghten rules.
- BNS replaced IPC from 1 July 2024.
- Preparation is generally not punishable; attempt is.

UNIT 05

Law of Torts and Consumer Protection

General principles of torts, negligence, strict and absolute liability, and consumer law.

- *Injuria sine damno* (legal injury without damage — actionable, e.g. *Ashby v White*) vs *damnum sine injuria* (damage without legal injury — not actionable).
- Negligence: duty, breach, damage — *Donoghue v Stevenson* (1932, 'neighbour principle').
- **Strict liability** — *Rylands v Fletcher* (1868). **Absolute liability** — *M. C. Mehta v Union of India* (1987, Oleum gas leak), with no exceptions.
- Defences: *volenti non fit injuria*, act of God, necessity.
- **Consumer Protection Act, 2019**: District, State and National Commissions; Central Consumer Protection Authority; product liability.

★ Key revision points

- Donoghue v Stevenson: neighbour principle (1932).
- Rylands v Fletcher = strict liability.
- M. C. Mehta (1987) = absolute liability.
- Volenti non fit injuria = consent defence.

UNIT 06

Commercial Law

Contracts, sale of goods, partnership, negotiable instruments and company law.

Act	Key points
Indian Contract Act, 1872	Essentials of a valid contract; void, voidable; *Mohori Bibee v Dharmodas Ghose* (minor's agreement void ab initio)
Sale of Goods Act, 1930	Conditions vs warranties; *caveat emptor*
Indian Partnership Act, 1932	Partnership at will; registration effects
Negotiable Instruments Act, 1881	Section 138 — dishonour of cheque
Companies Act, 2013	One person company; CSR (Section 135); NCLT
Insolvency and Bankruptcy Code, 2016	Time-bound insolvency resolution

★ Key revision points

- Minor's agreement is void: Mohori Bibee (1903).
- Caveat emptor = buyer beware.
- Section 138 NI Act = cheque dishonour.
- CSR: Section 135, Companies Act 2013.

UNIT 07

Family Law

Sources and schools of personal law, marriage, divorce, maintenance and succession.

- Hindu law schools: **Mitakshara** (Vijnaneshwara) and **Dayabhaga** (Jimutavahana, Bengal).
- Hindu Marriage Act 1955; Hindu Succession Act 1956 — 2005 amendment gave daughters coparcenary rights (*Vineeta Sharma*, 2020).
- Muslim law: Sunni (Hanafi etc.) and Shia schools; Muslim Women (Protection of Rights on Marriage) Act, 2019 made triple talaq void (after *Shayara Bano*, 2017).
- Special Marriage Act, 1954 — civil marriage regardless of religion.
- Maintenance: Section 125 CrPC (now Section 144 BNSS).

★ **Key revision points**

- Mitakshara vs Dayabhaga.
- Daughters as coparceners: 2005 amendment.
- Shayara Bano (2017): triple talaq.
- Special Marriage Act: 1954.

UNIT 08

Environment and Human Rights Law

Environmental principles and statutes, and human rights instruments and institutions.

- Principles: polluter pays, precautionary principle, sustainable development (*Vellore Citizens' Welfare Forum*, 1996); public trust doctrine (*M. C. Mehta v Kamal Nath*, 1997).
- Statutes: Water Act 1974, Air Act 1981, Environment (Protection) Act 1986, NGT Act 2010.
- Human rights: Universal Declaration of Human Rights — 10 December 1948; ICCPR and ICESCR (1966).
- **Protection of Human Rights Act, 1993** — NHRC and SHRCs.

★ Key revision points

- Polluter pays and precautionary principle: Vellore (1996).
- Public trust doctrine: Kamal Nath (1997).
- UDHR adopted 10 December 1948.
- NHRC under the 1993 Act.

UNIT 09

Intellectual Property Rights and IT Law

Patents, copyright, trademarks, designs, GIs, international IPR treaties and cyber law.

Right	Indian law	Term (general)
Patent	Patents Act, 1970	20 years from filing
Copyright	Copyright Act, 1957	Life of author + 60 years (literary works)
Trademark	Trade Marks Act, 1999	10 years, renewable
Design	Designs Act, 2000	10 years + 5 years extension
Geographical indication	GI Act, 1999	10 years, renewable (Darjeeling tea was the first Indian GI)

International: Paris Convention (1883), Berne Convention (1886), **TRIPS** (WTO, 1995). Section 3(d) of the Patents Act — *Novartis v Union of India* (2013). **IT Act, 2000** — electronic records, digital signatures, cyber offences.

★ Key revision points

- Patent term: 20 years.
- Copyright: life + 60 years in India.
- First Indian GI: Darjeeling tea.
- IT Act: 2000.

UNIT 10

Comparative Public Law and Systems of Governance

Forms of government, federalism, rule of law and separation of powers across systems.

- **Rule of law** — A. V. Dicey: supremacy of law, equality before law, constitution as result of ordinary law.
- **Separation of powers** — Montesquieu (*The Spirit of the Laws*, 1748).
- Federalism: US (dual), Canada and India (quasi-federal — K. C. Wheare).
- Parliamentary (UK, India) vs presidential (USA); judicial review — *Marbury v Madison* (1803, USA).

★ Key revision points

- Rule of law = Dicey.
- Separation of powers = Montesquieu.
- Judicial review origin: Marbury v Madison (1803).
- India 'quasi-federal' = K. C. Wheare.

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